



# **NORWEGIAN SHADOW REPORT ON THE CONVENTION TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN 2017**

Supplementing and commenting on Norway's 9th Periodic Report on the Implementation of CEDAW (Convention on the Elimination of All Forms of Discrimination against Women)

# ABBREVIATIONS

WEA: Working Environment Act

BLD: Ministry of Children, Equality and Social Inclusion

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

Difi: The Agency for Public Management and Government

ECHR: The European Convention on Human Rights

Institute of Applied Social Science (FAFO): Independent foundation that carries out research on working life, welfare policy and living conditions. At the national and international levels.

FGM: Female Genital Mutilation

ILO: International Labor Organization

LDO: The Equality and Anti-discrimination Ombud

LDN - The Equality and Anti-Discrimination Tribunal

NGO: Non-Governmental Organization

NKLM: National Center for Emergency Primary Health Care

NOK: Norwegian kroner

NOU: Norwegian Public Report

POD: The National Police Directorate

PU: The National Police Immigration Service (NPIS)

SCR: Security Council Resolution

SSB: Statistics Norway

St. prp.: Proposition to the Storting

St. meld.: White Paper

STRASAK: The Central Police Registration System

UDI: The Norwegian Directorate of Immigration

UNHCR: The Office of the United Nations High Commissioner for Refugees

WPATH: World Professional Association for Transgender Health

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# INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly in 1979. The Convention has been ratified by 190 of the UN's 195 member states, Norway among them.

The purpose of CEDAW is to abolish all forms of discrimination against women and to achieve full human freedoms and rights for women on equal terms with men. CEDAW is a framework document with 16 main articles promoting women's rights in areas such as education, work, health and their own bodies.

CEDAW is binding on those states that have ratified it and therefore there is a monitoring body within the UN, the Committee on the Elimination of Discrimination against Women (the CEDAW Committee), which examines whether or not states are fulfilling their obligations. Member states must submit a report every fourth year on how they have lived up to the articles of the Convention and what measures they have taken to implement it.

In February 2012, the Norwegian Government submitted their eighth periodic report on measures for the implementation of CEDAW. The women's movement has an important role to play in overseeing and monitoring how Norway conducts itself with regard to women's rights and gender equality, as well as for assessing what measures are required. For this reason, the women's movement produces a shadow report in response to the Government's own report in order to illuminate the situation for women in Norway in various areas of society. It is important that civil society recognizes the reality of women's lives relative to Norway's obligations. The CEDAW Committee itself requests such shadow reporting.

This Shadow Report is a joint initiative by 22 Norwegian NGOs. Each organisation has contributed their expertise and knowledge in their particular field. The issues raised in particular sections reflect the concerns and the expertise of these organisations. FOKUS – the Forum for Women and Development is a Norwegian umbrella organization that has 58 women's organizations and groups as member organizations. FOKUS has coordinated the last four shadow reports from Norwegian civil society on behalf of its own member organizations and numerous others.

The report has been made possible thanks to financial support from the Ministry of Children, Equality and Social Inclusion. Through the shadow report, we aim to increase opportunities for women to monitor their rights and pursue their demands. Our intention is to urge the Government to realize its obligations in respect of gender equality and women's rights.

The implementation of CEDAW must give all women, including women with disabilities and women with limited knowledge of the Norwegian language, the opportunity to monitor their rights.

Another important task for Norwegian civil society that is involved in the work on the shadow report is to increase awareness of CEDAW. Despite entering into force in Norway in 1981 and thereby having been in existence for more than 30 years, it is still one of the UN's least known conventions.

CEDAW was also included in Norway's Human Rights Act in 2009. The more people who know about CEDAW, the more successfully it can be implemented.

## The organizations that have been involved in producing this report are:

The Norwegian Bar Association, The Federation of Trade Unions, The Norwegian Union of Social Educators and Social Workers (FO), FOKUS – Forum for Women and Development, FRI - Association for gender and sexual diversity, JURK - Legal Advice for Women, The Secretariat of the Shelter Movement, The Women's Liberation Movement, The Norwegian Confederation of Trade Unions (LO), Soroptimist International Union of Norway, Norwegian Association of Lawyers, Norwegian Association for Women's Rights, Norwegian Nurses Organization, Norwegian Women's Public Health Association, REFORM, SAFO, UNIO, The Union of Education, Norway, Zonta Norway.

## Other organisations that have endorsed the report:

The MiRA Resource Centre for Black, Immigrant and Refugee Women, The Norwegian Women and Family Association, The Norwegian Socialist Left Party, women's wing.

## SUMMARY

The White Paper “Gender equality in practice” was published in 2015, and the White Paper “Violence in close relationships” was published in 2012. The gender-neutral language usage in the White Paper(s) is helping to render breaches of women’s human rights less visible.

- The requirement in the Assessment Procedure Instructions for assessing equality-related consequences must be strengthened<sup>1</sup>, and breaches of the instructions must be subject to sanctions;
- In the field of equality, Norwegian legislation must be gender specific – not neutral;
- The gender perspective must be incorporated into policy and legislative work.

The gender equality-related political challenges we face today are of a structural nature, e.g. a gender-divided labor market in which women are paid less than men, the ‘equal work equal wage’ gap, involuntary part-time work, stressful working time arrangements, and pension and occupational injury insurance systems that do not recognize differences in the occupational patterns of women and men.

Women’s rights are constrained as a result of traditions, religion, and culture. This calls for an intersectionality perspective that involves how social categories such as gender, ethnicity, religion, social class and sexual orientation can interact and affect people’s welfare and living conditions, a perspective that is lacking in the White Paper on Gender Equality.

- Norway’s efforts to achieve genuine gender equality should be made in close collaboration with women’s organizations that work in compliance with CEDAW, as well as the Beijing Declaration and Plan of Action from 1995;
- It is recommended that Norway emphasizes the intersectionality perspective in its work for genuine equality.

Since 1979, Norway has had a separate gender equality law that is intended to promote equality and especially to improve the position of women. A joint Act relating to Gender Equality and Anti-Discrimination has been adopted and will enter into force on 1 January 2018. In practice, this implies a weakening of women’s protection against discrimination and it is a step backwards for gender equality.

- The Gender Equality Act must be upheld as a separate act and be strengthened;
- The activity and reporting obligation for gender as grounds for discrimination must be continued;
- Anti-discrimination legislation must apply to all areas of society, including family life and other personal relationships.

There is generally little knowledge about the Commission on the Status of Women and the Convention to Eliminate all forms of Discrimination Against Women in the public sector and in civil society.

- The Norwegian authorities must escalate their efforts to disseminate knowledge about the UN Women’s Convention.

In autumn 2016, the Ministry of Children and Equality conducted a consultative hearing for a proposal for comprehensive changes in the enforcement system. We are concerned that this will weaken LDO’s role and efforts to promote equality and to monitor the administration’s compliance with Norway’s international obligations under the Convention to Eliminate All Forms of Discrimination against Women.

- LDO and LDN be assigned comprehensive jurisdiction in discrimination cases, including the authority to order compensation for damages;
- LDO and LDN ought to be granted the authority to submit opinions on cases in which there is a conflict between protection against discrimination and other legislation;
- LDN’s decisions should also be made binding on other government authorities;

In its 8th report to the CEDAW Committee, Norway emphasized gender mainstreaming as its paramount strategy for achieving gender equality. An evaluation of the strategy shows that it has a limited effect due to the lack of follow up of the assignment of responsibility, the operationalisation of institutional structure, resources, methods of working and approaches in different disciplines.<sup>2</sup>

<sup>1</sup> By ensuring the instructions take their point of departure in that equality-related consequences are to be taken into account, unless it can be shown likely that they are not relevant.

<sup>2</sup> NOU 2011:18

- National plan of action featuring specific measures to improve gender equality in Norway;
- Municipal action plans to promote equality;
- Discontinue cash grants to families with small children.

The au pair program is based on the idea of cultural exchange, but that is no longer the focal point for the au pairs and the host families. The au pair program grants certain rights, but they are inadequate, inaccessible and hard for the au pair to understand.

- Norway must ratify ILO Convention No. 189 on decent work for domestic workers
- Discontinue the au pair scheme and introduce worker protection.

The latest survey on the scope of violence and rape in Norway indicates that one of 10 Norwegian women have experienced rape, and that half of them were under 18 years of age when the rape took place.<sup>3</sup> Only 11 per cent reported the incident. Of those who reported serious violence in general, a total of only one of four reported the violence to the police. An exceptional number of women fail to report rapes for fear of not being believed.

Nearly eight of 10 rapes reported to the police are dismissed. The figure has remained more or less stable since 2008. Of the rape cases that reach the courtroom, about every fourth case ends in acquittal.<sup>4</sup>

- Sufficient funding should be earmarked for a national strategy, as well as for a national information campaign to prevent and fight violence against women;
- Norwegian law must define rape in compliance with international conventions: Sex without consent is rape;

The authorities must ensure better reception of women and their children who are on the run, to guarantee safety, security and the necessary health-related rights and help for women on the run.

- Ensure that women have sufficient protection and support against gender-based violence at the reception centers, and that the employees have the training they need.

Roughly 850 women and their children in Norway are on the run to escape violence in close relationships. The women and their children are living under the cover of encryptions and secret addresses in Norway.

- The scheme of restraining orders must be evaluated;
- More assailants should be ordered to wear reverse domestic violence alarms;
- The crisis centers must be ensured sufficient and predictable resources;
- Women's right to separate offers must be protected.

Every fourth murder in Norway is a partner homicide. Women who are subjected to violence are not being given adequate protection.

- Systematic communication between relevant government agencies about the risk of violence must be a relevant prevention measure;
- Private individuals' duty to contact emergency services in such situations should be clarified. The same applies to the police, the public health service and the support system's duty to prevent loss.<sup>5</sup>

The statutory requirement for quotas for women serving on the boards of ASAs (public limited companies) has been upheld, since it has been decisive for maintaining a minimum of 40 per cent female representation on the boards of the companies covered by the act. A recently published Executive Barometer (February 2017), based on data from Norway's 200 largest companies, the CORE Gender Balance Scoreboard 200, indicates that 10 per cent of top executives are women.

<sup>3</sup> Thoresen, S., & Hjemdal, O. K. (eds.) (2014). Violence and rape in Norway. A national incidence study of violence in a life-cycle perspective. Oslo: Norwegian Centre for Violence and Traumatic Stress Studies. A survey indicates that no less than 49 per cent of women from a Sámi background have been subjected to violence, compared with 35 per cent among ethnic Norwegians. Astrid Eriksen: "Emotional, physical and sexual violence among Sámi and non-Sámi populations in Norway: The SAMINOR 2 questionnaire study".

<sup>4</sup> Tv2 2016: <http://www.tv2.no/a/8546387/>

<sup>5</sup> Vatnar, S. K. B. (2015). Partner homicide in Norway 1990-2012, A mixed method study of risk factors for partner homicide. Oslo: SIFER! Oslo University Hospital, Regional centers for psychology for the Southern and Eastern Norway Regional Health Authority URL: [http://sifer.no/files/Partnerdrap\\_web.pdf](http://sifer.no/files/Partnerdrap_web.pdf)

- The activity requirement for all enterprises with fewer than 50 employees, and the reporting requirement for all employers must be retained.

