



**NORWEGIAN CIVIL SOCIETY'S
SHADOW REPORT ON NORWAY'S
10TH REPORT TO THE UN COMMITTEE
ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN (CEDAW) 2021**

ABBREVIATIONS

ADT: Equality and Anti-discrimination Tribunal

BFD: Ministry of Children and Families

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

DIFI: Agency for Public Management and eGovernment

ECHR: European Convention on Human Rights

Fafo Research Foundation: Independent foundation that conducts research on working life, welfare policy and living conditions. At the national and international levels.

FGM: Female Genital Mutilation

ILO: International Labour Organization

KUD: Ministry of Culture and Equality

KVIBALD: Department of Women's Rights Law, Children's Rights Law, Equality and Discrimination Rights Law at the Faculty of Law at the University of Oslo

LDO: Equality and Anti-Discrimination Ombud

NGO: Non-Governmental Organization

NKLM: National Centre for Emergency Primary Health Care

NOK: Norwegian kroner

NPIS: National Police Immigration Service

NPR: Norwegian Public Report

POD: National Police Directorate

SCR: Security Council Resolution

SSB: Statistics Norway

St. meld.: White Paper

St. prp.: Proposition to the Storting

STRASAK: Central Police Registration System

UDI: Norwegian Directorate of Immigration

UNHCR: Office of the United Nations High Commissioner for Refugees

WEA: Working Environment Act

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 July 2021, the Norwegian Government submitted their ninth 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 18 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 and Norwegian Women's Lobby has coordinated this shadow report s 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 Culture and Equality.

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.

Due to the pandemic, delay in Norway's date to report to the CEDAW Committee and a national election in Norway and change of government civil society have delayed its submission of its shadow report. This is done to be able to view any possible policy changes that have come from the new government.

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.

Organizations that have contributed to producing the report:

Distinkt
Norwegian Union of Municipal and General Employees
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 in Norway
The Norwegian Confederation of Trade Unions (LO)
MiRA Resource Centre for Black, Immigrant and Refugee Women
Norwegian Women's Lobby
Norwegian Peoples Aid
The Norwegian Association for Women's Rights
The Norwegian Nurses Organization
The Norwegian Women's Public Health Association
Sex and Politics
The Soroptimist International Union of Norway
The Confederation of Unions for Professionals
The Union of Education, Norway

Organizations that have endorsed the report:

Norwegian Union of Municipal and General Employees
FOKUS
The Norwegian Federation of Organizations of Disabled People (FFO)
JURK - Legal Advice for Women
YMCA-YWCA Global
YMCA-YWCA Committee
Secretariat of the Shelter Movement
The Women's Front of Norway
KUN Centre for Equality and Diversity
MiRA Resource Centre for Black, Immigrant and Refugee Women
The Norwegian Women and Family Association
Norwegian Women's Lobby
The Norwegian Organization for Asylum Seekers (NOAS)
The Norwegian Nurses Organization
The Norwegian Women's Public Health Association
Sex and Politics
The Confederation of Unions for Professionals
The Union of Education Norway

ABRIDGED SHADOW REPORT ON SOME SELECT TOPICS IN THE UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Introductory comments – General

One pervasive topic is the failure to devote enough attention to expertise on women's rights and the gender perspective. It does not appear that Norway has followed up the recommendations from 2017 by making systematic efforts to improve expertise on CEDAW's contents, significance and obligations.¹ Nor does it look as though the authorities have addressed the issue of the expertise required to determine whether and how the framing of policy will affect women's rights. This is apparent from several references to sectoral responsibility for gender and anti-discrimination work. In actual practice, the mainstreaming strategy renders the gender perspective invisible. In recent years, we have seen several public reports that have been completely gender blind.² One example is Norwegian Public Report 2021:4 'Norway in the run-up to 2025', which examines

the basis for "value creation, production, employment and social welfare after the pandemic". Even though we know that women in the labour market have been impacted by the corona crisis differently from men, this was only mentioned in one single sentence, and the report fails to discuss relevant perspectives on gender equality at all.³

The mainstreaming model has proven inadequate, and there is a great need for a strong structural institution that can ensure that gender equality policy ambitions and obligations are implemented in Norway. This was also pointed out by the Skjeie Committee in the Norwegian Public Report 'Structure for equality'. The tunnel vision of the mainstreaming model means that efforts to achieve genuine equality are progressing too slowly.

ARTICLE 2 - LEGISLATIVE FRAMEWORK

As a clear general rule, Norwegian legislation is framed in a gender-neutral manner. This is the upshot of an intentional policy, and it has been the prevalent principle since the 1970s.⁴

In its "Concluding Observations" in 2017, the CEDAW Committee was highly critical of Norway's gender-neutral framing of legislation and programmes, calling for information and documentation to substantiate that this practice does not undermine women's rights.⁵

In their latest national report to CEDAW (2021), the authorities confirm that Norwegian legislation is generally gender-neutral, and they justify this by referring to the rights and opportunities available to women, adding that men can also be victims of discrimination, violence and abuse.⁶ Reference is made to the fact that the preamble to the Equality and Anti-Discrimination Act aims to improve the position of women in particular, without considering that this provision was retained as a result of strong pressure exerted by civil society, including the trade union movement. Although the Norwegian report offers no data or statistics, it concludes that "(w)e see no indications that the gender-neutral framing of legislation or statutory provisions has any adverse effect for women." This remains as an undocumented assertion.

The Ministry writes that "Norway implements specific measures aimed at women on an ad hoc basis". Reference is made to the "Action Plan for Female Entrepreneurs", Job Opportunities for Immigrant Women, the CORE Executive Barometer, and the project "Girls and Technology". The measures give a skewed impression of where the major of equality-related challenges lie. For example, there is no

mention of challenges ensuing from the gender-divided labour market, the fact that 70 per cent of employees in the public sector are women, or that many female-dominated educational programmes aim at jobs in the public sector.

We get the clear impression that gender-neutral legislation leads to less favourable results for women than for men in several areas. One example is in relation to ILO Convention No. 190. Article 4 specifies that the Member States shall adopt an inclusive, integrated and gender-responsive approach to the prevention and elimination of violence and harassment in the world of work. The preamble to the Convention acknowledges that "gender-based violence and harassment disproportionately affect women and girls" and that "there is a need for an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work".

This is an acknowledgement that the Norwegian authorities have endorsed. In the consultative hearing associated with the implementation of ILO 190, the Ministry of Labour and Social Inclusion concluded that Article 4 of the Convention is satisfied without even mentioning that efforts to prevent and eliminate violence and harassment in the world of work are required in order to take a gender-specific approach. The Ministry draws attention only to the preamble to the Equality and Anti-discrimination Act and the gender-responsive provisions in the Working Environment Act and the Penal Code.

In point 17 of the Norwegian Government's report to CEDAW, the Ministry mentions that it is no longer explicitly stated in

the Assessment Procedure Guidelines that equality-related consequences are to be assessed in relation to measures instituted by the State. In 2016, pursuant to the Norwegian Government's authority to issue instructions, and thus without putting the instructions before the Parliament, the Assessment Procedure Guidelines were simplified and "obligatory requirements were made clearer".⁷ However, at the same time, the importance of evaluating equality-related consequences became obscured.

The Government points out that there is a guide attached to the Assessment Procedure Guidelines that discusses how to assess consequences in respect of equality. The guide confirms that "it is usually relevant to discuss consequences in respect of equality in every case".⁸ Nevertheless, there is no public information available about either this or about how often equality-related consequences are considered in connection with measures instituted by the state. Reference is also made to the fact that the Equality and Anti-Discrimination Act requires public authorities to carry out situational analyses in respect of all grounds for discrimination in order to bring to light any equality-related challenges in their activities. The Government has not provided any information about how this obligation has been followed up in this context either.

The Norwegian authorities' report to the Commission on the Status of Women states that employers' duty to act and duty to report have been strengthened.⁹ All public undertakings and employers with than 50 employees now have a 'duty to act'. This means that they are required to work with equality and discrimination using a method stipulated by law, and to survey wages, salaries and involuntary part-time work every second year. This requirement also applies to employers with between 20 and 50 employees, if so requested by one of the social partners' organizations. The results from the survey and a description of how the enterprise addresses equality and discrimination shall then be published in the Directors' Report or another public and accessible document. This is called the 'duty to report'. Reinforcement of the duty to act and the duty to report is a valuable tool for promoting more equality in working life. In that connection, LDO plays an important follow-up role, and they can review private undertakings' reports, suggest improvement measures and make follow-up visits.

The opportunity to enforce and sanction breaches of the duty to act and the duty to report is nevertheless limited. The Anti-Discrimination Tribunal (ADT) only has the authority to enforce employers' duty to act pursuant to section 26a of the Equality and Anti-Discrimination Ombud Act. The ADT does not have the authority to enforce the law in respect of employers' breaches of the duty to act, and it has no enforcement authority at all in relation to public undertakings. Thus, the question of whether the reinforced duty actually works will be determined by whether LDO has sufficient resources to follow up and file complaints about undertakings that breach the duty to report.

Measures:

- Investigate whether gender-neutral legislation has an adverse effect on women's rights.
- Introduce gender-sensitive legislation as needed to achieve genuine equality.
- Reinstate the requirement in the Assessment Procedure Guidelines that calls for all proposals and initiatives made by public bodies to be assessed from a gender perspective, unless so doing is demonstrably irrelevant.
- Publish information about non-compliance with the Assessment Procedure Guidelines.
- The Equality and Anti-Discrimination Ombud must be granted sufficient resources to ensure the duty to act and the duty to report are satisfied, and to see to it that LDO has the resources required to give priority to filing complaints about breaches of the duty to report to the Equality and Anti-discrimination Tribunal.

Incorporate the Istanbul Convention

In the summer of 2017, Norway ratified the Istanbul Convention, which is the Council of Europe Convention on preventing and combating violence against women and domestic violence. The convention asks Member States to take their responsibility for human rights seriously by ensuring that violence against women and domestic violence are not tolerated. The Istanbul Convention is described as the gold standard for the efforts to combat domestic violence.

Norway has ratified the Istanbul Convention, but not incorporated it into Norwegian law. Accordingly, if a controversy were to arise between Norway's obligations under the Convention and under Norwegian law, Norwegian law would take precedence. To strengthen Norway's efforts to combat violence against women and improve women's legal protection, the Istanbul Convention should be incorporated into the Human Rights Act as well as into the Equality and Anti-Discrimination Act.

Measures:

- The Norwegian authorities must incorporate the Istanbul Convention into Norwegian law.

NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN AND ACCESS TO JUSTICE

Free legal aid

On 1 January 2022, there was a long-awaited increase in the earnings limit stipulated in the Free Legal Aid Act, which had remained unchanged since 2009.¹⁰ In 2021, a mere 8.5 per cent of the adult population of Norway met the financial requirements for means-tested free legal aid¹¹ and, even with the increase, only a modest fraction of the general population is eligible. This impacts women in particular. On average, women are not as well-to-do as men, and they are less likely to be able to afford to pay legal fees.¹² Further, the limit on earnings does not make allowances for dependants or debts, at the same time as most sole providers are women. There is also a great need to extend the scheme to areas that are especially important for women, including cases involving sexual harassment and discrimination. In addition, priority must be given to legal aid for inmates. Female inmates are an especially vulnerable group that has a great need for legal aid.¹³ Further, today's scheme for free legal aid covers too few forms of violence, e.g. economic violence.

Measures:

- Increase the limits on earnings for means-tested free legal aid and link them to the National Insurance Scheme's basic amount (G).
- Stipulate the limits on earnings for free legal aid so that they take into account expenses related to providing for dependants and the burden of debt.
- Make equality and discrimination cases a high-priority area for the legal aid scheme.
- Give priority to legal aid for inmates in the legal aid scheme.

Sexual harassment in working life

Sexual harassment is still a formidable challenge in the world of Norwegian working and organizational life. Five years after the #metoo movement, there are still new disclosures about professions in which women are exposed to sexual harassment in the workplace.¹⁴ Recently, cases of gross sexual harassment have been exposed, not least in the fisheries industry and in the Norwegian Armed Forces. Several women have come forward to share their experiences and their whistle-blowing stories. Several of the matters are cases in which there have been no consequences for the harasser because the person in question has climbed the career ladder and been promoted. Media headlines have divulged that the Armed Forces failed to ensure that some women got their own attorney or counsel during the proceedings, while the harasser's trade union ensured that he had both.¹⁵ These matters were corroborated by a survey carried out in 2020 that showed that half of the women in the Armed Forces had experienced sexual harassment,¹⁶ and a survey from 2018 in which 43 individuals disclosed that they had had sex against their will, while 124 individuals had been subjected to attempted rape over the past year.¹⁷ Neither the Armed Forces as an employer, nor the Ministry of Defence have followed up these complaints adequately. These issues clearly illustrate that there is a need for better notification systems in working life, and for better access to legal aid for those who are exposed to sexual harassment at work.

Access to the legal system for women subjected to discrimination or harassment

The Anti-Discrimination Ombud Act's obligations to provide guidance and information are a major step towards making protection from discrimination available. In 2018, the authorities reconfigured the mandates and the distribution of tasks between the Equality and Anti-Discrimination Ombud (LDO) and the Equality and Anti-discrimination Tribunal (ADT). The enforcement system went from being a two-instance model, where the LDO handed down opinions that could be heard before the ADT, which rendered decisions, to being strictly a one-instance model. The point of this was to have one agency with strong professional expertise, shortening processing time,¹⁸ and strengthening women's protection against discrimination.

A review of the practices of the ADT shows that the number of cases that have been dropped, dismissed or closed without a decision has increased sharply since the Ombud's enforcement function was abolished pursuant to the Anti-Discrimination Ombud Act of 2017.¹⁹ Of the 312 complaints ADT processed in 2020, 95 were dropped, 30 dismissed and 83 closed without a decision.²⁰ From January 2018 to September 2021, no less than 45 per cent of the decisions taken by ADT were dismissals, without any particular explanation.²¹

The LDO has only rarely taken advantage of the opportunity it has to pursue litigation on behalf of individuals or groups. The need to strengthen the Norwegian Equality and Anti-Discrimination Ombud's advisory efforts in respect of individuals was pointed out in the report to Norway from the sixth monitoring cycle of the European Commission against Racism and Intolerance.²²

The ADT is often presented with cases from complainants that have received neither guidance from the Ombud nor help through voluntary legal aid measures or an attorney. Many of the complainants need help to describe their experiences of discrimination and harassment in a way that ensures that they are covered by the legal definition of discrimination, harassment and sexual harassment. A lack of guidance may mean that cases are dismissed due to a lack of evidence or rejected because they may give the impression that the subject matter of the complaint does not appear to be at variance with the ban against discrimination and harassment. Further, the lack of information may end up causing the complainant not to include claims for damages and compensation.

Measures:

- Strengthen the LDO's original information and guidance function.
- Improve access to legal aid in equality and discrimination cases.
- Urge the State to assess whether the reconfiguration of the mandates and the distribution of tasks between the LDO and the ADT has improved women's protection against discrimination.

Damages and compensation for breaches of the protection against discrimination

In 2017, ADT was granted the right to order damages and compensation in discrimination and harassment suits, although within strict constraints. The ADT can only order compensation for non-pecuniary damages in cases involving the world of work.²³ In other areas of society, the victim has to file a new legal action before the courts to qualify for being awarded damages. The UN Committee on the Elimination of Discrimination against Women criticized this limitation during its review of Norway's ninth periodic status report.²⁴

The ADT's authority to order compensation for pecuniary losses is limited to the cases in which the ADT is "unanimous", finding a violation of the provisions mentioned in section 1, second subsection and fourth subsection, and the accused does not submit any argument other than a lack of ability to pay or other obviously untenable objections. This applies both inside and outside employment relationships.²⁵ Consequently, women who take advantage of the services of the ADT will rarely be awarded compensation.

In cases in which a breach of the ban against discrimination due to pregnancy has been ascertained, the ADT has posed far stricter requirements for what is considered a valid objection to the claim for damages from the accused.²⁶ Inasmuch as the Act, according to its wording, does not contain any ceiling on the amount, the ADT has ordered full compensation in such cases. In a statement from 2020, the Ministry of Culture and Equality concluded that the ADT's understanding is at variance with the intentions of the Act.²⁷ We are of the opinion that ADT's interpretation of the authoritative rule in section 12, second subsection of the Equality and Anti-Discrimination Ombud Act is supported by international law that emphasizes that the victim of discrimination shall have full compensation and that the compensation awarded shall be large enough to act as a deterrent. Further, we maintain that the introduction of a ceiling on the amount involved in the ADT's handling of discrimination cases is at variance with the objective of the enforcement reform, which is to prevent claimants who win before the ADT from filing a new action before the courts in order to be awarded full compensation.

Measures:

- Expand the ADT's authority to cover more than simple issues, so that the ADT can award full damages and compensation.

Consent Act

According to the Istanbul Convention, which Norway has ratified, rape is non-consensual sex. That should also follow from Norway's general civil penal code. All women have the right to decide over their own bodies and where, when and with whom they will have sex. The intention of a Consent Act is to ensure that no one is exposed to sexual assault, by ensuring that all involved parties must give their clear consent to sex. This was introduced in Sweden in 2018. An evaluation of the Act from 2020 indicates that the number of convictions has increased by 75 per cent - from 190 convictions in 2017 to 333 convictions in 2019.²⁸

Far more women than men are victims of rape, and men are generally the perpetrators.²⁹ No less than 70 per cent of the victims of violence state that their instinctive reaction during attack was to freeze (be immobile), rather than putting up physical resistance.³⁰ Research indicates that the mental after-effects of non-consensual sexual relations are the same as in cases involving the use of violence.³¹ Current legislation does not define these incidents as rape, which requires the presence of violence, threats or an especially vulnerable situation. The Court of Appeal has stated that "it is not sufficient for conviction pursuant to this provision that the injured party did not consent, tried to get away, or said stop."³² The current act does not adequately protect women's sexual autonomy. Norway has repeatedly been criticized by CEDAW for not having implemented a rape provision based on consent.³³

Measures:

- Amend the Penal Code's rape provision so that non-consensual sex is defined as rape, in keeping with recommendations from a number of international committees, including CEDAW and the UN Human Rights Committee (OHCHR).³⁴
- The composition of the Norwegian Council on Criminal Law should be enlarged for the review of the chapter on sexual offences to include representatives who possess expertise on the consequences of the current legislation on victims of sexual violence.

State compensation to victims of violence and abuse

On 30 May 2022, the Stortinget adopted a new Act relating to State Compensation for Personal Injury Caused by Criminal Acts, etc. Large segments of civil society have been highly critical of several parts of the bill as submitted. There is a pressing need to amend the current state of law, but the Act, as adopted, will entail a weakening rather than a strengthening of the legislation. Under the current scheme, the actual conditions to which the woman has been subjected determine whether or not she qualifies for compensation from the State. In the adopted bill, on the other hand, the right to compensation depends on specific provisions in the Penal Code. This means the prosecuting authority's coding of the case will be decisive for whether or not the victim is entitled to compensation from

the State. For instance, a woman who reports her partner for violence will not have a claim for compensation from the State if the police assign a code and investigate the incident as "assault" pursuant to section 271 of the Penal Code rather than as "domestic abuse" pursuant to section 282 – regardless of what injury the woman has suffered. Those subject to gross stalking will not have a claim for compensation from the State pursuant to the new bill.³⁵

Further, the alleged assailant has party status under the administrative regulations in the new Act, accompanied by the right of appeal and the right of inspection. This will have greatest impact on those who have been subjected to violence and assault by a closely related party. We fear that many victims of violence will refrain from applying for compensation because they do not feel able to face having contact with their assailant again and because they fear reprisals if the assailant is notified. The new law poses strict requirements that an application for compensation must be submitted within one year after the final prosecution decision is taken. At the same time, victims' access to legal services is reduced. Under the new Act, a party's expenses for legal assistance will only be covered in cases in which "the case's scope or complexity so require". We are of the opinion that this makes it difficult to get access to the scheme for State compensation for personal injury caused by criminal acts.

Sections 6 and 7 of the new Act relating to State Compensation for Personal Injury Caused by Criminal Acts, etc. include an absolute reporting requirement. Many of those subjected to violence do not find that they have a genuine opportunity to report the assailant. One example would be employees of the Health Service who are subjected to violence and threats from patients. Not allowing exceptions from the reporting requirement means that employees who work with vulnerable groups and who are subjected to violence, abuse and prolonged threats from patients or other closely related parties, have no genuine opportunity to apply for compensation. This must also be viewed in the light of the current challenges involved in being granted an occupational injury based on the same events. Seven of 10 who are granted compensation for occupational injuries are men,³⁶ but there is a clear preponderance of women in the health and care sector. There is a risk that a large group will be left without any recourse to compensation for the violence and threats they experience in the workplace.

Measures:

- Grant compensation from the State based on the actual facts in the case, and not based on a code used by the police to register incidents.
- Improve victims' access to legal aid in cases involving state compensation to victims of violence and abuse.
- Introduce measures to ensure that victims' contact details and street addresses are kept anonymous throughout the application and appeal process.
- Introduce an exception to the reporting requirement for individuals subjected to violence in working life.

Reverse domestic violence alarms

Reverse domestic violence alarms are still not used widely enough. In 2021, 1937 victims of violence were equipped with 'ordinary' domestic violence alarms, while only 22 perpetrators were sentenced to wear reverse domestic violence alarms. In addition, the National Police Directorate registered nearly 3000 violations of restraining orders.³⁷ Mobile domestic violence alarms place the burden of proof on the victim of violence and require her to notify the authorities when she discovers that her assailant is nearby. In many cases, this forces the victim and her children to move house and leave their social network behind in order to feel safe in their everyday lives. Some women also live at hidden addresses, which places constraints on their freedom due to the danger represented by their assailants. Reverse domestic violence alarms place the burden on the assailant instead, and it is his freedom that will be restricted in order to protect the victims. The scheme involving reverse domestic violence alarms is still not sufficiently well-known in the police districts and it is used as a last resort when a victim has already been subjected to extensive, prolonged violence.³⁸ In 2019, the Office of the Public Prosecutor issued a special circular about electronic monitored of restraining orders (Circular 2/2019). The Office of the Public Prosecutor asked the prosecuting authority to use the scheme more frequently, and issued rules regarding which cases should be considered for reverse domestic violence alarms.³⁹ The Ministry of Justice and Public Security sent a proposal out for a consultative hearing regarding the right to order more frequent use of reverse domestic violence alarms. While this is a positive development, it is progressing far too slowly.

Measures:

- The Norwegian authorities must provide close guidance and increase funding to ensure more use of reverse domestic violence alarms.
- A national guide should be compiled on the use of reverse domestic violence alarms.
- Norway needs to introduce clearer, more comprehensive legal authority into the Criminal Procedure Act so that the prosecuting authority can order electronic monitoring for violations of restraining orders, and such authority must be exercised.
- Legal authority should be introduced for particular cases that call for a reverse domestic violence alarm order accompanied by a restraining order, even if no violation has occurred.
- Statistics should be kept over how many applications for restraining orders and reverse domestic violence alarms are denied.

ARTICLE 3 - WOMEN'S HUMAN RIGHTS AND THE ELIMINATION OF MEN'S VIOLENCE AGAINST WOMEN

In general

Gender-based violence against women affects women in all countries, in all walks of life and across all other dividing lines. The violence expresses and entrenches a structurally skewed power dynamic between women and men and is an impediment to gender equality. Nevertheless, violence against women has not been reduced significantly since the 1980s.

One in four women states that they have been subjected to violence after the age of 18, and one of five girls states that they were subjected to sexual assaults as children or adolescents. Nine per cent of all women have been subjected to rape at least once in their lives, and half of them were under age 18 when the rape took place.⁴⁰ A recent survey indicates that bisexual women are especially vulnerable on certain issues. A total of 38 per cent state that they had been forced to engage in sexual acts at some point in their lives, and no less than 57 per cent disclosed that they had been pressured to do so.⁴¹ As regards negative social control and honour-related violence, we know that there are many unrecorded cases, especially among minority women.⁴²

Of those who reported gross violence in general, only one of four reported the violence to the police. In 2019, there was a downturn in the number of reported cases of acquaintance rape and party-related rape. The police themselves identify how frequently cases are dropped and long processing times as possible reasons.⁴³

The Norwegian government's Action Plan Against Domestic Violence from August 2021 satisfies some of the requirements posed by civil society and CEDAW's recommendations. To ensure that the Action Plan is actually implemented, priority should be given to resources so that measures can actually be implemented effectively. Gendered violence, and violence against women is a social and equality-related problem that should be addressed in its own right.

In addition, several of the recommendations from the CEDAW Committee and civil society have not been followed up in the years since 2017. Among other things, no systematic training has been introduced for judges in criminal cases that deal with gender-based domestic violence.⁴⁴

Measures:

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- Sufficient funding must be earmarked to prevent and fight violence against women.
 - Norwegian law must define rape in accordance with recommendations from international committees: Non-consensual sex is rape (see the measure regarding National machinery for the advancement of women and access to justice on p. 10).
 - Sexual assault referral centres must be established by law and have national guidelines for funding.
 - All municipalities must be required to have action plans to combat violence against women and domestic violence, which include the role of the crisis centres in this work.
 - There is a need for long-term subsidy schemes and earmarked funding over the central government budget for organizations that strive to prevent and combat violence against women and domestic violence.

The protection of women who are victims of violence

About 850 women and their children in Norway are on the run as a result of domestic violence. These women and their children live in hiding, protected by codes and secret addresses. The women are deprived not only of human dignity, but also of the opportunity to live a life in freedom and with normal social contact. As of May 2022, six women had already been killed by their partner, sweetheart or father.⁴⁵ The State has national and international obligations to take action to protect against violence and abuse, and this has been acknowledged in the Norwegian government's Action Plan. There is nonetheless a need to strengthen follow-up.

On 9 June 2022, the Office of the Auditor General released a striking report on the authorities' efforts to combat domestic violence.⁴⁶ The Office of the Auditor General concludes that there are "serious weaknesses in the authorities' efforts to combat domestic violence", adding that the level of criticism is extreme.⁴⁷ They point out that important figures who are in contact with victims of violence, e.g. teachers and general practitioners, have little knowledge about the duty to disclose material facts and the duty to prevent loss. Further, the overall offer of help is weak and too poorly coordinated between state and municipal actors. Information is not shared among the relevant actors, despite the fact that there is a statutory requirement to do so. These findings are also supported by the report from the Intimate Partner Homicide Committee entitled "Threatened homicide?", which was submitted in December 2020 (Norwegian Public Report 2020: 17). The Committee concluded, inter alia, that there is good potential in the system for preventing and protecting against intimate partner homicide, but that the various services do not currently communicate well enough and fail to take advantage of the measures that already exist to uncover domestic violence and the risk of intimate partner homicide.⁴⁸

Women who are victims of violence and who come into contact with different parts of the support system or the health service must be ensured individual, customized plans with specific deadlines for ensuring contact with different public actors that can help the individual woman by (eventually) offering her a real opportunity to leave her assailant.

Further, the report submitted by the Office of the Auditor General points out that the police have long processing times for cases of domestic violence, and that the clear-up rate for such cases has declined. In 2021, the clear-up rate on reported cases was only 24 per cent.⁴⁹ The report points out that domestic violence cases may be given less priority because matters with a national processing deadline take precedence. It is a severe problem that cases of domestic violence are not given sufficiently high priority, and that cases are closed due to a lack of evidence.⁵⁰

Norway has a human rights obligation to ensure that adequate risk assessments are made and to manage risk in order to effectively prevent domestic violence and intimate partner homicide,⁵¹ but this is not being handled as well at present as it should be. Like the report from the Intimate Partner Homicide Committee, appointed in 2020, the surveys made by the Office

of the Auditor General show that existing and mandatory risk assessment tools, like SARA and PATRIARK, are not used by all police districts.

The report also indicates that the number of restraining orders issued increased during the period from 2015-2020.⁵² Notwithstanding, restraining orders are not used often enough as a preventative and protective measure, and the police seem to be operating on the notion that restraining orders should generally be ordered only after criminal acts have been committed. In addition, the police lack routines and follow up for how to deal with violations of restraining orders.

The government budget for 2022 sets aside MNOK 2 to create a permanent Intimate Partner Homicide Commission. This was one of the measures proposed by the Intimate Partner Homicide Committee. The proposal to create a separate permanent Intimate Partner Homicide Commission has been initiated, but it is progressing far too slowly. Eighteen months after the Committee's report was submitted, the matter is still being processed by the Ministry of Justice.⁵³

Measures:

- Reinforce the support system's expertise on preventing and protecting against intimate partner homicide.
- Give priority to providing sufficient financial and human resources so that women who are victims of violence can benefit from measures that make them feel safe in their local neighbourhood and allow them to stay in their homes, including more orders for reverse domestic violence alarms.
- All women who are victims of violence and who are in contact with the support system must be offered an individual plan, not least so that they can continue to work and get a chance to be financially independent.
- Expedite the work to implement measures proposed by the Intimate Partner Homicide Committee.
- Ensure that all police districts get training and learn about SARA and PATRIARK.
- All police districts should file annual reports on their use of SARA and PATRIARK.
- The police must be ensured more investigative capacity, and reports of domestic violence must be given priority.
- Cases of domestic violence and rape cases must be given a national processing deadline.
- All police districts must have routines and ensure follow up on violations of restraining orders.
- The Intimate Partner Homicide Committee's proposal for a permanent Intimate Partner Homicide Commission should be adopted and implemented.

The crisis centre service (shelters)

Norway has a human rights-related obligation to provide reliable access to crisis centres for victims of violence. The Intimate Partner Homicide Committee submitted its report "Threat of homicide?" in December 2020 (NPR 2020:17), and access to crisis centres was singled out as being decisive for preventing partner homicide.⁵⁴

Civil society has a positive attitude to considering legislative amendments to the Act relating to Municipal Crisis Centres. The new Act needs to be more specific about the requirements regarding proximity, 24/7 manpower, expertise, and the content of the follow up in the re-establishment phase. It must also stipulate requirements for expertise in dealing with particularly vulnerable groups, e.g. Sámi women, women with active substance abuse problems, women with varying functional abilities, older women and transwomen at the crisis centres.⁵⁵

The Act relating to Municipal Crisis Centres requires municipalities to offer a high-quality crisis centre for their residents.⁵⁶ All municipalities in Norway must be familiar with the content of the Act relating to Municipal Crisis Centres and the human rights-related obligations that apply in this context. In addition, all municipalities must be guaranteed sufficient resources to ensure good crisis centre services for victims of violence.⁵⁷ This must be done through secure, long-term funding – and not through annual allocations from the municipalities.

Measures:

- Guarantee all women in Norway general and equal crisis centre services, and improve the offer available to vulnerable groups.
- Grant the crisis centres predictable, stable funding to guarantee their front-line function.
- Pose more specific requirements in the new Crisis Centre Act, inter alia, in respect of expertise, 24/7 staffing, and follow up in the re-establishment phase.
- Establish a staffing standard for crisis centres.
- Earmark funding over the government budget for operating the national helpline for victims of domestic violence and abuse.

Violence against women who are not Norwegian nationals

Women from minority communities and immigrant women come out in the worst position in most statistics on domestic violence. They are an especially vulnerable group that can be hard to reach through targeted measures.

Norway has previously been criticized for its three-year requirement for permanent residence, at the same time as the threshold for being granted residence on the grounds of abuse is too high. In 2020, the required period of residence to be granted a permanent residence permit in Norway was raised from three to five years for asylum-seekers, refugees and those in Norway on humanitarian grounds, as well as for those who come on the grounds of family reunification with a person who has such residence.⁵⁸

These amendments have made the situation extremely difficult for many foreign women in Norway. Under the new rule, a marriage must last for five years before the woman can get a permanent residence permit. Those who live in violent relationships must remain with the perpetrator for two years more than before. This increases the risk of damage to physical and mental health, and of death. The legal protection afforded to these women has been severely undermined.