In its report, the Government refers to NOU 2012: 15 "Policy for equality", without having followed recommendations from it.

- Set up a nationwide educational effort to promote equality.

Negative gender stereotypes are the underlying cause of violence against girls and women.

- The Government must draw up a national strategy and plan of action to combat negative gender stereotypes;
- Make it mandatory to label touched-up advertisements and tighten up the regulations related to advertising that targets children and young people;
- Gender must be included as one of the grounds in §185 of the general civil penal code.

In Norway, the Act prohibiting the buying of sexual services is an important policy instrument in the Norwegian government's work against human trafficking. The Norwegian Government's evaluation report five years after the Act came into force, indicates that the Act is an important instrument for obstructing and combating prostitution and human trafficking for the purpose of sexual exploitation.<sup>6</sup>

One important objective of the legislation prohibiting the buying of sexual services is that it gives a powerful signal that society should not accept the buying of women's bodies. Yet other parts of the sex industry, e.g. strip clubs, pornography and websites, are nonetheless allowed at present. These are arenas for recruiting to prostitution at the national and international levels alike.

Women who are subject to human trafficking must be given better protection, and better access to social help, medical assistance and legal counsel. Women who are identified as victims of human trafficking must not be sent out of the country without any guarantee for their safety.

The plan of action against human trafficking was published in autumn 2016. One of the greatest challenges is that the victims are not granted residence permits unless a judgment has been rendered in their case.

- The rules related to the procurement of sexual services on business trips abroad must be tightened up;
- Strengthen the Exit Program for those who want out of prostitution;
- The police must not deport women without considering whether they are victims of human trafficking;
- The Government must cooperate with the Ministries of Foreign Affairs in Sweden and Iceland on international information campaigns about the law, outside relevant UN bodies like the CSW.

In January 2016, the MFA published Guidelines for the Foreign Service on Implementing the Women, Peace and Security Agenda that included a set of indicators for monitoring the MFA's progress in fulfilling the NAP. No official report on Norwegian implementation of the third NAP has been released yet, and since the Ministry of Defense has not developed its own indicators, it will be difficult to assess the actual implementation.

- Norway must improve its transparency and accountability systems for the implementation of the action plan. All implementing ministries should develop indicators, benchmarks, targets, and budgets that measure progress. The Norwegian Government should report to the parliament on a yearly basis on its implementation of the resolution. The report must also include information about Norwegian participation in international military operations.

Research shows that young people make educational and occupational choices that serve to further entrench gender stereotypes in society. Although more boys than girls drop out of upper secondary education before completion, girls struggle most with getting a job.

- There is a need to introduce structural countermeasures to limit gender-stereotyped educational and occupational choices, and to increase appreciation for the work performed in the female-dominated occupations;
- Guidance counselling services at school must be ordered to focus more attention on students' choice of studies and occupations with a view to offsetting gender stereotypes.

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<sup>6</sup> (Vista Analyse, 2014) [https://vista-analyse.no/site/assets/files/5960/sex\\_law.pdf](https://vista-analyse.no/site/assets/files/5960/sex_law.pdf)

Since the preceding report, Norway has changed government (2013), and the work with and measures to promote equality have been reversed and/or stopped in important areas. The contents of the preceding shadow report therefore continue to be valid in 2017.

- The broader opportunities to use temporary employment contracts pursuant to the Working Environment Act must be reversed;
- Stronger statutory right to full-time work, and measures against part-time work;
- The State must improve the measures to get minority women into the workforce – especially by strengthening expertise and individually tailoring the measures;
- Better information must be provided to minority women about their rights as employees, so that they are not exploited;
- The authorities must convince the social partners of their responsibility for reducing the wage gap between women and men;
- The authorities must draw up a binding escalation plan and funding for a campaign to achieve equal wages.

The new pension system entails structural and indirect discrimination of women. Women are over-represented among the recipients of the minimum pension.<sup>7</sup>

- The new pension system must be evaluated with a view to evening out gender differences.

Discrimination related to pregnancy, birth and parental leave is prohibited pursuant to §8 of the Gender Equality Act. However, we see that good legislation is not enough.

- The broadening of the opportunity to hire people in temporary positions must be reversed;
- Free legal aid must be accorded in discrimination cases;
- Strengthen the enforcement of anti-discrimination legislation related to pregnancy and parental leave;
- Strengthen guidance and information campaigns directed at employers.

The Government has reduced the paternity leave quota from 14 to 10 weeks. As a result, the figures show that fathers' use of paternity leave has declined dramatically.

- Reinstatement a 14-week quota for paternity leave, and give fathers and mothers independent rights to accrue parental benefits by eliminating the activity requirement for the mother;
- Women's right to maternity leave must be taken into consideration when drawing up the rules for parental leave.

We still lack knowledge about typical women's diseases, and little research has been done in several fields of women's health.

- It is necessary to commission a new NOU on women's health;
- The focus on women's health in a life-cycle perspective must be strengthened;
- The gender perspective must be incorporated during the introduction or amendment of welfare schemes;
- Minority health is an area in which efforts must be strengthened to promote good health and provide equal health services for individuals from minority backgrounds;
- Establish a genuinely easily accessible program for women of child-bearing age by strengthening the health centers and the school and student health services;
- Sufficient midwife and public health nurse resources must be made available to safeguard women during pregnancy, birth and the post-natal period;
- Health care personnel must be trained to identify those who have got pregnant as a result of violence or assault, and to offer them help;
- It is necessary to establish a broad-based research program to address women's occupational health and sickness absence;
- Efforts to address the working environment in female-dominated sectors must be strengthened.

The Government fails to mention that in connection with the bill for a new joint Gender Equality and Anti-Discrimination Act, consideration is being given to removing protection against discrimination due to gender in family life and other purely personal relationships.

- An explicit ban against discrimination due to gender in family life and other purely personal relationships must be maintained in any joint Gender Equality and Anti-Discrimination Act;
- The ban against discrimination in family life and other purely personal relationships ought to be expanded to also apply other grounds for discrimination. diskrimineringsgrunnlag.

# Article 1: Definition of Discrimination

## CEDAW States

Discrimination is when women have fewer opportunities or are treated as inferior to men, or when women's freedoms and rights are limited in the spheres of politics, economics or culture, or when women are not able to play an active role in society. When women and men do not have the same human rights it is discrimination against women.

## CEDAW committee concluding observations on Norway's eight periodic report

In CEDAW's comments from 2012, criticism and concerns were expressed about Norway's gender-neutral legislation and practices that can lead to inadequate protection of women through direct and indirect discrimination, and be an impediment to the achievement of genuine equality between women and men. The Committee requests that Norway introduce more gender-specific approaches in respect of legislation, policies and programs.

## The Current Situation

The White Paper "Gender equality in practice" was published in 2015, and the White Paper "Violence in close relationships" was published in 2012. The gender-neutral language usage in the White Paper(s) is helping to render breaches of women's human rights less visible.

The White Paper on equality from 2015 appears to have been written without taking the criticism into account. The language veils the power imbalance that exists between the genders and it complicates further efforts to achieve equality. The correlation between gender and violations of fundamental human rights is both overwhelming and universal. When women and their children are exposed to abuse, the skewed power dynamics between women and men become more visible and are strengthened, which must also be reflected in the language.

The gender perspective is also missing from other policies and legislation. For example, the Assessment Procedure Guidelines were amended in 2016 so that the requirement for an assessment of the equality-related consequences of all public reports, measures and reform proposals became less visible and appear to be less important.

## Measures:

- The requirement in the Assessment Procedure Instructions for assessing equality-related consequences must be strengthened<sup>8</sup>, and breaches of the instructions must be subject to sanctions;
- In the field of equality, Norwegian legislation must be gender specific – not neutral;
- The gender perspective must be incorporated into policy and legislative work.

## Strengthen the efforts invested in addressing equality challenges in Norway

Norway has not yet achieved full equality in terms of inclusion in political processes, in the world of academia, in societal decisions, with a view to freedom of choice, as regards distribution, or relative to vulnerability, cf. NOU 2012:15 pp. 85 – 311) and cf. the Outcome Document from Nordic Forum (2014), under demands and recommendations.

The gender equality-related political challenges we face today are of a structural nature, e.g. a gender-divided labor market in which women are paid less than men, the 'equal work equal wage' gap, involuntary part-time work, stressful working time arrangements, and pension and occupational injury insurance systems that do not recognize differences in the occupational patterns of women and men. We have not achieved equal pay for work of equal value, and the percentage of women in leading positions and political fora is too low. Women often combine work on the job and at home, falling into the "part-time trap" more often than men. This is one reason why more women than men end up as recipients of the minimum state pension.

<sup>7</sup> <https://www.nav.no/no/NAV+og+samfunn/Statistikk/Pensjon+-+statistikk/Alderspension>

<sup>8</sup> By ensuring the instructions take their point of departure in that equality-related consequences are to be taken into account, unless it can be shown likely that they are not relevant.

Women's rights are constrained as a result of traditions, religion, and culture. This calls for an intersectionality perspective that involves how social categories such as gender, ethnicity, religion, social class and sexual orientation can interact and affect people's welfare and living conditions, a perspective that is lacking in the White Paper on Gender Equality.

## Measures:

- Norway's efforts to achieve genuine gender equality should be made in close collaboration with women's organizations that work in compliance with CEDAW, as well as the Beijing Declaration and Plan of Action from 1995;
- It is recommended that Norway emphasizes the intersectionality perspective in its work for genuine equality.

## Article 2: Legislation to Eliminate Discrimination

### CEDAW States

States Parties are obliged to eliminate the discrimination against women. Laws to forbid discrimination against women must be introduced into national legislation. States must ensure that everyone follows the law and that those who violate anti-discrimination laws are punished. States must ensure that the courts and other agencies protect the rights of women to the same extent as those of men. States must ensure that any legislation that discriminates against women is changed or repealed.

### CEDAW committee concluding observations on Norway's eight periodic report

#### The Committee calls upon the State party to:

- (a) Embody the principle of equality of women and men into the Constitution or other appropriate legislation in accordance with Article 2 of the Convention;
- (b) Adopt a more gender specific approach for its legislation, policies and programmes; and
- (c) Raise awareness with respect to the nature of indirect discrimination and the principle of equality for all women, including women from ethnic minority background and women with disabilities, among Government officials, the judiciary and the general public.

#### The Committee calls on the State party to:

- (a) Take the necessary steps to ensure the adequate dissemination of the Convention, the Optional Protocol and the Committee's general recommendations among all stakeholders, including Government ministries, parliamentarians, the judiciary and law enforcement officers;
- (b) Include the Convention, the views adopted on individual communications and inquiries under the Optional Protocol and the Committee's general recommendations into judicial training programs; and
- (c) Intensify its efforts to raise awareness among women on their rights under the Convention and the communication and inquiry procedures by its Optional Protocol.

#### The Committee encourages the State party to:

- (a) Further strengthen the Equality and Anti-Discrimination Ombud, by providing it with adequate human and technical resources and consider authorizing the Ombud and the Tribunal to hear cases of sexual harassment;
- (b) Strengthen its impact assessment of measures taken so as to ensure that such measures achieve their goals and targets; and
- (c) Raise awareness about the Equality and Anti-Discrimination Ombud, in particular, among women with a minority background.