Access to the exception in Section 53 (1) b of the Immigration Act is often interpreted strictly. Foreign women are especially vulnerable because few of them are familiar with the law and the Norwegian Directorate of Immigration's practice of the regulations is unpredictable. What is more, it is difficult to prove domestic violence, especially for women from immigrant and minority communities who have no networks of their own, and no financial resources or knowledge about their own rights.

Measures:

- Implement measures to protect immigrant women who are in Norway for family reunification to ensure they have better access to information about their legal rights.
- Build competence in the support system regarding cultural differences, issues due to digital illiteracy, and complex vulnerability factors which, to a great extent, make immigrant women especially vulnerable to domestic violence.
- Abolish the requirement for five years of residence that applies to foreign nationals with residence permits based on asylum or on the basis of strong humanitarian grounds, or residence for the purpose of family reunification with a sponsor who has or has had residence based on asylum or strong humanitarian grounds.
- Reduce the threshold requirements for being granted residence on independent grounds under Section 53 (1) b of the Immigration Act.
- Require the Government to review all negative decisions rendered by the Norwegian Directorate of Immigration (UDI) and the Immigration Appeals Board (UNE) to ensure that Section 53 (1) b is practised as intended by the legislators.

Working life

ILO Convention No. 190, which was negotiated last summer and is currently being evaluated by the Ministry of Labour and Social Affairs, recognizes that domestic violence is also an issue in the world of work. 'Private violence' is relevant since proximity, productivity, labour relations and the working environments are affected by violence and harassment, even though this may take place in private spaces.

Employers' responsibility for protecting employees from violence and threats was specified more clearly in the regulations to the Working Environment Act in 2017, but recent studies indicate that the requirements were still not stated clearly enough.⁵⁹ One important reason for this involves challenges related to relational work in a sector dominated by women; violence and threats are so commonplace that they are almost felt to be part of the job. In reality, these groups will also be cut off from applying for state compensation to victims of violence and abuse, inasmuch as such claims require that the matter must have been reported.⁶⁰

Very few employees in the healthcare sector would report patients for violence, and the same applies to teachers in respect of pupils.

Measures:

- Strengthen requirements for instruction on how to deal with violence and threats in the workplace.
- Improve knowledge/data on violence and harassment in the workplace from a gender perspective, and on the correlation between the staffing situation and violence /threats.
- Learn more about how domestic violence impacts women's career paths and sickness absence.
- The requirement for the psycho-social working environment in section 4-3 of the Working Environment Act must be a better anchoring provision, covering several different psycho-social risk factors to which employees are subjected during a routine work day; separate regulations should be drawn up for certain areas to complement the provisions of the Working Environment Act.

ARTICLE 4 - TEMPORARY SPECIAL MEASURES

In connection with the pandemic, it became clear that the Norwegian authorities have failed to include the gender perspective in crisis and emergency contingency plans. The work to combat violence against women and the rise observed from the global perspective were not addressed well enough by the Norwegian authorities.

The mandate for the work of the independent Corona Commission appointed by the Government contained no gender perspective study or other special perspectives. While the Commission has examined domestic violence, it has generally limited its investigation to children and young people.

In connection with the war between Russia and Ukraine, women refugees are becoming victims of gross sexual assault, rape, human trafficking/attempted human trafficking and criminal acts with a clear gender perspective. Norwegian reception centres for refugees from Ukraine lack measures to provide adequate care for women who are victims of abuse and trauma and are unable to offer counselling or professional follow up to those who need it.

Measures:

- All reception centres must have satisfactory/adequate offers for treatment/trauma support.
- Future commissions associated with pandemics, crises and emergency preparedness must always be balanced in terms of gender and have a gender perspective included in their mandates.

ARTICLE 5 - STEREOTYPES AND HARMFUL PRACTICES

Women are among the groups that are most often exposed to smears and hate speech.⁶¹ A new report from the LDO indicates that young women are particularly susceptible to online harassment, and that they refrain from participating in the public debate for that reason.⁶² A lack of protection against gross smears based on gender will have consequences for the individual, in addition to impacting women's participation in democracy and the public debate. The report indicates further that women are victims of smears based on gender more than twice as often as men. Gender has not been listed as one of the grounds in the Penal Code's provisions regarding hate speech. In its assessment, the Ministry of Justice emphasizes that "gross smears and harassment against women" will be covered by other parts of penal legislation. In this context, the Ministry mentions the penal provisions that address reckless behaviour, stalking, invasion of privacy, sexually offensive conduct in public, and the provision regarding threats. None of these provisions are on the Office of the Public Prosecutor's list of criminal cases to be given priority in 2022. On the other hand, the provision against hate speech has been assigned high priority and is to be given "special attention".⁶³ Consequently, the failure to include gender as grounds in section 185 means that women who are victims of hate speech simply because they are women, will have to navigate through a complex labyrinth of penal provisions to determine whether or not they been the victim of a punishable act. At the same time, there is an increased risk that the police could reject attempts to report a criminal act due to the overly complex situation in respect of sources of law. Regardless of which penal provision the police use to code gender-based hate speech, the matter will not be given priority by police investigations.

Measures:

- Add gender-based discrimination as grounds for prosecution under Section 185 of the Penal Code.

Working life

Working life is an important arena for the production and reproduction of gender stereotypes. The gender-divided labour market and perpetual value discrimination are important examples of violations of Article 5. A gender-divided labour market helps to maintain differences in wages and salaries, working conditions and workload, and it serves to limit not only individuals' choices, but also labour market flexibility. A report prepared by PROBA and commissioned by the Norwegian Directorate for Children, Youth and Family Affairs⁶⁴ concludes that one of reasons that few men choose the health and care sector is related to structural features and factors such as pay, status and working hours. The professions in that sector are perceived as poorly paid and have low status, at the same time as the work is considered demanding and strenuous. There is no interest in using wages and salaries as a policy incentive to get more men to choose jobs in the female-dominated sectors.

The report compiled by PROBA shows that strengthening the duty to act and the duty to report should also include a duty to fight stereotyping. To effectively counter stereotyping, there is a constant need for more expertise among employers to ensure awareness of risk factors and how such stereotyping impacts the choices made by individuals. This may be a question of how gender stereotypes that underlie hiring, the allocation of job categories, the distribution of assignments, offers for skills development, are based on notions of who has an aptitude for what. Stereotyping not only has an effect when a situation arises that an employer is required to address, avoiding stereotyping is also an important part of the preventive efforts incumbent upon the individual employer.

In Norway, health services are a public responsibility. A statutory requirement for trustworthiness rests on the State, the health enterprises and the municipalities. To put life and health at risk, these three entities must violate the requirement for trustworthiness adopted by the Storting (Norwegian parliament). This could happen if the State, health enterprises and municipalities exhaust all opportunities to avoid unreliable options or if the absence of personnel puts life and health at risk. It could also happen if the three do nothing, and the absence of personnel puts life and health at risk. The lack of an application for dispensation would be an example of the latter situation. Under the Conservative administration, the Norwegian Board of Health reorganized its insight into when life and health are at risk, including whether an employer has exhausted the possibilities for avoiding putting life and health at risk. This is a meaningful change, since the Minister of Health's current advice is based on acceptance that the statutory requirement can be violated, provided that all opportunities to avoid doing so have been exhausted. At least, as of today, the Minister of Health is of the opinion that this approach should be continued. When such situations arise and lead to compulsory arbitration, they beg the question of whether large female-dominated occupational groups actually have a genuine right to strike. The ILO recognizes the right to strike as a fundamental right for ensuring reasonable and just wages and working conditions. If the State resorts to intervention through compulsory arbitration to keep wage levels artificially low in a sector, and this sector is dominated by women, there may be grounds for ascertaining structural discrimination.

Measures:

- Implement effective measures aimed at wages and working hours, for example, to raise the (perceived) status of female-dominated occupations.
- The State must conduct a survey on whether the practice of compulsory arbitration is at variance with women's protection against harmful practices and discrimination, and their right to equal pay for work of equal value (Art. 11).

ARTICLE 6 - THE TRADE IN WOMEN AND EXPLOITATION OF WOMEN IN PROSTITUTION

Women in prostitution

In Norway, the Act prohibiting the buying of sexual services is an important policy instrument for the Norwegian government's efforts to combat human trafficking. The Norwegian government's evaluation report five years after the Act was implemented indicates that the Act is an important instrument for counteracting and fighting prostitution and human trafficking for the purpose of sexual exploitation. One important reason for the legislation prohibiting the buying of sexual services is to give a strong signal that society does not accept that women's bodies are for sale. As of today, other sex industry activities are allowed, e.g. strip clubs, pornography and websites. These are arenas that recruit to prostitution at the national and international levels alike.

Measures:

- Tighten up the rules regarding the procurement of sexual services during business travel abroad.
- Improve health services for women engaged in prostitution.
- Reinforce the Exit programme for those who want to leave prostitution.

Victims of human trafficking

Norway lacks a concerted, general system that paves the way for public bodies and special actors to identify problems and provide help to victims of human trafficking.⁶⁵ Today, many government agencies and volunteer organizations are involved in this work, and it is largely characterized by temporary schemes.⁶⁶ Public bodies lack sufficient knowledge about human trafficking and how to identify victims.⁶⁷ This means that people are expelled and deported without any assessment being made of whether they are victims of human trafficking.

The purpose of the amendment to Section 8-4 (2) of the Immigration Regulations was to make it safe to report human trafficking by making it possible to get a residence permit even if the human trafficking case were dismissed or charges were filed for other matters. Section 8-4 (2) is, however, still a "can" rule, requiring, among other things, that the foreign national cuts ties with the trafficking environment first. This means that a victim of human trafficking who takes a risk by collaborating with the police can nevertheless risk not being granted a residence permit. In actual practice, even if a case has been dismissed, the police must confirm that the person is a victim of human trafficking, which the police themselves

have stated they find difficult to do because of the presumption of innocence. Since many cases are dismissed due to capacity issues or the lack of evidence, the victims are unable to satisfy the requirements for residence permits, despite their own volition and efforts. Accordingly, the amendment does not improve their safety and has minimal practical significance.

It is deeply concerning that women without residence permits or valid identification papers are deported by the police without any investigation of whether the women are victims of human trafficking.

Women who are victims of human trafficking must be afforded better protection. Experience from existing offers of help indicates that a certain level of predictability, the availability of crisis housing and offers of legal assistance are essential for making it possible to break out of exploitative relationships.

Measures:

- Police, offers of help and the judicial system must build up the expertise needed to be able to identify victims of human trafficking.
- Sufficient resources must be provided for investigating cases of human trafficking and identifying victims.
- The requirements for permanent residence permits must be relaxed, so that more victims of human trafficking are guaranteed protection, regardless of whether the police charge their pimps and the backers.
- Women and children must be safeguarded and not become victims of new human trafficking through the return scheme.
- Offers of help, including access to legal counsel and specialist health services, must be strengthened for all victims of human trafficking.
- Access to housing must be improved at the national level.
- The Norwegian authorities must develop trainee positions, educational programmes and other pathways to ordinary working life for those who have been victims of human trafficking.
- To avoid unreasonable criminal prosecution of victims of human trafficking that have been forced to commit criminal acts, procedures must be established to guarantee that the provision on immunity from punishment is applied in all relevant cases.

ARTICLE 10 - EDUCATION

Nearly all children attend daycare centres. The right and obligation to get an education applies for all children and young people up to grade 10. The right to upper secondary education entails that young people will be accepted into one of their top three educational choices. At that level, there is a strong tendency towards making traditional choices, e.g. following gender lines in vocational education. This leads to the entrenchment of gender roles and attitudes about what girls and boys can do. The fields of health and care are heavily female-dominated, as is the teaching profession. This is unfortunate and it gives children and young people stereotypical role models from the time they start daycare.

The gender-segregated educational and career choices made by young people were pointed out in civil society's reports to CEDAW in both 2011 and 2017. This is equally relevant today, and says a great deal about the importance of society's appreciation of different professions and educations; the document containing the main findings from the project entitled 'Gender Segregation in the Labour Market' (2019)⁶⁸ gives three explanations for gender-segregated educational choices:

1. Norms and attitudes: communities featuring equality also appear to subscribe to the idea that "there are natural differences between genders' abilities and interests".
2. Rational choices: the male-dominated professions have historically enjoyed higher pay and status than the female-dominated ones, meaning that girls have more to gain by making non-traditional choices.
3. Opportunities and limitations: some professions are considered so male- or female-dominated that it is inconceivable that the opposite gender would choose them, while other professions require such high marks that they are not within the realm of possibility for many.

Public reports on gender and gender roles:

How children and young people experience school has been high on the agenda since the last report on the Convention to Eliminate all forms of Discrimination Against Women. The committee that submitted NPR 2019: 3 "New chances – better learning" focused on the fact that boys generally score lower than girls in school subjects throughout their entire school careers.⁶⁹ NPR 2019: 19 "Girl room, boy room and room for possibilities" sheds light on more general equality-related challenges facing children and young people.⁷⁰ Both reports concluded that school is important for gender equality in Norway.

It was contended that gender is of great significance for young people's educational choices, but that other factors are also important:

"Different childhood conditions result in different qualifications for school, education and working life. Gender has an impact on these qualifications, and the importance of gender

must be understood in relation to factors such as social and ethnic background and what part of the country we come from. Gender also has a bearing on the completion of upper secondary school and higher education, which, in turn, has a bearing on one's choice of profession."⁷¹

NPR 2019:3 took a socio-economic approach to children and young people, finding that there was reason to assume that men and boys would, over time, lose their educational and professional, and not least their financial position in society, because girls do better than boys on average at school, giving the girls a better point of departure for working life. This was refuted by the Norwegian Institute for Studies in Research and Higher Education (NIFU), which, in its survey of knowledge entitled Reasons for and measures against gender differences in academic achievement⁷², showed that there are, relatively speaking, few studies that are robust enough to draw such conclusions. International studies (PIAAC, OECD) indicate that when males are about 25 years of age, they have caught up with females when it comes to academic theory and, in particular, reading.⁷³ In terms of pay, men outpace women by an average of NOK 160 000 more in wages and salary per year.

The school's duties in respect of equality

School is often tasked with solving society's problems. This means that hate speech, sexual harassment, young people's use of digital technology, etc. are integrated into schools' teaching plans and general educational goals, as well as into the Framework Plan for Kindergartens. Attention is and should be devoted to equality and the equal treatment of girls and boys in the educational system throughout childhood.

Hate speech, harassment and the influence of social media on children and young people are included in teaching plans and the school's general values documents, e.g. interdisciplinary topics such as democracy and citizenship, public health, life skills and sustainable development. These topics address many of the equality-related challenges facing children and young people. To ensure competent instruction in these topics, where academically relevant, teachers must receive satisfactory continuing and further education.

Good sexual health is incorporated into several academic subjects. Thematically, the perspectives can be included in the three interdisciplinary topics. Here too, teachers have called for updated knowledge. It is important to consider perspectives related to intersectionality and to be sensitive to the fact that children and young people at school come from a variety of different cultures at home, and that this may affect their attitudes to equality in many areas.

The fact that young people choose educations and professions based on traditional gender roles and gender stereotypes reinforces attitudes and expectations about women and men in society. This results in girls and women continuing to be predominate in the teaching and health and care sectors.

The Integration Act

The Integration Act has special provisions on instruction for adult immigrants. The Act, which was adopted in 2020, has positive provisions, inter alia, in respect of qualifying for admission to vocational and university studies. At the same time, the Act is primarily adapted to participants who are well qualified to succeed in the Norwegian educational system. Those with little or no educational background from their homeland will likely not fare well under this system, and we know that women often have little or no schooling from their homeland. The Act does not include much of a gender equality perspective, which is regrettable with a view to integrating immigrant women and making them independent.

Measures:

- Since schools are assigned considerable responsibility for sex education and equality in society, teachers must be given opportunities to get the necessary further and continuing education they need to ensure high-quality instruction.
- The attitude-shaping efforts to promote gender equality must be appreciated, and time must be set aside for it at school.
- There is a need to introduce structural countermeasures to limit gender stereotypical educational and occupational choices, and to increase appreciation for the work performed in the female-dominated occupations.
- Greater effort must be invested in showing young people that they have educational and occupational opportunities other than the traditional choices. Career counselling and guidance at school must put more emphasis on aspects of equality and strive to counter gender stereotypes.
- Women's occupations in the public sector must be appreciated more, as evidenced by higher wages and guaranteed full-time positions.
- Adult female immigrants' chances of success at school and in working life must be improved.

ARTICLE 11 - EMPLOYMENT

The right to work

More women than men are employed in temporary positions. This is especially prevalent among women from immigrant backgrounds.⁷⁵ Temporary employment undermines women's ties to working life, makes women less financially independent and represents an impediment to the integration of minority women. The Store administration has made positive changes, and as from 1 July 2022, companies' access to hiring temporary employees will be curtailed.⁷⁶ There are also proposals for several other retrenchment measures, not least so that employers must document their need for part-time employees in writing before being approved to hire someone in a part-time position.⁷⁷ This is a very positive development. Even though the Act implies a reduction of part-time work, experience has shown that there are still challenges related to how legislation is practised. For example, the trade unions see part-time employment being made to look like temporary posts to circumvent the regulations. This is particularly common in the healthcare sector.

There are still formidable challenges to be overcome with a view to temporary employees' rights in the world of work. For example, the Dispute Resolution Board currently practises Section 14-3 of the Working Environment Act regarding the preferential right for part-time employees to extend their working hours in a manner that limits the opportunity to apply for a larger share of a full-time position to permanent part-time employees. This means that a temporary employee in a part-time position cannot claim a preferential right pursuant to Section 14-3 (1) of the Working Environment Act. In the proposed amendments to the Working Environment Act (Prop. 133 L), the Ministry suggests strengthening the preferential right of part-time employees to extended working hours, contract work and extra shifts. The Ministry stated in a consultative memorandum that the current exclusion of temporary part-time employees is discrimination pursuant to Section 13-1, third subsection. The Ministry asked for the views of its consultation partners on this issue.⁷⁸ The proposed new provision does not discuss the question further. It suggests continuing to apply the practice pursued by the Dispute Resolution Board, which entails that temporary part-time employees do not have preferential rights to contract work or to extend their positions. There does not appear to be much justification for precluding temporary part-time employees from exercising a preferential right to extended positions and contract work.

Many pregnant women experience inadequate accommodation and consideration before, during and after delivery. No less than 26.4 per cent of women in substitute positions or other temporary positions have experienced not getting their job renewed in connection with pregnancy.⁷⁹ During the pandemic, JURK - Legal Advice for Women, found that pregnant employees were often the first to be furloughed and the last to be invited to return to work.⁸⁰

While 60 to 65 per cent of Norwegian-born women work, between 5 and 27 per cent of minority women work, if the point of departure is 30 hours a week.⁸¹ The unemployment rate

among minority women is high, and many women move from one trainee placement to another without being offered a job. Refugee women make up the group of non-western residents that fares most poorly in the labour market. The impediments include linguistic challenges, little relevant education, gender roles in families/socio-cultural factors and health.

Measures:

- Temporary employees must be ensured the right to a preferential right under Sections 14-3 and 14-4 a of the Working Environment Act.
- Expertise and individually adapted measures to get minority women into the workplace must be strengthened.
- Vocational educations adapted to individuals may be the solution for individuals who live in a household with low income and great care responsibilities.
- There should be latitude for flexibility and individual adaptations in the pathways to a guild certificate.
- The Norwegian Labour and Welfare Administration (NAV) must, in actual practice, ensure that job-seekers are not misused as free labour, limit how long and how many interns an enterprise can accept before they have to hire some of the candidates, and pose requirements so that interns receive good training and supervision.
- The government and the parliament are encouraged to improve language instruction, vocational training and equality work for women from minority backgrounds.

Full-time

Several amendments have been made to the Working Environment Act to strengthen part-time employees' right to a larger percentage of a full-time position. These rights are, however, restricted by a requirement that they must not entail "significant disadvantage" for the employer. A review of the Dispute Resolution Board's practice in cases pursuant to Section 14-3 of the Working Environment Act indicates that the Board does not undertake any interpretation of Section 14-3 of the WEA in the light of either the Act's ban on indirect discrimination on the basis of gender, or in the light of Article 5a of CEDAW on the obligation to abolish practices based on stereotypical gender roles, or Article 11, no. 1a) the right to work.⁸² The review of practices reveals that the structural parameters for how working hours are organized in rotations open the possibility for and are actually used as grounds for discrimination on an individual basis.

Measures:

- The Dispute Resolution Board must be instructed on how to deal with protection against discrimination.
- Funding must be set aside over the government budget for local projects that are initiated or continued in the individual municipality or health enterprise to support the efforts to promote a culture of full-time employment.

Equal wages

Employment in female-dominated professions is systematically less prestigious than employment in male-dominated professions, even if the requirements for education, experience, responsibility and effort are the same. Income is decisive for financial independence and for the accrual of a pension. While the wage gap between women and men is now slightly less than 13 per cent in general, it still remains at 20 per cent for women with higher education. The value discrimination seen in relation to female-dominated educational groups that mainly work in the public sector cannot be eliminated without cross-sectoral initiatives. The Equal Pay Commission ascertained that the wage and collective bargaining system maintains the wage ratios between women and men. The authorities as a party to conventions and as an employer must take responsibility for helping to resolve challenges associated with equal pay.