The Committee encourages the Norwegian Government to initiate a speedy, open and consultative process for the reestablishment of its National Human Rights

Institution in full compliance with the Paris Principles. Take effective measures to eliminate discrimination against women of ethnic and minority communities and migrant women, irrespective of country of origin, both in society at large and within their communities;

Keep under review and carefully monitor the impact of its laws and policies on women of ethnic and minority communities and on migrant women, with a view to taking remedial measures that effectively respond to the needs of these women;

The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention of the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

## The Current Situation

### Artikkel 2 b) Anti-discrimination legislation

Since 1979, Norway has had a separate gender equality law that is intended to promote equality and especially to improve the position of women. A joint Act relating to Gender Equality and Anti-Discrimination has been adopted and will enter into force on 1 January 2018. In practice, this implies a weakening of women's protection against discrimination and it is a step backwards for gender equality. Family life and personal relationships will be exempted from the scope of the Act. In addition, the Act will weaken protection against discrimination since employers' duty to act and their duty to report on equality status and efforts to promote gender equality will be discontinued.

#### Measures:

- The Gender Equality Act must be upheld as a separate act and be strengthened;
- The legislation must fulfil its double purpose of strengthening the structural work to promote equality, including improving the position of women as well as prohibiting discrimination. This means that the activity and reporting obligation for gender as grounds for discrimination must be continued;
- Anti-discrimination legislation must apply to all areas of society, including family life and other personal relationships.

### Limited knowledge and use of the Women's Convention

In the previous comments to Norway, the Norwegian authorities were urged to step up their efforts to disseminate information about the UN Women's Convention among women. Awareness of rights and the opportunity for legal aid are needed to safeguard women's equality. There is generally little knowledge about the Commission on the Status of Women and the Convention to Eliminate all forms of Discrimination Against Women in the public sector and in civil society. Information about women's rights is not systematically organized by the authorities, meaning it depends largely on the efforts of individuals and organizations. While this is a general problem, the situation is especially precarious among immigrant women who are newcomers to Norway.

#### Measures:

- There is a need for a general implementation of conclusions and recommendations. Judges, prosecutors and legal advisers must gain proper insight into the Convention and the UN's recommendations, so that they are invoked during legal proceedings;
- The Norwegian authorities must escalate their efforts to disseminate knowledge about the UN Women's Convention;
- The information must be adapted to women's language skills. This also applies to Sámi women.

## Artikkel 2 c) National enforcement of protection for equality and anti-discrimination

The Equality and Anti-discrimination Ombud (LDO) shall ensure that anti-discrimination defense measures are being pursued in Norway. LDO is an independent State scheme, and renders opinions in response to complaints of discrimination. The opinions are not legally binding and are subject to review by the Equality and Anti-Discrimination Tribunal (LDN).

Neither LDO nor LDN can award compensation in discrimination cases, and legal aid is not available for discrimination cases. Women who maintain that they are subject to discrimination must therefore file legal actions before the ordinary courts to get compensation.

Sexual harassment is prohibited under §8 of the Gender Equality Act, but the enforcement of cases is excepted from being handled by LDO and LDN. Cases of sexual harassment must therefore be brought before the ordinary judicial system. Cases of sexual harassment are thereby not covered by a low-threshold system that can enforce the statutory prohibition. By comparison, victims of harassment on other grounds (ethnicity, sexual orientation, etc.) can have their cases dealt with by the low-threshold system.

Considering that the level of compensation is low in Norwegian case law, it is demanding in terms of both finances and resources to present such cases before the courts. It is very rare for courts to deal with cases of discrimination or sexual harassment, and many choose to quit their jobs rather than to file a lawsuit before the courts. It is a shortcoming in the enforcement of protection against discrimination that a lack of legal aid and financial wherewithal would lead to a lack of access to the courts.

In autumn 2016, the Ministry of Children and Equality conducted a consultative hearing for a proposal for comprehensive changes in the enforcement system. It is expected that proposed amendments will be presented to the Storting in spring 2017, at the same time as the proposal for new joint Gender Equality and Anti-Discrimination Act. The hearing suggests taking the responsibility for enforcement away from LDO. Responsibility for this, along with funding resources, are to be transferred to and consolidated into a 'new' discrimination tribunal. We are concerned that this will weaken LDO's role and efforts to promote equality and to monitor the administration's compliance with Norway's international obligations under the Convention to Eliminate All Forms of Discrimination Against Women.

### Measures:

- LDO and LDN be assigned comprehensive jurisdiction in discrimination cases, including the authority to order compensation for damages;
- LDO and LDN ought to be granted the authority to submit opinions on cases in which there is a conflict between protection against discrimination and other legislation;
- LDN's decisions should also be made binding on other government authorities;
- LDO and LDN have been assigned enforcement authority in cases of sexual harassment pursuant to the Gender Equality Act;
- LDO should be given the resources to implement their assigned duties in a responsible manner.

## Artikkel 2 d) The authorities' measures to promote equality

White Paper No. 7 (2015/2016) Gender Equality in Practice - Equal Opportunities for Women and Men generally gives a good analysis of the status and challenges involved in equality in Norway, but it falls short on measures. Financial funds have not been set aside for measures to promote gender equality, and measures that include men are given priority, while grants for women's organizations have been cut back.

Today's equality policy challenges are related to gender, and are of a structural nature: gender-divided educational choices and labor markets, different assessments of female- and male-dominated occupations, part-time, stressful working time arrangements and a pension and occupational injury insurance system which, in practice, treats the different occupational patterns of women and men differently. The percentage of women in leading positions and political fora is low. Women work part-time, combining work with care duties in the home more often than men. This leads to women earning lower pensions than men

and to more women than men ending up as recipients of the minimum state pension.

In its 8th report to the CEDAW Committee, Norway emphasized gender mainstreaming as its paramount strategy for achieving gender equality. An evaluation of the strategy shows that it has a limited effect due to the lack of follow up of the assignment of responsibility, the operationalisation of institutional structure, resources, methods of working and approaches in different disciplines.<sup>9</sup>

Neither the previous nor the current government has given priority to implementing the recommendations from the Equal Rights Committee. NOU 2011:18 recommends a 10-year development program to promote equality and improve enforcement of the activity and reporting obligation that is currently being proposed for cutbacks.

## Measures:

- National plan of action featuring specific measures to improve gender equality in Norway;
- Municipal action plans to promote equality;
- A higher percentage of gender-specific measures to enhance the position of women, and to ensure gender equality;
- Discontinue cash grants to families with small children.

## Artikkel 2 e) Measures to ensure that no individuals, organizations or enterprises discriminate against women

### Women with disabilities

Participation in the work force is generally lower for individuals with disabilities. Even though women's participation has increased lately, women are over-represented among those in part-time employment.<sup>10</sup>

Norway does not have satisfactory statistics about women with disabilities. The gender perspective is rare in research on people with disabilities. There are no studies on discrimination against girls/women with disabilities, compared with discrimination against boys/men with disabilities.<sup>11</sup>

Women with disabilities appear to be more susceptible to prolonged abuse than women without disabilities<sup>11</sup>. In 2015, the percentage of those who have a disability among the users of the crisis center system was 18 per cent (338 residents)<sup>12</sup>.

Not all the crisis centers are universally accessible. There has nevertheless been an increase in the number of crisis centers that have been adapted for universal access<sup>13</sup>. In 2015, individuals known to have substance abuse problems were the largest group that did not receive any offer from the crisis centers.

## Measures:

- Ensure gender-specific statistics and research on disabilities;
- Labor market measures aimed in particular at women with disabilities

<sup>9</sup> NOU 2011:18

<sup>10</sup> 60 per cent women, compared with 30 per cent men: <http://www.ssb.no/innvandring-og-innvandrere?start=15>, and <http://ssb.no/befolkning/artikler-og-publikasjoner/halvparten-av-kvinnene-er-i-jobb> 2 Statistics Norway, People with disabilities, Labor Force Survey, 2015, 2nd quarter, see <http://www.ssb.no/arbeid-og-lonn/statistikker/akutu/aar/2015-09-02?fane=tabell&sort=nummer&tabell=237036>

<sup>11</sup> Olsvik (2010): Abuse of women with disabilities – a survey of knowledge, the Norwegian Centre for Violence and Traumatic Stress Studies.

<sup>12</sup> A report on the use of the crisis centers in 2015 (2016), the Norwegian Directorate for Children, Youth and Family Affairs.

<sup>13</sup> The services offered to victims of violence who have disabilities. A study commissioned by the Norwegian Directorate for Children, Youth and Family Affairs, 2014, Nova Report 6/14.

## Minority women and housing

Many minority women have problems finding housing for themselves and their families. This may be due to either intentional or unintentional discrimination on the part of landlords. A report from 2013 indicates that minority women often stay at crisis centers for longer than majority women.<sup>14</sup> One of the reasons why minority women spend more time at the crisis centers is that they have more problems finding a new place to live on the private rental market because of discrimination.<sup>15</sup>

- Start a housing scheme directed at women from minority backgrounds who do not have access to the ordinary housing market.

## Au Pair

The au pair program is based on the idea of cultural exchange, but that is no longer the focal point for the au pairs and the host families. The au pairs mainly come from poor countries and view the program as an opportunity to earn money that they can send back to their families, who often live in poverty. The host families see the program as an opportunity to get cheap help for childcare and housework. Many au pairs are exploited by being assigned other, more demanding duties and by working longer hours than what their contracts stipulate.

An au pair's residence permit is contingent on the host family. This puts the au pair in a vulnerable position, making it more difficult to report breaches of contract, since that may mean losing their residence permit.<sup>16</sup> The au pair program grants certain rights, but they are inadequate, inaccessible and hard for the au pair to understand.

In 2013, the Au Pair Center was established as a place that au pairs and host families can contact for help and for information about rights. In 2016, the Center lost its support.

## Measures:

- Norway must ratify ILO Convention No. 189 on decent work for domestic workers;
- Discontinue the au pair scheme and introduce worker protection.

## Artikkel 2 f) Measures to eliminate discriminating legislation and practices

### Women on the run

Reference is made to the UN Committee on the Elimination of Discrimination against Women's general recommendation no. 32 (2014) on gender-related dimensions of refugee status, asylum, citizenship and the statelessness among women.

The authorities must ensure better reception of women and their children who are on the run, to guarantee safety, security and the necessary health-related rights and help for women on the run, including separate toilets, bathrooms and sleeping quarters for women and men in short- and long-term accommodations alike.<sup>17</sup>

## Measures:

- Ensure that women have sufficient protection and support against gender-based violence at the reception centers, and that the employees have the training they need;

<sup>14</sup> Reporting from the crisis center offers in 2013, the Norwegian Directorate for Children, Youth and Family Affairs, page 7.

<sup>15</sup> Crisis after leaving a crisis center, report from 2014, point 8.

<sup>16</sup> See "The au pair scheme's legal structure – vulnerability in a work-related and criminal perspective", Helga Aune and Lene Løvdaal, in Anne Hellum and Julia Kohler Olsen (eds) Equal rights and unequal lives, Gyldendal 2014.