Measures:

- The authorities must hold the social partners accountable in the work to narrow the wage gap between women and men. The social parties must collaborate with the authorities to devise a binding escalation plan that does not trigger new wage demands (wage spiral).
- As an employer, the public sector must ensure broader parameters for wage settlements in the public sector to help close the wage gap.
- The Equality and Anti-Discrimination Ombud must be ensured sufficient resources to effectively follow up and supervise employers' compliance with the duty to act and the duty to report pursuant to the Equality and Anti-Discrimination Act.
- The Equality and Anti-discrimination Tribunal must be ensured sufficient resources to enforce the employers' duty to report under Section 26 a. This will call for a large expansion of the ADT staff.

Pension

The pension gap between the genders is greater than the wage gap.⁸³ The organization of the pension rules therefore contributes to the disparity between the genders. The pension rules ought to be evaluated in a gender perspective to see what the outcome the pension reform has been. The government has appointed a committee to evaluate the pension reform from 2011, by a deadline of 1 March 2022. The mandate did not pose explicit requirements for an equality assessment, only for the consequences in terms of distribution.

There is considerable, cross-party support for the accrual of pensions from the first NOK and the first day, meaning that today's requirements for income of more than 1 G, a 20 per cent position and 20 years would be abolished for private pension schemes. As regards public service pensions, from 2022, only the Act relating to Pension Plans for Nurses and the Act relating to the Norwegian Public Service Pension Fund will continue to have a floor of a 20 per cent position to qualify for membership. The negotiated pension schemes will no longer have a 20 per cent floor for membership (Oslo Municipality from 1 January 2022). Small part-time positions are particularly prevalent among women in the healthcare sector. Such lower limits for membership have been found to be discriminatory in a number of judgments and rulings.

Measures:

- The new pension system must be evaluated with a view to levelling out gender differences.
- The floor of a 20 per cent position should be abolished in the statutory schemes, so that the public service pension schemes also allow accrual from the first NOK.

Occupational injury

The National Insurance Act is gender-neutral, but a number of provisions systematically put women in a less advantageous position.⁸⁴ The list of occupational diseases has not been significantly revised in 60 years and it reflects the world of work as it was back in the day. The lowest probability for getting occupational injuries approved is in the health and social sector.⁸⁵ Seven of 10 who get approval for occupational injuries are men; nine of 10 who get approval for occupational diseases are men. At the same time, improvements are being made in the regulations for male-dominated professions.⁸⁶ In 2021,⁸⁷ the Police Act was amended to improve the regulations for certain degenerative disorders that arise.

Covid-19 was approved as an occupational disease in April 2020. So far, NAV has received well over 4000 reports of injuries, but only one worker of 10 gets approval for Covid-19 as an occupational injury. Figures from Denmark show that more than two of three reported cases involve women and that the healthcare sector is most vulnerable.

Measures:

The occupational injury rules must be revised from the perspective of gender equality for the purpose of:

- Abolishing the general exemption for degenerative disorders,
- Approving acute lifting injuries sustained while moving patients as occupational injuries,
- Revising the list of occupational diseases,
- and initiating more research on injuries and diseases in female-dominated occupations.

Working environment - violence and threats

Violence and threats are a huge problem for the working environment, and the professions that are most exposed to violence and threats are extremely female-dominated. For women, there is a strong correlation between (self-reported) violence and threats of violence and subsequent long-term sickness absence.⁸⁸ Politicians and employers must take more responsibility for reducing this formidable challenge to the working environment.

Measures:

- Intensify the Norwegian Labour Inspection Authority's efforts to address violence and threats.
- Reinstate national surveys on violence and threats in the health and social sector.
- Ensure sufficient manpower and expertise so that employers can satisfy the requirements laid down in the regulations to the Working environment Act regarding violence and threats.
- Put issues of violence and threats against employees on the curricula for educational programmes for the welfare professions.

Evaluation of the shift/rotation reform

In the parts of the labour market where work is done around the clock, the work is organized into periods of time. In male-dominated industries, these periods are called shifts, while in the female-dominated health sector, they are called rotations [translator's note: this refers specifically to the Norwegian language]. Research has documented that three-part rotations are at least as hard on health as continuous shift work. When a three-part rotation was equated with continuous shift work in the Working Environment Act in 2010, this was celebrated as a major victory for equality policy. However, the feedback that trade unions have received is that the working hours reform has not exactly worked out as planned. The working hours reform of 2010 entailed a decision not to include employees who only work nights, even though night work is unquestionably considered to be the most stressful working hours arrangement. The Ministry of Labour and Social Inclusion has commissioned Fafo to survey the use of this provision and the experience gained from it.

Measures:

- Follow up Proposition no. 54 to the Odelsting regarding an evaluation of the shift/rotation reform, as well as of problems associated with performing night work exclusively, so that night workers are also covered by the reduction in working hours.

ARTICLE 12 - HEALTH AND HEALTHCARE

Research, knowledge and consciousness-raising

A lack of knowledge about women's diseases has consequences for women's participation in working life, access to social benefits and their financial situation. Legal Advice for Women (JURK) finds that women who suffer from "women's diseases" miss out on social benefits because it can take many years to get a diagnosis since little research has been done on these diseases.⁸⁹ Greater attention must be devoted to women's health in a life-cycle perspective, including women's occupational health and burdens on health resulting from women's paid and unpaid work.

Measures:

- Strengthen research on women's health, including women's occupational health.
- Strengthen knowledge about women's health at NAV and other public bodies.

Sexual and reproductive health and rights (SRHR)

The pandemic has made it clear that the childbirth process and post-natal care are not always organized to best meet the needs of the women giving birth or newly fledged parents. Midwives' knowledge and first-hand experience of women's health in connection with pregnancy, childbirth and the postnatal period must be taken into account in connection with the way in which Norway organizes prenatal, childbirth and postnatal care. This will ensure that everyone has reasonable access to health services.

The Abortion Act gives women the right to self-determined abortion until the end of the 12th week of pregnancy. After week 12, decisions are taken by a board. After the end of the 18th week of pregnancy, termination is not possible unless there are especially pressing reasons for doing so. In 2019, decisions on foetal reduction were moved from the individual woman to a board. Many women experience having to appear before a board as stressful. At the same time, it is crucial that women be offered guidance and support.

Endometriosis affects about one in five Norwegian women. They receive little help or treatment. More research is needed on this condition, along with better health services for those who have the disease.

The Survey of Living Conditions indicates that 34 per cent of binary transgender people have tried to take their own lives, and 69 per cent have considered suicide at some point in their life.⁹⁰ Binary transgender people experience harassment, discrimination and threats of violence due to their gender identity. It is necessary to ensure effective treatment services all over Norway for individuals who experience gender incongruence.

Measures:

- Strengthen prenatal, childbirth and postnatal care. Ensure equal rights regardless of where one lives.
- Ensure that all women have access to laparoscopic procedures to detect endometriosis.
- Eliminate the abortion boards until week 18 at the earliest. Make voluntary guidance and support available to those who seek abortions, both before and after a decision is taken.
- Improve access to abortions performed in hospitals.
- The authorities must ensure that the support services are equipped with sufficient knowledge about gender diversity, and they must provide good access to mental health services and an adequate offer of treatment for individuals all across Norway who experience gender incongruence.

Sexual and reproductive health and rights (SRHR) in Norway's international and development cooperation work

There is broad political consensus in Norway about the importance of equality and SRHR. This puts Norway in a special position when it comes to being in the international vanguard to promote rights that are not assigned the same high priority in other countries. In recent years, Norway has undertaken commitments to SRHR in its foreign and development policy, inter alia, at the Nairobi Summit in 2019 and the Generation Equality Forum (GEF) in 2021. However, Norway has fallen behind its schedule for fulfilling these commitments.

Measures:

- In its international and development cooperation work, Norway must give priority to the rights that often trigger resistance at the international level, e.g. access to abortion, gender diversity and sex education.
- Norway must fulfil the commitments it undertook at the Nairobi Summit and quantify the new financial commitments it made at the Generation Equality Forum (GEF).
- Norway must introduce a new action plan for equality and women's rights in foreign and development policy, and reach the target of 50 per cent of Norway's bilateral aid going to support equality as a partial or primary goal.

Minority women's health

Minority women's health is not as good as the health of ethnic Norwegian women. Efforts must be made to learn more in order to identify the right measures to use to target this particular group.⁹¹ A survey of immigrants and user participation in health and care services (2020) found that barriers that are impediments to user participation at the individual level are language barriers, knowledge about health, different views on health and disease, negative experiences, and organizational factors.⁹² Multi-cultural women also report a need to learn more about the consequences of fleeing, migration, being an outsider, and cultural understanding among health care personnel.

Measures:

- Improve expertise on migration-related health issues, including learning more about the consequences of fleeing, migration and being an outsider.
- Research on multi-cultural women's psycho-social health.
- Facilitate an increase in multi-cultural women's own health expertise and knowledge about the Norwegian healthcare system.
- Ensure access to multi-cultural doulas for minority women during childbirth.

Undocumented migrants' right to medical assistance

Undocumented female migrants constitute an exceptionally vulnerable group, not least because they may have been subject to human trafficking, fled from wars and conflicts, or have been victims of gender-based violence.⁹³ The need for medical assistance may refer to mental health assistance, contraception, abortion, pregnancy, or chronic disorders.⁹⁴ Today, undocumented migrants' right to medical care is limited to the cases in which there is a need for acute assistance or emergency care that cannot wait. The Norwegian National Human Rights Institution (NIM) writes that in actual practice, this is understood to refer to healthcare that is necessary within three weeks.⁹⁵ The general rule is that undocumented migrants must pay for healthcare. A parliamentary motion to extend undocumented migrants' right to healthcare was voted down by Norway's Stortinget in the spring of 2022.⁹⁶

Measures:

- Ensure undocumented migrants an extended right to free healthcare while in Norway.
- Identify undocumented female migrants' health-related challenges.

ARTICLE 16 - MARRIAGE AND FAMILY RELATION

Cohabitation

In Norway, a growing number of couples opt for cohabitation.⁹⁷ Among women who (live in hetero-normative relationships and) seek free legal aid, there is a tendency to follow traditional gender role patterns. The woman often earns less than the man and pays for consumption expenditure.⁹⁸ In a cohabitating couple, the man, on the other hand, pays the bills that result in major investments, for example, the couple's shared home.