<sup>17</sup> Amnesty International, Freedom from fear – Violence against women in reception centers for asylum seekers (Oslo: Amnesty International 2008)

- Certify reception centers in Norway to ensure compliance with safety standards for women.

## Residence permits on an independent basis

Women granted residence permits in Norway for family reunification with their husbands are given their residence permits based on the husbands' residence permits. If the relationship fails, the woman loses her residence permit. As the rules stand today, a woman can apply for a residence permit after three years have passed, and only then can she be granted an individual right to remain in Norway.

There is a special rule for family reunifications involving violence in the relationship. Under this special rule, violence in the relationship qualifies her for residence on an independent basis. Experience has nonetheless shown that the concept of violence for the purpose of being granted residence on an independent basis is interpreted too strictly. Uncertainty related to the practice of this provision leads more women to choose to remain in relationships.

### Measures:

- There must be an in-depth review of the practice of the rule regarding residence on an independent basis, to guarantee that it will not be interpreted too strictly;
- UDI should inform women who come to Norway for family reunification about the possibility to apply for residence on an independent basis;
- Women who come to Norway for family reunification must be ensured adequate information about domestic violence, e.g. where one can seek help in the event of domestic violence and what rights they have;
- The three-year rule for applying for a residence permit should be reduced to a year.

## Women in prison

Women represent a minority group among inmates. Female inmates' prison conditions are generally assigned lower priority than men's.<sup>18</sup> It is desirable that women serve their time in separate prisons or in wards equipped for women. This is an objective that is not fully achieved in Norwegian prisons at present. Where prison conditions are mixed, a lot of resources are spent on preventing the women from being subjected to unwanted incidents. This takes resources away from the work of ensuring good prison conditions, beyond what is needed for security purposes.

Generally speaking, female inmates are offered poorer conditions for education, activities and leisure. The physical design of the premises in women's prisons and wards is often less attractive than in men's facilities, and there have been cases presented to the Ombudsman which deal with incidents in which female inmates have been locked in their cells without access to toilet facilities for large parts of the day.<sup>19</sup> Many places are not well enough adapted to allow visits by prisoners' children.<sup>20</sup>

### Measures:

- There should be legislation or regulations to ensure that women generally serve their time in their own prisons or in wards adapted for women;
- Women's prison must be given better physical operating conditions; toilets and showers in the cells, physical adaptations for work, school and leisure activities;
- Educational and work opportunities must be improved, and far more programs must be made available in order to afford the women better opportunities on the labor market;
- Health care for female inmates must be improved, not least with a view to mental health and substance abuse;

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<sup>18</sup> Equality for women and men in the care of the Norwegian Correctional Service, – report from the Norwegian Correctional Service, January 2015, page 4. [https://www.sivilombudsmannen.no/getfile.php/Filer/Aktuelt/SIVOM\\_temarapport\\_04.pdf](https://www.sivilombudsmannen.no/getfile.php/Filer/Aktuelt/SIVOM_temarapport_04.pdf)

<sup>19</sup> Ombudsman case 2013/3200

<sup>20</sup> JURK's prison survey 2011.

- Transgender women must be accommodated while serving sentences.

## Legal aid

Norway has an Act relating to free legal aid intended to ensure free legal assistance for vulnerable groups and for particular legal problems. The Act distinguishes between types of cases in which one receives free legal aid in any event, and types of cases in which free legal aid is based on a test of financial means.

In the cases in which free legal aid is based on a test of financial means, the recipient is required to have a very low income. The limit has not been adapted to ordinary wage growth in society, so an exceptional number of people do not qualify for free legal aid, even though they have an income far below the average in Norway.

The income ceiling for legal aid is not contingent on a person's expenses. This may have gender-skewing effects. In Norway, 20 per cent of all children live with one parent, in the clear majority cases, the mother.<sup>21</sup> The costs of being a sole provider can be high, but this is not taken into consideration for the income ceilings that apply to the decision to grant free legal aid. This means that women who are sole providers can easily fall outside the scope of the scheme for free legal aid at the same time as they lack the financial wherewithal to pay for legal services.

## Measures:

- The income limits for free legal aid should be raised and index-regulated;
- The income limits for free legal aid should be set to recognize expenses related to responsibility for dependents;
- The free legal aid scheme ought to be expanded so that cases of discrimination and sexual harassment are also covered.

# Article 3: Women's Human Rights and the Elimination of Men's Violence Against Women

## CEDAW States

Women should have the same opportunities and freedom as men to exercise and enjoy human rights. States must do all in their power, including legislation as required, to ensure the development and advancement of women in a political, social, economic and cultural context.

## CEDAW committee concluding observations on Norway's eight periodic report

### The Current Situation

According to Articles 1, 3 and 21-26 and the Committee's general recommendation no. 19, gender-based violence is considered discrimination and the State is responsible for preventing and prosecuting cases of violence against women, as well as for providing adequate protection for women subjected to violence.

Violence against women is an attack on women's right to life, liberty and security of person. All forms of violence against girls and women are based on notions about gender, power, sexuality and violence that we are all taught, cf. The 1995 Plan of Action from Beijing. Freedom from violence is a fundamental human right.

In Norway, violence in close relationships costs NOK 4.5 to 6 billion per year. The greatest cost is related to the loss of labor due to the health-related consequences of living with violence. Research indicates that being in a violent relationship has a

<sup>21</sup> <http://www.ssb.no/a/barnogunge/2014/familie/>

<sup>22</sup> Kjersti Alsaker, et al. Violence in relationships can make paid employment difficult. Journal for Gender Research, nos. 3-4, 2014. Women who lived at a crisis center in 2015 were significantly less gainfully employed than the rest of the population, 33 per cent versus 65.1 per cent, [https://www.bufdir.no/global/Rapportering\\_fra\\_krisesentertilbudene\\_2015.pdf](https://www.bufdir.no/global/Rapportering_fra_krisesentertilbudene_2015.pdf)

very pronounced impact on job performance.<sup>22</sup>

The latest survey on the scope of violence and rape in Norway indicates that one of 10 Norwegian women have experienced rape, and that half of them were under 18 years of age when the rape took place.<sup>23</sup> Only 11 per cent reported the incident. Of those who reported serious violence in general, a total of only one of four reported the violence to the police. An exceptional number of women fail to report rapes for fear of not being believed.

Nearly eight of 10 rapes reported to the police are dismissed. The figure has remained more or less stable since 2008. Of the rape cases that reach the courtroom, about every fourth case ends in acquittal.<sup>24</sup>

## Measures:

- Norway must ratify the Istanbul Convention;
- Sufficient funding should be earmarked for a national strategy, as well as for a national information campaign to prevent and fight violence against women;
- Norwegian law must define rape in compliance with international conventions: Sex without consent is rape;
- The sexual assault referral centers must be established by law through national guidelines for funding;
- More resources are required for research on the underlying causes of gender-based violence and abuse.

## The protection of women subjected to violence

Roughly 850 women and their children in Norway are on the run to escape violence in close relationships.<sup>25</sup> The women and their children are living under the cover of encryptions and secret addresses in Norway. The women are being deprived not only of human decency, but also of the opportunity to live a life in freedom and with normal social intercourse.

The majority of Norwegian nationals can choose where they want to work and where they want to live, so that they can lead good, safe lives. For the women hiding from a former partner or someone in their closest family, this is not a reality. The European Convention on Human Rights (ECHR) stipulates that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement.

## Restraining orders

Restraining orders are imposed by the prosecuting authorities when there is reason to believe that a person will commit a criminal act, persecute another person or violate another person's privacy.

On several occasions, restraining orders have failed to provide effective protection for women who are subjected to threats and violence. The scheme has never been evaluated or studied. Violations of restraining orders are not followed up well enough by the police. In 2011, 1544 violations of restraining orders were reported. The Norwegian police violate the provision on the prohibition of torture in the Convention on Human Rights when they fail to take reports from women subjected to violence seriously. In 2013, the Norwegian State was found guilty of precisely this.<sup>26</sup>

- The scheme of restraining orders must be evaluated.

<sup>23</sup> Thoresen, S., & Hjemdal, O. K. (eds.) (2014). Violence and rape in Norway. A national incidence study of violence in a life-cycle perspective. Oslo: Norwegian Centre for Violence and Traumatic Stress Studies. A survey indicates that no less than 49 per cent of women from a Sámi background have been subjected to violence, compared with 35 per cent among ethnic Norwegians. Astrid Eriksen: "Emotional, physical and sexual violence among Sámi and non-Sámi populations in Norway: The SAMINOR 2 questionnaire study".

<sup>24</sup> TV2 2016: <http://www.tv2.no/a/8546387/>

<sup>25</sup> VG 2015: <http://www.vg.no/nyheter/innenriks/stadig-flere-har-samfunnets-sterkeste-beskyttelse/a/23494213/> og <http://www.taushettarliv.no/index.html>

<sup>26</sup> HR-2013-881-A

- Women who are subjected to violence must have more legal protection under the law through restraining orders.

## Reverse domestic violence alarms

Reverse domestic violence alarms were introduced as a new tool to protect women subjected to violence as from 1 February 2013. It is the courts that order the use of reverse domestic violence alarms, and they decide that an assailant will not have access to a particular geographic area around the person subjected to violence.<sup>27</sup> One of the ideas behind this scheme was to move the burden in a threatening situation from the person subjected to violence to the person convicted. Disappointingly, this scheme is not used much. As of 1 January 2017, only 14 indictments had been taken out involving reverse domestic violence alarms. Nine have been sentenced to wear a reverse domestic violence alarm and four are wearing reverse domestic violence alarms.<sup>28</sup>

- The police and the judicial system must be ensured more expertise, knowledge and high priority for preventing indemnity in cases pertaining to violence against women. More assailants should be ordered to wear reverse domestic violence alarms.

## Crisis centers

The Act relating to municipal crisis centers entered into force on 1 January 2010.<sup>29</sup> One of the intentions of the Act was a general and equal offer of crisis centers so that the users have their rights protected pursuant to the Act relating to municipal crisis centers and other laws. The Act relating to municipal crisis centers, which has been given gender-neutral wording, affords the right to equal opportunities to women, men and their accompanying children.

Evaluation of the municipalities' implementation of the Act relating to municipal crisis centers shows that there are several positive development trends in the crisis center system, but there is considerable variation in how the country's municipalities follow up their offer to victims of violence. For financial reasons, among other things, some municipalities do not comply with the statutory requirements regarding separate offers to women and men.<sup>30</sup> Most of the municipalities do not comply with the statutory requirement regarding an offer for victims of violence with substance abuse and/or mental problems, and individuals with disabilities.<sup>31</sup>

The crisis centers need funding to comply with the Act relating to municipal crisis centers' general and equal offer of crisis centers for all women subjected to violence, including particularly vulnerable women such as, for example, women subjected to violence who are actively inebriated or high. There is a need for crisis centers in close proximity, so that victims of violence can seek help locally.

Crisis centers have been mandatory in Norway since the Act relating to municipal crisis centers came into force in 2010, but the Act has nevertheless not yet been implemented in all municipalities.