In the event cohabitants do not have an agreement between them, a break up is basically governed by the general principles derived from the law of property rights and obligations. This means that cohabitants retain what they own and purchase, regardless of how long they have lived together. Granted, indirect contributions in the form of housework and care work and coverage of the family's consumption expenditure, can give the woman co-ownership of assets purchased with her partner's income. However, for many women, it would seem far too financially risky to file such an action because the outcome is uncertain and they might incur formidable legal fees. A court case may also widen the gap between the parents and could hurt the children. This means that the woman often ends up in financial distress when leaving a cohabitant relationship, and in many cases, cohabitation can be a poverty trap. In February 2022, the Stortinget decided that the Government should investigate the need for a non-mandatory Unmarried Cohabitants' Act.⁹⁹ This is a step in the right direction.

Measures:

- Improve the general public's knowledge about the legal status of cohabitation.
- Introduce a non-mandatory act that governs financial matters between cohabitants. The act must ensure that in the event of a break up, both are entitled to assets comparable to the paid and unpaid work they have done while cohabiting.

Minority women and prenuptial agreements

The Marriage Act poses several formal requirements for prenuptial agreements. However, there is no explicit requirement that a prenuptial agreement must be written in a language understood by both spouses.

Several minority women who marry Norwegian men enter into prenuptial agreements written in Norwegian. Experience from legal assistance measures indicates that many are pressured into signing prenuptial agreements without getting an explanation of the content in advance.¹⁰⁰ In most cases, the women sign prenuptial agreements that leave them little or no financial assets. In reality, prenuptial agreements can take the option to divorce away from these minority women. In retrospect, it is almost impossible to prove whether or not one was familiar with the content of a prenuptial agreement prior to signing it, or if one was pressured or coerced to sign.

Measures:

- Introduce explicit formal requirements that prenuptial agreements must be written so that both parties understand their content.
- In the courts' assessment of the validity of a prenuptial agreement, take into account any imbalance in the relationship, language barrier or lack of knowledge about rights.

DISADVANTAGED GROUPS OF WOMEN

Women with disabilities

Research indicates that women with disabilities fall victim to abuse more frequently than others. The risk of a girl/woman with disabilities being exposed to domestic violence is four times higher than it is for others. Disability can undermine credibility. Research and case law may indicate that perpetrators have received milder punishments in cases associated with sexual assaults against women with disabilities. In cases in which the victims are women with cognitive and psycho-social disabilities, instead of using the rape clause, the court has opted to apply a special provision that grants these women special protection against sexual exploitation, but which has lower sentencing parameters. Amendments have been made in the Penal Code to ensure correct application of the law, but it is not clear whether this has resulted in changes in actual practice.

Municipal employees do not receive systematic training in how to detect violence and abuse, and few municipalities have routines for how to follow up cases involving violence and abuse, once detected. The Norwegian Directorate for Children, Youth and Family Affairs has developed a programme and tool called TryggEst (SafEst), which is intended to provide better protection for high-risk adults. The tool is intended help prevent, detect and deal with violence and abuse against adults who have little or no ability to protect themselves. Women with functional disabilities are one of the target groups in TryggEst. It is important that all municipalities use the tool and strive to be more systematic in detecting and dealing with violence against vulnerable groups.

One huge problem over the years has been that many human rights violations against people with disabilities have not been understood as a violation of rights, but rather as "natural and legitimate" differential treatment, because the challenges faced by people with disabilities have traditionally been understood as medical problems. Based on such an understanding, women with disabilities are not seen as individuals, but rather as patients trapped by their biology, so they have been treated on the basis of their diagnoses. Such a way of thinking has contributed to legitimising differential treatment and to segregating people with disabilities precisely because such disabilities were categorically seen as making them different from others. Society's response to this has largely been to put unilateral emphasis on medical adjustments and financial compensation. The Convention on the Rights of Persons with Disabilities (CRPD) establishes that functional disabilities or functional impairments can never be used as an argument for placing restrictions on human rights – and establishes that functional impairment is part of human variation. Equal rights implies that functional impairments can never legitimize restrictions on human rights, but that any challenges facing people with disabilities must be taken into account when we try to determine how equal rights can be protected in actual practice.

In other words, a humane understanding of disability implies that it is a lack of adaptation to a disability rather than the disability per se that is the reason for any lack of attainment of rights.

Little research has been done on women with disabilities. Research is frequently done on people with disabilities in general, but women with disabilities may experience different challenges than men. This not rendered visible in general research on functional impairments.

Measures:

- Include women with disabilities in policies and in efforts that aim at women in particular or that are intended to strengthen the position of women.
- Research and statistics should devote special attention to issues involving women with disabilities.
- Repeal legislation that allows forced interventions such as abortion or the sterilisation of girls and women with disabilities.
- Implement and promote a much-needed change in how the term 'disability' is understood.
- Recognize women with disabilities as equal citizens who enjoy a full range of rights and obligations.
- The municipalities must give priority to this work, not only on paper, but by introducing specific measures to prevent, deal with and follow up victims of violence.

Women in prison

Women are a minority in Norwegian prisons. For quite some time, they have accounted for only about 6 per cent of Norway's prison population.¹⁰¹ Today's prisons are largely organized on the basis of male inmates' needs. This is reflected in everything from prison architecture to security, and to the availability of activities and services.¹⁰² Many women must serve their sentences far from home, meaning they have fewer opportunities to get visits from children and close relatives.¹⁰³ All in all, female inmates do not get the same quality of service as male inmates.¹⁰⁴ This was also ascertained on 9 June 2020, when the Directorate of Norwegian Correctional Services was found guilty of discriminating against female inmates in Tromsø prison on the basis of gender.¹⁰⁵

The Stortinget recognizes the concerns about prison conditions for women in White Paper No. 39 to the Storting, but suggests few specific measures apart from making further studies and building more places where women can serve their sentences. Strict measures were introduced in the prisons during the pandemic, and a report from JURK - Legal Advice for Women - indicates that the organization was denied access to prisons for periods of time, and has thereby not been able to provide legal aid to the inmates. A lack of legal aid is especially problematic when we know that female inmates' rights are already under pressure.

Measures:

- Regulate by legislation or regulation that women should generally serve their time in separate prisons or in wards adapted for women.
- Draw up a crisis and emergency preparedness plan for the Norwegian Correctional Service.
- Ensure that women's prisons have better physical conditions for operation: toilets and showers in the cells, and physical adaptations for work, school and leisure activities.
- Improve the healthcare services offered to female inmates, not least when it comes to mental health and substance abuse.
- Make adaptations for transwomen to serve their sentences.

Violence and abuse in Sámi communities

Sámi women are particularly susceptible to violence. Reports show an alarmingly high incidence of mental, physical and sexual violence. A study from 2015 indicates that in a population consisting of Sámi and non-Sámi women and men in central and northern Norway, the Sámi women report the highest incidence of violence.¹⁰⁷ A 2021 study on domestic violence shows similar findings.

Measures to prevent violence against women must be sensitive to cultural and social structures and they must be appropriate for helping the women who are victims of violence. It is a problem that, as of today, there is neither an earmarked package of measures to address violence and abuse in Sámi communities nor a crisis centre that offers any particular Sámi expertise.

The Norwegian government's efforts to prevent violence against Sámi women are considered weak because, over time, different actors have repeatedly recommended that the Government introduce the same measures, but then they have not been followed up in subsequent political documents. This is serious due to the high incidence of violence against Sámi women. Despite this, the crisis centre in Karasjok was closed down.

Measures:

- The Norwegian authorities must ensure expertise in Sámi language and culture in the efforts to prevent domestic violence in Sámi communities.
- Provide special packages of measures to address violence and abuse in Sámi communities at all times, and provide crisis centre services with expertise in the Sámi culture.

CLIMATE CHANGE

Population growth is one of the main drivers of climate change. Women's sexual and reproductive rights (SRHR) play a key role, but rarely get much attention. The discussion of this point in Norway's National Report suggests that it is not quite clear what the gender perspective on climate change involves in Norway, or how it can affect Norwegian women's rights. However, the discussion of what Norway does to promote women's rights at the international level does not mention SRHR either. Norway's Climate Action Plan 2021-2030¹⁰⁸, considered by the Stortinget in spring 2021, included no gender perspective or reference to the gender perspective in relation to climate and environmental policy and measures.

Measures:

- Reports, action plans and initiatives to implement climate and environmental policy must include gender perspectives and analyses, where relevant.
- In both Norwegian national and international politics, the gender perspective must be incorporated into measures associated with climate change. The issue must not simply be mentioned under a separate heading or in references to marginalized groups.
- Population growth and women's sexual and reproductive rights must occupy a central position in the work to fight climate change.



IMPACT OF THE PANDEMIC ON WOMEN'S RIGHTS AND GENDER EQUALITY

The pandemic has made it clear that gender equality is vulnerable in times of national crises. It became obvious that Norway did not have a satisfactory emergency preparedness plan, which led to gender-skewed consequences at several levels.

The restrictions imposed as a result of the Covid pandemic have had profound consequences for girls and women who are victims of violence and abuse. A report from the Norwegian Directorate for Children, Youth and Family Affairs published in March 2021 shows an increase in domestic violence during the pandemic.¹⁰⁹ Support services have experienced an increase in the number of queries they receive. Vulnerable groups and minorities have been especially hard hit. The messages communicated by the government authorities immediately after Norway went into lock-down have also been criticized as being inadequate. The most important information that was communicated and the impression that many were left with, was that all residents had to do their part to ensure that the national public health service was not overburdened, and that unnecessary queries should be avoided, rather than that institutions such as crisis centres and the Norwegian Labour and Welfare Administration (NAV) remained open for business.¹¹⁰ It is more difficult to identify domestic violence when society closes down, and there is still a formidable number of unrecorded cases since not all cases of violence are reported. This is an urgent need to learn more about the scope of domestic violence during the pandemic.

The Corona Commission's Report NPR 2021: 6 "The authorities' handling of the corona epidemic" only devotes one-half page to the topic of 'Domestic violence'. In this context, it is assumed that the pandemic situation caused conditions to deteriorate for those living in violent relationships, but no measures were proposed. Nor does the Corona Commission offer any analyses of how women receiving public outreach services or in health care were especially vulnerable in terms of health and finances alike.

Several of those who work with labour rights have seen that the pandemic has affected equality in the workplace, inter alia, JURK - Legal Advice for Women - has experienced getting queries from pregnant women stating that they are often the employees who are the first to get laid off and the last to return to work.¹¹¹

Further, as a result of the pandemic, highly invasive measures were implemented in Norwegian prisons. Female inmates are already a vulnerable group, and it has been difficult for them to get information about their rights, since the prisons did not allow visits from those providing legal aid for quite some time.

There has been a need for information in multiple languages about general rights and obligations that are directly impacted by the pandemic, and not merely for information on infection control. For example, a range of public offices had limited office hours, and it was hard to meet deadlines set by inter alia the Norwegian Directorate of Immigration, the police, the

Norwegian Labour and Welfare Administration (NAV) and the Office for Compensation from the State.

Measures:

- Draft a gender-sensitive crisis and emergency preparedness plan with special emphasis on female victims of domestic violence, which also includes a minority perspective and acknowledges that the minority population is especially vulnerable in times of crisis. Ensure representation for minorities when the plans are framed.
- Draw up a crisis and emergency preparedness plan for the Norwegian Correctional Service, including specific measures for women in prison.
- See to it that information about rights and duties that are impacted by pandemics is available to everyone by devoting more attention to clear and comprehensible language usage, in several languages, adapted to different linguistic levels and digital skills.
- Identify and fight discrimination in the workplace as a result of closures.
- Identify what impact the pandemic has had on women in Norway, not least in connection with sexual and reproductive health and rights (SRHR).

The Covid-19 pandemic has also had severe consequences for women and for their access to sexual and reproductive health services globally. Health service providers have often encountered difficulties with offering abortions, contraceptives and pregnancy-related health services. The authorities asked some clinics to remain closed, and employees were transferred to perform different duties and responsibilities associated with the pandemic, such as testing, vaccination and the treatment of Covid-19. There have also been times when PPEs and medicines, such as contraceptives, have been delayed during production, shipping and at customs. In some cases, the fear and the probability of contagion have been so great that going out to visit a clinic has not been a viable option. There are also examples of countries that have failed to designate any sexual health services as essential, including some types of contraceptives or safe abortion services. There have been reports that violence against women has increased across all continents, and that there has been a rise in domestic violence in particular.

The discussion of the world of work indicates that women have been over-represented in parts of the service sector that were impacted by closures immediately, leading to unemployment and furloughs. There has been no discussion of the female-dominated health and care sector, about the lack of infection control, the shortage of nurses, inadequate HSE efforts, pressure on working hours, school closures and high rates of infection among children and young people, etc. Nurses and teachers have had to deal with tremendous stress, leading to long-term sickness absence and attrition from their professions and working life as possible consequences.¹¹²

Measures:

- Promote global efforts and give priority to women in the Covid-19 response and recovery work.
- Provide financial support for civil society, so that rights organizations, women's organizations and SRHR organizations can maintain their services, their role as a watchdog, and help contribute to framing and implementing plans.
- Provide funding for the purchase of reproductive medicines/products and protective equipment.
- Support innovative solutions to reach out with information and services, related e.g. to:
 - mobile/digital solutions for health consultations and information,
 - make services available in local communities, which will also reduce the number of patients at the clinics,
 - make contraceptives and medications for safe abortions available through the post and with home delivery.
- Provide access to SRHR, including services associated with sexual and gender-based violence, in the efforts to promote access to universal health care (UHC).
- Make sure that the Minimum Initial Service Package (MISP) is implemented in humanitarian situations.
- Help ensure that disaggregated data is collected to get the best possible grounds for effective measures that focus on those who need them most, not least for especially marginalized groups.

Health and social disparity

Existing differences in society appear to have been amplified by the Covid-19 pandemic, and a report from the MiRA Centre indicates that the mental health issues experienced by many minority women have deteriorated. The lack of information has led women to isolate themselves more than necessary.

Measures:

- Outreach health services must be accessible for individuals who do not have the chance to get to a physician.
- The National Strategy for Immigrant Health for the period 2013-2017 has not been renewed. A new national strategy for immigrant health should be made in order to ensure equal health services for the entire population, and to improve the human resources development measures to improve the healthcare sector.

ADDITIONAL INFORMATION

Sustainable development goals

Request that the authorities explain how the gender perspective is integrated into the work with the Sustainable Development Goals (SDGs). In this context, the authorities' reporting on the Convention to Eliminate all forms of Discrimination Against Women from 2021 refers to the principle of sectoral responsibility, implying that the responsibility for following up the SDGs is dispersed across several ministries. The Ministry should be challenged in relation to the risk of fragmentation and insufficient expertise on the gender perspective.

In Norway, the Sustainable Development Goals mainly address climate change, but lack a gender perspective there, too. There is little awareness and visibility of how gender equality goal 5, gender equality, is decisive for the chances to reach the other sustainable development goals. The climate goals do not reflect the gender perspective, and the lack of consideration for an equality policy approach extends across the 17 sustainable development goals. The follow up of the sustainable development goals and collaboration with civil society are largely ascribed to development organizations and environmental organizations. Delegations to international meetings fail to include representatives of women's organizations and organizations with a gender equality perspective.

In the Norwegian translation of SDG 8.5, "work of equal value" is translated as "equal work". This has been pointed out by the Confederation of Unions for Professionals, but not corrected.

Measures:

- Gender equality goals and indicators in "Norway's action plan to reach the sustainable development goals by 2030" must be followed up and be implemented in actual practice.
- The authorities must render visible the importance of sustainable development goal no. 5 to reach the other sustainable development goals.
- The responsibility for ensuring that women's rights are taken into account in the work with sustainable development goals must be made clearer.
- The Norwegian translation of Sustainable development goal no. 8.5 "equal pay for work of equal value" must be corrected.¹¹³
- The Norwegian authorities must involve Norwegian woman's and gender equality organizations in the efforts to achieve the sustainable development goals.
- Norwegian development cooperation policy must have a clear interdisciplinary gender dimension and include work and collaboration with women's organizations associated with all 17 sustainable development goals.

FOOTNOTES

- 1) Rose Teigen Fagerheim, Regjeringens innsats for å fremme kvinners rettigheter nasjonalt og internasjonalt 2017-2021, 2021. Tilgjengelig på: <https://foreninger.uio.no/jurk/publikasjoner/Regjeringens%20innsats%20for%20%20C3%A5%20fremme%20kvinners%20rettigheter%20nasjonalt%20og%20internasjonalt%202017-2021>
- 2) Se for eksempel Høring NOU 2021: 2 Kompetanse, aktivitet og inntektssikring (Sysselsettingsutvalget), NOU 2020:13 Private aktører i velferdsstaten og NOU 2021:4 Norge mot 2025.
- 3) NOU 2021:4 Norge mot 2025, s. 22.
- 4) Tove Stang Dahl, «Hvorfor kvinnerett?», i Tove Stang Dahl (red.), *Kvinnerett I*, Universitetsforlaget 1985, s. 15–28, se særlig s. 15; Regjeringen, «Norway's tenth report to the UN Committee on Elimination of Discrimination against Women (CEDAW)», UN Doc. CEDAW/C/NOR/10 (01.07.2021) s. 2; Regjeringen, «Norway's Ninth Periodic Report on Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (2011–2015)» UN Doc. CEDAW/C/NOR/9 (03.02.2016) s. 3.
- 5) CEDAW, Concluding Observations <<https://www.nhri.no/wp-content/uploads/2018/02/Concluding-observations-fra-CEDAW-komit%C3%A9en-Norges-9.-periodiske-rapport-2017.pdf>> (2017)
- 6) <https://www.regjeringen.no/contentassets/da71155c1b6645628bf877507726d842/horingsnotat-080322.pdf>
- 7) Regjeringen, «Utredningsinstruksen», 19.02.2016. <https://www.regjeringen.no/no/dokumenter/instruks-om-utredning-av-statlige-tiltak-utredningsinstruksen/id2476518/>
- 8) Regjeringen, «Konsekvenser for likestilling. Utredning i forhold til kjønn, nedsatt funksjonsevne, etnisk opprinnelse, religion mv». <https://www.regjeringen.no/globalassets/upload/bld/likestilling/2010/bldveiledernett.pdf>
- 9) Norges rapportering til CEDAW 2021, s. 5.
- 10) Regjeringen, «Flere får fri rettshjelp», 21.12.2021. <https://www.regjeringen.no/no/aktuelt/flere-far-fri-rettshjelp/id2893112/>
- 11) <https://rett24.no/articles/kutter-justisgebyrer-og-hever-grensen-for-fri-rettshjelp>; NOU 2020:5 s. 135 og Statistisk sentralbyrå, «Fattigdomsproblemer, levekårsundersøkelsen», 2020 <https://www.ssb.no/sosiale-forhold-og-kriminalitet/statistikker/fattigdom>
- 12) <https://www.ssb.no/a/barnogunge/2020/familie/>
- 13) Sivilombudsmannen, «Kvinner og fengsel: En temarapport om kvinners soningsforhold i Norge» (2016). https://www.sivilombudet.no/wp-content/uploads/2017/05/Temareport_Kvinner-ifengsel.pdf, s. 8; Marion Hellebust mfl. «Lengst inne i fengselet – kvinnelige innsatte med behov for helsehjelp.» Universitetet i Oslo (UiO), Institutt for kriminologi og retts sosiologi (2021). https://www.ldo.no/globalassets/_ldo_2019_bilder-til-nye-nettsider_/rapporter/lengst-inne-i-fengselet.pdf
- 14) <https://www.ldo.no/en/ombudet-og-samfunnet/siste-nytt2/seksuell-trakassering-skal-ingen-matte-tale/>; <https://www.nrk.no/norge/xl/obersten-og-kvinnene-1.16012025?fbclid=IwAR3LUBz4GHQtoxFYPQXTsyRravuKVHBLQjDSNzuUtmWb0kqyD30s0fnFVRM>
- 15) <https://www.nrk.no/norge/xl/obersten-og-kvinnene-1.16012025?fbclid=IwAR3LUBz4GHQtoxFYPQXTsyRravuKVHBLQjDSNzuUtmWb0kqyD30s0fnFVRM>
- 16) <https://publications.fhi.no/nb/item/asset/dspace:6975/21-00414.pdf>
- 17) <https://www.nrk.no/norge/xl/obersten-og-kvinnene-1.16012025?fbclid=IwAR3LUBz4GHQtoxFYPQXTsyRravuKVHBLQjDSNzuUtmWb0kqyD30s0fnFVRM>
- 18) Prop. 80 L (2016-2017) s. 35-36.
- 19) Dette følger av statistikken på nemndas hjemmeside (<https://www.diskrimineringsnemnda.no/klagesaker-og-statistikk/s%C3%B8klagesaker>):
• I 2018 avgjorde nemnda 156 saker. Av disse ble 28 henlagt, 9 avvist og 42 avsluttet uten avgjørelse. Det ble konstatert brudd i 26 og ikke brudd i 63 saker.
• I 2019 avgjorde nemnda 296 saker. Av disse ble 85 henlagt, 59 avvist og 67 avsluttet uten avgjørelse. Det ble konstatert brudd i 21 saker og ikke brudd i 43 saker.
- 20) Se statistikk på nemndas hjemmeside: <https://www.diskrimineringsnemnda.no/klagesaker-og-statistikk/s%C3%B8klagesaker>.
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