- The crisis centers are important for providing help and advice to those subjected to violence and abuse. The crisis centers

<sup>27</sup> [https://www.politi.no/politidirektoratet/aktuelt/nyhetsarkiv/2013\\_02/Nyhet\\_12186.xml](https://www.politi.no/politidirektoratet/aktuelt/nyhetsarkiv/2013_02/Nyhet_12186.xml)

<sup>28</sup> [http://www.aftenposten.no/meninger/leder/Aftenposten-mener-Overgriperen-skal-straffes\\_-ikke-offeret-613641b.html](http://www.aftenposten.no/meninger/leder/Aftenposten-mener-Overgriperen-skal-straffes_-ikke-offeret-613641b.html)

<sup>29</sup> <https://www.regjeringen.no/contentassets/c8b1272fa180484e87d541e44fd3c9d7/nn-no/pdfs/otp200820090096000dddpdfs.pdf>

<sup>30</sup> Anne Hellum "Between gender-specific and gender-neutral establishment of rights: The Act relating to municipal crisis centers" in Ingunn Ik Dahl and Vibeke Blaker Strand (eds) "Rights in the welfare state", Gyldendal 2016

<sup>31</sup> <http://www.krisesenter.com/wp-content/uploads/2016/08/Krisesentertilbudet-R19-14.pdf>

must be ensured sufficient and predictable resources.

- Women's right to separate offers must be protected.

## Partner homicide

Every fourth murder in Norway is a partner homicide. The perpetrators are generally men, and in 90 per cent of cases, the victim is a woman.<sup>32</sup> It often turns out that victims had been in contact with the public health service before being murdered. In seven of 10 partner homicides, partner violence was registered prior to the homicide. In five of 10 partner homicides, more than five episodes of violence occurred prior to the homicide. Women are not murdered outside of a context. Women who are subjected to violence are not being given adequate protection.

## Measures:

- Systematic communication between relevant government agencies about the risk of violence must be a relevant prevention measure. When private individuals contact these agencies about partner violence, queries must be taken seriously and registered;
- Private individuals' duty to contact emergency services in such situations should be clarified. The same applies to the police, the public health service and the support system's duty to prevent loss.<sup>33</sup>

# The work of the police

## Violence coordinator

In the governance documents from the previous government, it was decided that each police district should have a full-time family violence prevention coordinator, and that the largest districts should have family violence prevention groups.<sup>34, 35</sup> A survey from 2014 indicates that 26 of 27 police districts have a full-time family violence prevention coordinator. It is, however, a problem that many of the family violence prevention coordinators were given assignments that fell outside the purview of domestic violence.<sup>36</sup>

## SARA

Another initiative from the Plan of Action against violence in close relationships is that SARA (Spousal Assault Risk Assessment) was to be implemented in all police districts in 2013. This is a tool that can help ascertain the future risk of domestic violence. The survey from 2014 showed that just one of 27 police districts had implemented the SARA tool. Another survey from March 2015 showed that only half of the districts had implemented the tool at that time.<sup>37</sup>

## Measures:

- The police districts' obligation to have a full-time family violence prevention coordinator should be established by law;
- Legislative recognition should be followed up with earmarked funding and reporting procedures;
- Clear guidelines must be established for how the family violence prevention coordinators should work;

<sup>32</sup> VG 2016: <http://www.vg.no/spesial/2016/partnerdrapene/>

<sup>33</sup> Vatnar, S. K. B. (2015). Partner homicide in Norway 1990-2012, A mixed method study of risk factors for partner homicide. Oslo: SIFER! Oslo University Hospital, Regional centers for psychology for the Southern and Eastern Norway Regional Health Authority URL: [http://sifer.no/files/Partnerdrap\\_web.pdf](http://sifer.no/files/Partnerdrap_web.pdf)

<sup>34</sup> Ministry of Justice and the Police, Turning point: Action plan against violence in close relationships 2008-2011 (Oslo: Ministry of Justice and the Police, 2007)

<sup>35</sup> Johansen, Marte, "The police domestic violence coordinator: Is the scheme working?" JURK's Report no.55, 2011.

<sup>36</sup> Tine Saxegaard, Sara Marie Endreson "A report on the police domestic violence coordinator scheme" JURK's report no. 71, 2014

<sup>37</sup> Published in the newspaper Dagbladet, 13 April, at 2:35 p.m. by Rønnaug Jarlsbo, Ingrid Sandved Nordli, [http://m.db.no/2015/04/13/nyheter/innenriks/partnerdrap/barna\\_som\\_ble\\_igjen/38625859/](http://m.db.no/2015/04/13/nyheter/innenriks/partnerdrap/barna_som_ble_igjen/38625859/)

- The SARA tool must be implemented in all police districts;
- A reporting tool must be established, and the National Police Directorate must be assigned responsibility analysing the status.

## Women with special challenges

Anyone subjected to violence shall be met and understood on an individual basis. More knowledge in the health and care services, and the remainder of the support system and in the police about which situations and social positions can add to vulnerability, as well as the consequences for the person subjected to violence, may contribute to more transparency and better help for those exposed to violence against women and violence in close relationships. Some situations and positions can increase vulnerability and thus the risk of exposure to violence. This refers, inter alia, to pregnant women, women with disabilities, women from minority backgrounds who are not integrated into Norwegian society, older women, women with substance abuse and/or mental health issues, women involved in prostitution, and lesbian, bisexual or transgender individuals. In this context, we would emphasize the importance of higher priority, more initiatives and equal services for groups that face special challenges.

## Measures:

- In particular, women who arrive in Norway as immigrants must be ensured information about their rights;
- Information about rights and relevant offers of help should be available, comprehensible, reliable, relevant and adequate;
- Efforts should be made to ensure that women and children who face language barriers get professional interpreting services immediately.

# Article 4: Temporary Measures for Achieving Gender Equality

## CEDAW States

In order to accelerate the progress of gender equality states may make use of temporary laws such as affirmative actions and quotas. These temporary laws should be repealed once gender equality has been achieved.

## CEDAW committee concluding observations on Norway's eight periodic report

The Committee encourages the State party to:

- Consider further adoption and implementation of measures, either as temporary special measures or as permanent measures aimed at achieving substantive equality of women and men in all areas;
- Consider expanding the rules concerning gender balance on boards of public limited companies to other types of enterprises and other areas of the private sector; and (c) Enhance programmes of capacity building for women of minority background to encourage their participation in public and political life.

Take proactive measures, including through the development of targeted programmes and strategies, to increase women of ethnic and minority communities' and migrant women's awareness of and access to education, health and social services, legal aid, training and employment;

## The Current Situation

The statutory requirement for quotas for women serving on the boards of ASAs (public limited companies) has been upheld, since it has been decisive for maintaining a minimum of 40 per cent female representation on the boards of the companies covered by the act.

A recently published Executive Barometer (February 2017), based on data from Norway's 200 largest companies, the CORE Gender Balance Scoreboard 200, indicates that 10 per cent of top executives are women. This bears witness to the fact that it is still important to maintain and strengthen the requirements in the Gender Equality Act which state that all employers must implement active measures to promote equality in the business, and to report on it. As part of the hearing about a new joint Gender Equality and Anti-Discrimination Act, the Government has suggested eliminating the activity requirement for all enterprises with fewer than 50 employees, and eliminating the reporting requirement for all private sector employers. Thus, they will remove the most important tool we have to promote, inter alia, a higher percentage of women among the executives in business and industry.

NOU 2012: 18 "Policy for equality" showed a continued under-representation of women in the Storting, and on county councils and municipal councils. There is still a need for active quotas of women on electoral ballots. One important measure that was implemented earlier, is that voters can no longer strike names off ballots in municipal elections, something which, when it was allowed, impacted women in particular. Maintaining the current legislation under which voters can only influence personal choices through positive

support (an extra personal vote) is therefore an important measure for more equal representation on municipal councils.

### Measures:

- The activity requirement for all enterprises with fewer than 50 employees, and the reporting requirement for all employers must be retained.

## Article 5: Sex Role Stereotyping

### CEDAW States

States shall take measures to combat prejudices, stereotyped gender roles and all practices based on women's subordination or inferiority to men. States shall ensure that women and men have equal responsibility for caring for and raising children.

### The Current Situation

In its report, the Government refers to NOU 2012: 15 "Policy for equality", without having followed recommendations from it. Today's situation in Norway is that gender equality is no longer given priority in daycare plans, and that little formalised work is being done to promote equality.<sup>38</sup> Nor is the topic the subject of extensive practical or concrete work to any great extent. Further, there are significant differences between the views of boys and girls on equality. The report shows inter alia that 49 per cent of boys agree that men are better leaders than women, 34 per cent of boys agree that it is better that men take decisions than women and 44 per cent of boys agree that when a man and a woman are married, they consider the man to be head of the household.<sup>39</sup>

Narrow gender roles also affect transgender women in multiple ways. Transgender women as children (who were understood to be boys) are subject to bullying and attempts to "pressure them back" into the role of a boy, and transgender women are often subject to harassment, discrimination and violence since they cannot/will not live up to traditional ideals for women.

### Measures:

- Implement the Skjeie Committee's proposal to set up a nationwide educational effort to promote equality, cf. NOU 2012: 15 "Policy for equality";
- The authorities' responsibility for abolishing harmful gender stereotypes pursuant to Article 5a of the Women's Convention ought to be incorporated into the Gender Equality Act.

### The tyranny of beauty and the over-sexualisation of girls and women in the media

The Government has not followed up with measures related to point 22 of the CEDAW Committee's comment to Norway. CEDAW points out that the potential harmful effects of an over-sexualised representation of girls and women in the media has added to the degree of gender-based violence against women, and that the authorities must study this and combat it at the national level.

Negative gender stereotypes are the underlying cause of violence against girls and women, cf. the Istanbul Convention on preventing and combating violence against women and domestic violence.

Twenty-five per cent of girls aged 15-16 struggle with depressive problems, and 1 of 3 state that they are not at all satisfied with their own appearance.<sup>40</sup> Eighty-five per cent of young girls experience body-image pressure and 67 per cent state that advertising is the main reason.

### Measures:

- The Government must draw up a national strategy and plan of action to combat negative gender stereotypes;
- Make it mandatory to label touched-up advertisements and tighten up the regulations related to advertising that

<sup>38</sup> Norwegian Institute for Studies in Research and Higher Education (NIFU) - report 30/14

<sup>39</sup> NOVA report 25/11

<sup>40</sup> [http://www.forebygging.no/Global/NOVA-rapport%207-15\\_Ungdata2014.pdf](http://www.forebygging.no/Global/NOVA-rapport%207-15_Ungdata2014.pdf)

targets children and young people;

- Focus more on this topic at school.

## Hate talk and sexualised violence

Widespread and obsolete notions about gender, power, sexuality and violence feed hatred and sexualised threats against girls and women in the public space. The purpose of the threats is to scare girls and women into silence. The threats subjugate and marginalise women. Female journalists, politicians and other social commentators are especially vulnerable to this.

The Government put forward a strategy against hate talk in November 2016.<sup>41</sup> It states that the penal code will be reviewed with a view to how inter alia gender can be incorporated into the penal code's protection against different types of hate crimes. Gender should be included as one of the grounds in §185 regarding hate talk.

### Measures:

- The authorities must follow up on their promises in the new strategy against hate talk. This work must incorporate a clear gender perspective;
- Gender must be included as one of the grounds in §185 of the general civil penal code.

## Article 6: The Trade in Women and the Exploitation of Women in Prostitution

### CEDAW States

States must take action, including legislation, to combat all forms of trade in women and prostitution.

### The Current Situation

Societies in crisis and conflict are often characterised by lawlessness and a generally higher level of violence that affects women and men alike. Women and children are especially vulnerable to abuse in such situations. Vast streams of refugees, domestic and cross-border alike, create new arenas for sexual violence, prostitution and trafficking in women and young girls.<sup>42</sup>

In Norway, the Act prohibiting the buying of sexual services is an important policy instrument in the Norwegian government's work against human trafficking. Entering into force in 2009, it criminalises the person who buys sex, but not the person who sells sex. The Norwegian Government's evaluation report five years after the Act came into force, indicates that the Act is an important instrument for obstructing and combating prostitution and human trafficking for the purpose of sexual exploitation.<sup>43</sup>

In 2015, the Government strengthened the work of the police in this area and, with higher allocations, the police have now started the work to coordinate efforts at the national level and to set up special units with cutting edge expertise to combat human trafficking.<sup>44</sup> However, there is no comprehensive campaign to help women out of prostitution.<sup>45</sup> The police have established a practice whereby women without residence permits or valid ID papers are deported without following the procedures for identifying victims of human trafficking. This raises cause for concern.

Women who are subject to human trafficking must be given better protection, and better access to social help, medical assistance and legal counsel. Women who are identified as victims of human trafficking must not be sent out of the country without any guarantee for their safety.

The plan of action against human trafficking was published in autumn 2016. One of the greatest challenges is that the victims are not granted residence permits unless a judgment has been rendered in their case. Many of the cases never get as far as the legal system.

<sup>41</sup> <https://www.regjeringen.no/no/dokumenter/regjeringens-strategi-mot-hatefulle-ytringer-2016---2020/id2520975/>

<sup>42</sup> Excerpted from the Norwegian government's new plan of action for women's rights and equality in foreign and development policy 2016 – 2020

<sup>43</sup> (Vista Analysis, 2014) [https://vista-analyse.no/site/assets/files/5960/sex\\_law.pdf](https://vista-analyse.no/site/assets/files/5960/sex_law.pdf)

<sup>44</sup> (Meeting in Oslo, 8 September 2016)

<sup>45</sup> See the GRETA Commission's Report on Norway, 2013, which recommends that Norway strengthens its exit program, based on need.

Thus, the women experience it as unsafe to give up the kingpins and to report them, since the women generally risk being deported from Norway in any case.

One important objective of the legislation prohibiting the buying of sexual services is that it gives a powerful signal that society should not accept the buying of women's bodies. Yet other parts of the sex industry, e.g. strip clubs, pornography and websites, are nonetheless allowed at present. These are arenas for recruiting to prostitution at the national and international levels alike.

## Measures:

- It is necessary to learn more about what is needed to prevent and stop human trafficking and prostitution;
- The rules related to the procurement of sexual services on business trips abroad must be tightened up;
- Strengthen the Exit Program for those who want out of prostitution;
- The police must not deport women without considering whether they are victims of human trafficking;
- Review the rules for residence permits for victims of human trafficking;
- The ROSA program, which offers help to victims of human trafficking who are exploited in prostitution, must be strengthened and be made a permanent initiative;
- The Government must cooperate with the Ministries of Foreign Affairs in Sweden and Iceland on international information campaigns about the law, outside relevant UN bodies like the CSW.

## Article 8: International Work and Representation

### CEDAW States

Women must be afforded the opportunity to represent their government on the same terms as men at international level and to participate in the work of international organisations.

### CEDAW committee concluding observations on Norway's eight periodic report

#### The Committee encourages the State party to

- (a) Require full accountability on UN Security Council Resolution 1325 in countries where Norway is supporting its implementation to ensure full participation of women in peace negotiations, security and reconstruction processes;
- (b) Increase support to local women's organizations and networks that are active in peace initiatives and post-conflict reconstruction processes; and
- (c) Strengthen the activities under the Action Plan including constructing effective tools for measuring its outcomes.

### The Current Situation

#### Implementation of UN Security Council Resolution 1325

The Norwegian Government has given high priority to UN Security Council Resolution 1325. Norway's third and current National action plan for implementing SCR 1325 was launched in February 2015 (There are four lead ministries for Norway's current NAP: The Ministry of Foreign Affairs (MFA), the Ministry of Defense, the Ministry of Justice and Public Security, and the Ministry of Children, Equality and Social Inclusion). Norwegian civil society was given the opportunity to give both verbal and written inputs on the design of the NAP.

In January 2016, the MFA published Guidelines for the Foreign Service on Implementing the Women, Peace and Security Agenda that included a set of indicators for monitoring the MFA's progress in fulfilling the NAP. No official report on Norwegian implementation of the third NAP has been released yet, and since the Ministry of Defense has not developed its own indicators, it will be difficult to assess the actual implementation.

The NAP does not come with a specific budget. This has been an ongoing focus of civil society advocacy, since it makes it impossible to measure the total amount spent on WPS. During the UNSC High-level Review on Women, Peace and Security in October 2015 the Norwegian state secretary committed Norway to allocate 10 per cent of peacebuilding funds to gender equality and women's empowerment. There is however, no transparency about how this 10 percent is used, or about how much of this is made available for women to participate in peace processes. In February 2015, the government established a funding instrument, administered by NORAD (the Norwegian Agency for Development Cooperation) to support civil society on WPS with NOK 30 million annual. Although there is currently no certainty of neither the total amount and duration of support

available to civil society organizations from this fund.

Recently the government has increased its focus on preventing violent extremism and terrorism, though, among other things by building up a separate development aid program for this purpose

## Recommendations:

- Norway must improve its transparency and accountability systems for the implementation of the action plan. All implementing ministries should develop indicators, benchmarks, targets, and budgets that measure progress. The Norwegian Government should report to the parliament on a yearly basis on its implementation of the resolution. The report must also include information about Norwegian participation in international military operations.
- Norway should increase the amount of predictable, accessible and flexible funding for women's civil society organizations working on peace and security at all levels, including through its dedicated financing instruments. Norway should earmark a minimum of 15 per cent of all funding relating to peace and security for programs whose principal objective is to address women's specific needs and advance gender equality, as recommended by the previous Secretary-General of the United Nations Ban Ki-moon.
- Norway must take care not to "securitize" women's rights, and women must not be used as an instrumental tool for countering extremism. Military responses and counter-terrorism efforts must be separated from women's rights and human rights interventions. Instead, it is important to have a distinct civilian process, which is fully detached from the military that places emphasis on respecting the autonomy of local women peacebuilders and civil society organizations.
- Norway should ensure gender-sensitive monitoring and evaluation of all counter-terrorism and the countering of violent extremism interventions. This should specifically address the impact on women and girls, including through use of gender-related indicators and collection of sex-disaggregated data.

## Article 10: Gender stereotypes and consequences on studies and working life

Norway can boast the highest at percentage of women in the workforce in the industrialised world. Notwithstanding, the labor market in Norway is one of the most gender-segregated, and to the extent that any progress is being made, it is being made by girls who are making unconventional choices. This is because it pays for girls to choose male-dominated occupations, while the same is not true for boys who choose female-dominated occupations.<sup>46</sup>

Gender stereotypes also apply to educational and occupational choices and have far-reaching consequences on social welfare and career opportunities.

Research shows that young people make educational and occupational choices that serve to further entrench gender stereotypes in society.<sup>47</sup> Although more boys than girls drop out of upper secondary education before completion, girls struggle most with getting a job. One still finds gender segregation in subjects and disciplines; while women become teachers and nurses, men become engineers; the public sector is dominated by women and the private sector by men; there are fewer women in leading positions in both the world of academia and in private business and industry; and more women than men work part-time, which has an impact on wage levels and pension accrual.

The UN's Commission on the Status of Women pointed out in its report from 2012 the importance of promoting awareness of the role of the educational system in counteracting gender-specific educational and occupational choices, and thus potential different prospects for the future for men and women, as did the Skjeie Committee:

"In some areas, it will have an especially great social impact that both girls and boys take educations for certain occupations. It is widely recognized that it may be useful for children to have both men and women around them in daycare and at school; the same applies to the fact that the health care sector will need more diversity in the caregiving professions. The fact that

<sup>46</sup> Reisel, Lisa: Gender segregation at school and on the job. Status and reasons. ISF report 2013: 4.

<sup>47</sup> NOU 2012:15 Policy for equality

strong specialist groups need diversity has been pointed out inter alia by leaders in the world of academia. It is also commonly known that the police and the judicial system must strive to achieve representativeness.” (NOU 2012:15, p. 139)

### Measures:

- There is a need to introduce structural countermeasures to limit gender-stereotyped educational and occupational choices, and to increase appreciation for the work performed in the female-dominated occupations;
- Attitudes to gender equality must be given far higher priority in general education;
- Guidance counselling services at school must be ordered to focus more attention on students’ choice of studies and occupations with a view to offsetting gender stereotypes;
- Female occupations in the public sector must be appreciated more by offering higher wages and ensuring full-time positions.

## Article 11: Employment and the Labour Market

### CEDAW States

States must ensure that women are not discriminated in the labour market. Businesses and organisations that are employers must use the same basis for evaluating women and men.

Women and men shall have the same right to choose their own job and to be promoted.

Women shall have the same wage as men when carrying out the same type of work.

Women shall have the same rights to social benefits as men in the event of unemployment, illness or injury at work. They shall also enjoy the same pension rights as men.

Women shall have the same right as men to work in a good working environment and under safe employment conditions.

Pregnant women shall be given extra protection, for example to take time off if the job is physically demanding, to take sick leave or change job.

It shall be prohibited to dismiss women because they marry, become pregnant or take parental leave.

Women shall be able to take time off work with economic support from the State when giving birth. They shall not lose their job, suffer any sanctions at work or lose benefits because they have a child.

States shall guarantee childcare, for example preschool, so that parents can combine family obligations with paid work.

### CEDAW committee concluding observations on Norway’s eight periodic report

#### The Committee urges the State party to:

- (a) Implement legislation guaranteeing equal pay for work of equal value, to narrow and close the wage gap between women and men in accordance with ILO Convention No. 100 (1951) on Equal Remuneration, and for that matter hasten the process of adopting the proposed legislation that will, among other measures, provide for transparency in wages and mandate information provision from employers whenever discrimination is suspected;
- (b) Take effective measures to prevent discrimination against women on account of pregnancy and childbirth, and ensure that all women as well as men in public and private sectors are guaranteed with paid parental leave;
- (c) Implement policies targeted at women, including the adoption of temporary special measures to curb women’s unemployment and involuntary parttime employment, to create more opportunities for women to extend their working hours including by mandating reduction of the scope of part-time posts especially in the governmental and public service, to gain priority access to full-time employment and guarantee all women employees with the right to choose full time work and to strengthen its measures to promote women’s entry into growth sectors of the economy;
- (d) Adopt more vigorous measures to accelerate the eradication of pay discrimination against women, including job evaluations across market sectors, the collection of data, the organization of a nationwide equal pay campaign and the provision of

increased assistance to social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women;

(e) Re-evaluate the new pension reform both under the state pension system and the employer-related pension system, with a view to identifying its potential disparate impact on women and men and rectify any disparities to ensure an equal impact on women and men;

(f) Improve the access and participation of women with minority background in the labour market by providing adequate information and training and by facilitating the accreditation and approval of prior education and work experience, as well as by conducting research on the impact of institutional regulations that limit women, in particular migrant women of ethnic and minority communities, on the basis of their ways of dress, such as wearing of headscarf, with a view to ensure their full enjoyment of rights enshrined under the Convention; and (g) Ensure that the implementation of a gender equality policy, including pay equity guarantees and the use of special temporary measures, when necessary, constitutes a legal requirement for granting public procurement contracts.

## 11.1 a) The right to work

### Full-time, part-time and temporary employment

Since the preceding report, Norway has changed government (2013), and the work with and measures to promote equality have been reversed and/or stopped in important areas. The contents of the preceding shadow report therefore continue to be valid in 2017.

Women's participation in the workforce is still lower than men's, at the same time as women constitute the majority in higher education. The labor market is gender-segregated, both as regards which industries and positions men and women work in, and as regards part-time work. This is reflected in income.

Women work part-time, work shifts/rotations and work in temporary employment more often than men. Even though the percentage of female leaders has increased, male dominance is prominent.<sup>48</sup> Many women have less influence over their routine work days than men, and temporary and part-time employment undermine women's ties to working life.<sup>49</sup> This applies in particular to immigrant women, who also have a lower percentage of employment than women in general.<sup>50</sup> Both individually and collectively, this means women have a more tenuous position in the workforce.

In 2015, the Working Environment Act was amended to allow new general access to temporary employment. Temporary employees are to a greater extent subject to discrimination due to pregnancy, and they find it more difficult to report problems that occur in the working environment.<sup>51</sup>

A Supreme Court judgment from 2016 establishes that part-time employees cannot demand the right to part of a position that would allow them to achieve a full-time position.<sup>52</sup> The "preferential right" has been an important provision, but it is no longer applicable. Thus far, the Government has not given notification of any legislative amendments that will remedy this. This implies less opportunity to fight against structural discrimination and improve women's possibilities to support themselves.

Surveys indicate that women still perform most of the care work in the home. One cannot preclude that so many women work part-time also as a coping mechanism to ensure a balance between work and home life.

### Measures:

- The broader opportunities to use temporary employment contracts pursuant to the Working Environment Act must be reversed;
- More assiduous efforts must be made against discrimination due to pregnancy among temporary employees;
- Stronger statutory right to full-time work, and measures against part-time work;
- The authorities must contribute funding for projects and measures related to social dumping.

<sup>48</sup> <http://www.samfunnsforskning.no/Aktuelt/Nyhetsarkiv/Lansering-CORE-Topplederbarometer-200>

<sup>49</sup> Inspection from AFI

<sup>50</sup> Women from immigrant backgrounds in the labor market - The effect of measures and benefits on affiliation to the labor market, Orupabo, Julia, Ida Drange, 2015

<sup>51</sup> LDO Report from 2015: <http://www.tns-gallup.no/globalassets/fra-webnodes/ekspertiseomrader/politikk-og-samfunn/undersokelse-om-diskriminering-tns-gallup-2015.pdf>

<sup>52</sup> HR-2016-867-A

where also women are in the target group.

## Minority women on the labor market

The unemployment rate among minorities is three times as high as in the majority population, and the situation has been the same for the past 20 years. In 2014, seven per cent of minority women in Norway were unemployed, while for the female population as a whole, the figure was 1.6 per cent.<sup>53</sup>

Minority women experience a number of problems on the labor market. For example, they are over-represented in the lowest, most poorly organized segments of the labor market. In 2014, nearly half the clients JURK helped with work-related legal problems came from minority backgrounds. Many had problems applying their statutory rights as employees, partly due to language barriers and partly to a lack of awareness of rights such as wage levels, the right to sickness benefits or rights related to pregnancy and birth.

Many minority women also find the threshold for getting into the workforce to be high. They experience discrimination, and end up outside the workforce. Unfortunately, many of the measures offered by the authorities are not well enough adapted for these women.<sup>54</sup>

### Measures:

- The State must improve the measures to get minority women into in the workforce – especially by strengthening expertise and individually tailoring the measures;
- Better information must be provided to minority women about their rights as employees, so that they are not exploited.

## 11.1 d) The right to equal wages, including benefits, and to equal treatment for work of equal value

As regards equal wages, the Government refers to White Paper No. 7 "Gender equality in practice - Equal opportunities for women and men." The White Paper ascribes wage differences exclusively to looser affiliation with the labor market and 'wrong choices' of sector/profession as the cause of wage differences between women and men. Equal wages are mentioned once in the White Paper's more than 145 pages. Valuation issues are not mentioned either. Valuation discrimination is a huge problem in the workplace. Occupations in the health and social sector and the education sector are not as highly valued as they should be, given how important the work is for society. Income is decisive for living conditions and life here and now, and for the accrual of pensions. Consequently, wages are important in a life-cycle perspective.

In 2014, women earned an average of NOK 86.4 for every NOK 100 earned by men.<sup>55</sup> The greatest differences are among those who earn most, where collective wage formation is of limited importance. Another group with significant wage differences is between women and men with university or college degrees up to and including four years. For example, 85 per cent of those who work in municipal child welfare are women. Generally speaking, they are social workers and child welfare officers with three-year college degrees. Eighty-five per cent of those who work as IT engineers are men. Typically, that calls for a three-year college or university degree. The child welfare officer and social worker earn 78 per cent of the IT engineer's salary.<sup>56</sup>

### Measures:

- The authorities must convince the social partners of their responsibility for reducing the wage gap between women and men;

<sup>53</sup> <http://www.ssb.no/arbeid-og-lonn/statistikker/innvarbl/kvartal/2015-02-12?fane=tabell&sort=nummer&tabell=216031>

<sup>54</sup> Mali Gulbrandsen Asmyhr "Activity and reporting obligation seen in an intersectional perspective", in Anne Hellum and Julia Kohler Olsen (eds) *Equal rights – unequal lives*. Gyldendal, 2014.

<sup>55</sup> Report from the Technical Calculating Committee on Incomes Settlements. AFTER THE INCOME SETTLEMENTS 2015 - Summary of the interim settlements. Ministry of Labor and Social Affairs, 19 June 2015

<sup>56</sup> Example from article in Fontene: This is how women's wages can be increased, written by Yngvil Mortensen, published 18 February 2016 at <http://www.fontene.no/?app=NeoDirect&com=6/47/340924/fc17333e28>

- As an employer, the authorities must draw up a binding escalation plan and funding for a campaign to achieve equal wages.

## 11.1 e) The right to a pension

### The pension reform has an impact on women

In 2011, the Norwegian pension system implemented a change in how pensions are calculated. Previously, pension calculations were based on the 20 highest earning years. In the new system, all years count. This affects women who have worked less in periods when they have had family care responsibilities. The mechanism introduced to counterbalance this has not resulted in full accrual for all women. In particular, it adversely affects women who had children some years ago, when opportunities for daycare and flexibility at work were not as good, so they have therefore been out of the workforce or worked part-time for longer periods of time. Thus, the new pension system entails structural and indirect discrimination of women. Women are over-represented among the recipients of the minimum pension.<sup>57</sup>

#### Measures:

- The new pension system must be evaluated with a view to evening out gender differences.

## 11.2 a) Prohibitions, subject to criminal reactions, against termination due to pregnancy or maternity leave and discrimination related to dismissals based on marital status

Discrimination related to pregnancy, birth and parental leave is prohibited pursuant to §8 of the Gender Equality Act. In the existing bill for a joint Gender Equality and Anti-Discrimination Act, the Government strives to clarify the strict protection against discrimination, not least against termination, due to pregnancy or parental leave.<sup>58</sup> This is highly favourable.

However, we see that good legislation is not enough. In 2015, LDO conducted a survey that showed that this type of discrimination was still very prevalent, and that 51 per cent of the female respondents had had experiences that qualified as discrimination due to pregnancy. The discrimination took many forms, and was especially serious for women employees in temporary positions.<sup>59</sup>

#### Measures:

- The broadening of the opportunity to hire people in temporary positions must be reversed;
- The authorities must implement active measures to stop discrimination due to pregnancy;
- Free legal aid must be accorded in discrimination cases;
- Strengthen the enforcement of anti-discrimination legislation related to pregnancy and parental leave;
- Strengthen guidance and information campaigns directed at employers.

## 11 2 b) Paid parental leave or comparable social benefits

The paternity leave quota is the part of parental leave that is reserved for the father. With a few exceptions, if the father fails to take advantage of the offer, it will be rescinded. The paternity leave quota has been a great success for allowing fathers to play a more active part as a caregiver at home, also so that women get more firmly established in working life. The Government has reduced the paternity leave quota from 14 to 10 weeks. As a result, the figures show that fathers' use of paternity leave has declined dramatically. Now only 34 per cent of the fathers take more than 10 weeks of leave, compared with 44 per cent in 2014. The Norwegian Labor and Welfare Administration (NAV) predicts that a growing number of men will take less leave.<sup>60</sup> They have also made it simpler to transfer the paternity leave quota to the mother, without documenting compelling reasons for doing so. This has entailed that fathers on average are at home for fewer weeks.

<sup>57</sup> <https://www.nav.no/no/NAV+og+samfunn/Statistikk/Pensjon+-+statistikk/Alderspension>

<sup>58</sup> (see article 2 (b) in the Norwegian Government report).

<sup>59</sup> <http://www.tns-gallup.no/globalassets/fra-webnodes/ekspertiseomrader/politikk-og-samfunn/undersokelse-om-diskriminering-tns-gallup-2015.pdf>

<sup>60</sup> <https://www.nav.no/no/NAV+og+samfunn/Statistikk/Familie+-+statistikk/Nyheter/fedre-tar-ut-fedrekvoten-i-tr%C3%A5d-med-regelverket>

Many are currently not entitled to parental benefits because the mother does not fulfil the activity requirement. This activity requirement maintains the role of breadwinner as the norm for the father, while the mother is forced into a full-time role as caregiver.

The current rules regarding the division of parental leave into three parts takes away the protection of the extra weeks of leave to which women are entitled under the EU's Pregnant Workers' Directive.<sup>61</sup> The Norwegian regulations lose sight of the fact that the considerations behind maternity leave are different from those behind parental leave, and that it falls to the State to grant women special rights when there is reason to do so.

### Measures:

- Reinstate a 14-week quota for paternity leave, and give fathers and mothers independent rights to accrue parental benefits by eliminating the activity requirement for the mother;
- The paternity leave quota should not be allowed to be transferred to the mother without documentation to prove that this is necessary;
- Women's right to maternity leave must be taken into consideration when drawing up the rules for parental leave.

## Article 12: Health and Healthcare

### CEDAW States

States shall ensure that women have the same access to healthcare and that women are not discriminated against. Women shall be given information about and access to birth control.

States shall guarantee women high quality, cost-free healthcare during pregnancy, childbirth and breast-feeding.

### CEDAW committee concluding observations on Norway's eight periodic report

#### The Committee calls upon the State party to:

- (a) Ensure that all Sami women are provided with adequate social and health services, including mental health services;
- (b) Ensure that gender perspectives are mainstreamed in all policies and programmes regarding the Sami people; and
- (c) Re-evaluate the Action Plan for Combating FGM 2008-2011 with the view to revitalising the role of civil society in the effort to combat FGM.

#### The Committee urges the State party to:

- (a) Accelerate adoption of the relevant legislation mentioned above ensuring non-discrimination in the health care system; and
- (b) Provide appropriate training to health service providers, in order to avoid abuse and mistreatment of these women.

### The Current Situation

#### Follow up of the Strategy for Women's Health

We still lack knowledge about typical women's diseases, and little research has been done in several fields of women's health. NOU 1999:13 Women's health in Norway revealed a severe lack of knowledge and a lack of integration of the gender perspective into health policy and practices.<sup>62</sup> The proposals in this report have not been followed up to any great extent. Subsequent status reports on women's health show that there are still formidable gaps in our knowledge of the topic. There is also little coverage of health issues that traditional medicine has the least understanding of, e.g. muscle pain, fibromyalgia and minority women's health issues.<sup>63</sup> We need to attach more importance to women's disorders that are not often talked about, e.g. urinary incontinence, prolapse of the uterus, vague muscular and skeletal problems, endometriosis, menopause and congenital birth defects that can present as pain during sexual intercourse or difficulties controlling defecation, gas and urine. These are typical

<sup>61</sup> Helga Aune and Gro Nylander, "Post-natal period a fact – post-natal leave a judicial truth", Nordic Journal of Social Rights, nos. 11-12 205, pp. 45–82.

<sup>62</sup> Norwegian Public Report, Women's health in Norway (Ministry of Health and Social Affairs, NOU 1999:13

<sup>63</sup> from the Research Council of Norway

women's issue that can have an impact on quality of life for many women.

Sámi women describe their health as poorer than that of ethnic Norwegian women. Efforts must be made to find the causes of this and to implement measures that target this particular group.<sup>64</sup>

## Measures:

- The Strategy for Women's Health from 2003 must be followed up. It is necessary to commission a new NOU on women's health;
- The focus on women's health in a life-cycle perspective must be strengthened by integrating the gender perspective into research, developing tailor-made health services, and by maintaining focus on women's health and working life;
- The gender perspective must be incorporated during the introduction or amendment of welfare schemes;
- Minority health is an area in which efforts must be strengthened to promote good health and provide equal health services for individuals from minority backgrounds.

## Reproductive health

Since 1 January 2016, public health nurses and midwives have had the right to prescribe all contraceptives to all women over the age of 16. This is a good, easily accessible service for vulnerable groups, but there is a need to strengthen public health centers, school health services, health centers for young people and student health services by adding expertise and resources.

Pregnancy, birth and the post-natal period constitute an especially vulnerable time in a woman's life. During this period, there is an elevated risk of developing depression, psychoses and other mental illnesses. In Norway, all pregnant women are offered pregnancy check-ups. In this context, they are given advice and guidance about pregnancy and about the upcoming post-natal period. Advanced maternal age for first-time mothers, high BMIs among pregnant women, and a higher percentage of pregnant women with serious underlying conditions result in formidable health challenges for women before/during and not least after delivery. These issues call for additional efforts on the part of the primary and specialist health services. There are fewer than 300 midwives in the municipal pre-natal care system. Only half Norway's municipalities have midwives. These midwives are supposed to provide pre-natal care for more than 60 000 pregnant women each year. With so few positions per municipality, it is unlikely that women with particular health challenges will receive the offer of services to which they are entitled.<sup>65</sup>

In January 2014, new national guidelines were published for post-natal care, recommending a home visit by a public health nurse to all newborns. This is not being followed up due to a lack of resources. Short post-natal stays after giving birth and the lack of early home follow up by a midwife are highly unfortunate and threaten patient safety.

## Measures:

- Establish a genuinely easily accessible program for women of child-bearing age by strengthening the health centers and the school and student health services;
- Sufficient midwife and public health nurse resources must be made available to safeguard women during pregnancy, birth and the post-natal period;
- Health care personnel must be trained to identify those who have got pregnant as a result of violence or assault, and to offer them help.

## Women's occupational health

Even though women participate in the workforce almost on a par with men, remarkably little attention is paid to women's occupational health. In 1999, the Women's Health Committee wrote that gender-specific knowledge of occupational health and the working environment must form the basis for monitoring systems, the framing of health, environment and safety work, and the planning and organization of the work, as well as to ensure that no disease is, by definition, precluded from being

<sup>64</sup> <https://www.nrk.no/sapmi/samekvinner-har-darlig-helse-1.7068889>

<sup>65</sup> Sandall J, Soltani H, Gates S, Shennan A, Devane D.: "Midwife-led continuity models versus other models of care for childbearing women". Cochrane Database of Systematic Reviews 2015, Issue 9. Art. No.: CD004667. DOI: 10.1002/14651858.CD004667.pub4

<sup>66</sup> NOU 1999: 13: Women's health in Norway.

recognized as an occupational disease.<sup>66</sup> Unfortunately, this is equally relevant today. In NOU 2008:11 Occupational diseases, it is pointed out that there is, in fact, a lack of documentation of causality between work-related exposure and the development of diseases in a number of female-dominated occupations.

Women generally have a higher rate of sickness absence than men. Not enough research has been done in this area, and thus far the differences have not been possible to explain. The SINTEF report entitled The gender-divided labor market and women's occupational health concludes that "Behind the gender differences in the individual figures for sickness absence being presented regularly, there is a complex picture of biological gender differences, stereotypical role models, social structures and a deeply gender-segregated labor market".<sup>67</sup>

The National Institute of Occupational Health, Norway, has shown a connection between work-related psycho-social factors and an elevated risk of sickness absence among women. Women often experience lower levels of self-determination and influence at work than men, and they far more often find themselves in jobs that can be emotionally draining.

There is a need to develop better methods for considering the consequences of women's health that result from the lack of equality in society.

## Measures:

- It is necessary to establish a broad-based research program to address women's occupational health and sickness absence;
- Efforts to address the working environment in female-dominated sectors must be strengthened;
- Adapting the workplace to accommodate pregnant employees must be continued and strengthened;
- Night shifts must be included in the working hours reform from 2010 (reduced working hours for work involving three shifts/rotations a day).

## Article 13: Economic and Social Rights

### CEDAW States

Women and men shall have the same economic and social rights. Women shall have the same right as men to earn money and obtain family benefits, to obtain bank loans, mortgages and other forms of credit. Women shall have the same right as men to participate in sport and all aspects of cultural life and to join associations.

### The Current Situation

#### Cohabitation

There are currently very few statutory provisions that govern rights relating to cohabitation. This means that the point of departure if a couple chooses to no longer cohabit will be the very general principles for the legal division of assets; each party takes what she or he owns, regardless of how long they have lived together.

Many women who have not signed a cohabitation agreement with their partner will be adversely affected by this lack of regulation. In many cases, the women end up with few or no assets upon cessation of cohabitation, while their former cohabitants leave the relationship with more assets. The reason for this uneven distribution is that many couples arrange things so that the man pays the mortgage, car loan and major expenses related to permanent assets, while the woman pays for ongoing household expenses, holidays, etc. In this context, the lack of regulation leads to statistical inequality between women and men, as women often suffer financially after a break-up.

## Measures:

<sup>66</sup> NOU 1999: 13: Women's health in Norway.

<sup>67</sup> Ose, Solveig O. et al. (2014): The gender-divided labor market and women's occupational health. A review of the research. SINTEF report.

- There should be a law that regulates financial matters between cohabitants.

## Economic abuse

Economic abuse may involve the partner denying the woman access to her own funds, it may involve coercion to sign financial agreements, or it may be new debt raised in the partner's name. Economic abuse may involve having control over a partner, and can result in formidable, long-lasting debt problems. Nonetheless, little is being done to combat economic abuse.

## Measures:

- More information must be given about economic abuse;
- Minority women in particular must be given information about their right to own their own property in marriage and about what economic abuse can involve;
- In connection with reports of cases of domestic violence, there should also be routine investigations made to determine whether economic abuse is part of the overall scope of the violence.

# Article 16: Marriage and Family Life

## CEDAW States

Women shall have the same right as men to marry and to choose whom they wish to marry. Women shall not be forced to marry and have children against their will.

Women and men have the same rights and responsibilities during marriage and divorce.

Women and men have the same rights and responsibilities as parents, irrespective of marital status, on all issues regarding their children.

Women shall have the right to choose how many children they wish to have and the time between births. They also have the right to education and information to allow them to exercise this right.

Women have the same right as men to choose a family name, a profession and an occupation.

Children shall not be allowed to marry or become engaged to be married.

## CEDAW committee concluding observations on Norway's eight periodic report

### The Committee calls upon the State party to:

- Ensure that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career assets and that joint property is divided equally regardless of each spouse's individual contribution, and take further legal measures, as needed, so as to compensate for the unequal share of women in unpaid work;
- Undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career pattern, and include information on the outcome of such research in its next periodic report; and
- Adopt the legal measures necessary to guarantee women living in de facto relationships economic protection equal to married women, in the form of recognizing their rights in the property accumulated during the relationship, in line with its general recommendation 21.

## The Current Situation

The Government fails to mention that in connection with the bill for a new joint Gender Equality and Anti-Discrimination Act, consideration is being given to removing protection against discrimination due to gender in family life and other purely personal relationships. In our view, this will entail a serious undermining of Norwegian women's and men's rights. Instead of eliminating protection against discrimination based on gender in family life, a joint act should extend protection in family life to also apply to the other grounds for discrimination. There is broad agreement on this, not least among the special interest

organizations in the field of equality and anti-discrimination.

### Measures:

- An explicit ban against discrimination due to gender in family life and other purely personal relationships must be maintained in any joint Gender Equality and Anti-Discrimination Act.
- The ban against discrimination in family life and other purely personal relationships ought to be expanded to also apply other grounds for discrimination, to strengthen protection for groups of women who are especially vulnerable to discrimination in the private sphere. This refers, inter alia, to LHBT women and women with disabilities.

## Minority women and pre-nuptial agreements

Women who come to Norway for family reunification have become a growing group among immigrants. A survey from 2010 showed that these women often come out of the pre-nuptial agreements they sign very poorly.<sup>68</sup>

In particular, the uneven distribution of power between spouses, language barriers and the lack of information about the legal effects of pre-nuptial agreements should to a greater extent be included in determinations of the validity of these pre-nuptial agreements.

### Measures:

- The uneven distribution of power between spouses, language barriers and the lack of information about the legal effects of marital agreements should to a greater extent be included in determinations of the validity of pre-nuptial agreements;
- Minority women must to a greater extent receive information about rights relating to the consequences of pre-nuptial agreements under Norwegian law.

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### Beijing Declaration and Platform for Action

The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

### Millennium Development Goals

The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and an explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

### Dissemination

The Committee requests the wide dissemination in Norway of the present concluding observations in order to make the people, government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

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<sup>68</sup> Jansen, Marianne Willett, "Transnational pre-nuptial agreements" Studies in Women's Rights Law, no. 86/2010, University of Oslo





