



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the eighth periodic report
of Norway**

Addendum

**Information provided by Norway in follow-up to the
concluding observations***

[Date received: 1 July 2014]

* The present document is being issued without formal editing.



Recommendation 24

The Committee urges the State party to:

(a) *Give high priority to the enactment of comprehensive specific legislation on domestic violence, to put in place comprehensive measures to prevent and address violence against women and girls, including marital rape, to ensure that perpetrators are prosecuted and punished commensurate with the gravity of their crimes, in accordance with the Committee's general recommendation No. 19 (1992) on violence against women and to raise awareness among women that marital rape is criminalized;*

(b) *Adopt a legal definition of rape in the Penal Code so as to place the lack of consent at its centre, in line with the Committee's general recommendation No. 19, and the Vertido case (communication No. 18/2008);*

(c) *Train lay judges on the subject of violence against women;*

(d) *Provide adequate assistance and protection to women victims of violence, including to women with disabilities, by strengthening the capacity of shelters and crisis centres, and ensure that the need to help men victims of violence is addressed without detriment to the needs of women victims of violence; and*

(e) *Set a time frame for ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.*

Reply: 24 (a)

A specific provision on domestic violence, Section 219 of the General Civil Penal Code 1902, was adopted by the Norwegian Parliament on 21 December 2005. Section 219 reads as follows:

«Any person who by threats, duress, deprivation of liberty, violence or any other wrong grossly or repeatedly maltreats

(a) *his or her former or present spouse,*

(b) *his or her former or present spouse's kin in direct line of descent,*

(c) *his or her kin in direct line of ascent,*

(d) *any person in his or her household, or*

(e) *any person in his or her care shall be liable to imprisonment for a term not exceeding three years.*

If the maltreatment is gross or the aggrieved person dies or sustains considerable harm to body or health as a result of the treatment, the penalty shall be imprisonment for a term not exceeding six years. In deciding whether the maltreatment is gross, particular importance shall be attached to whether it has endured for a long time and whether such circumstances as are referred to in section 232 are present.

Any person who aids and abets such an offence shall be liable to the same penalty. »

Section 219 of the General Civil Penal Code is intended to be the primary provision in cases of domestic violence, but it is the criminal offence with the highest

sentencing framework that is prosecuted. It is thus not the case that murders committed by a partner or former partner lead to a more lenient sentence than other murders in Norway.

The general definition of rape pursuant to Section 195 of the General Penal Code includes marital rape. A finding of guilt in cases of marital rape will thus be based on this provision. The interpretation that the general definition of rape in Section 195 includes marital rape was confirmed by the Norwegian Supreme Court in 1974 (Rt. 1974 s. 1121).

24 (b)

Norway will consider whether a revision of the current definition of rape in the Penal Code is warranted in light of *inter alia* the Committee's general recommendation No. 19, and the Vertido case (communication No. 18/2008). A proposal in that regard was sent on a public hearing in February 2013 and is currently being followed up by the Ministry of Justice and Public Security.

24 (c)

Lay judges are not given any special training regarding violence against women. The information given to lay judges is up to the individual court and judge. In general, the legally qualified judge in the case will give all those serving as lay judges for the first time a short briefing on how a court case is carried out, etc.

24 (d)

The Act relating to municipal crisis centres entered into force on 1 January 2010. This Act orders municipalities to ensure that women, men and children who are subject to domestic violence or threats of violence are provided with a good, general crisis centre service. The Act contains requirements relating to free board and lodging, a daytime service and a 24-hour phone helpline. The Act's wording is gender-neutral but it is underlined that the services offered to women and men must be physically separate. Although men are also subject to domestic violence and need crisis centres, it is important that this does not remove the focus from the fact that domestic violence mainly affects women.

The crisis centres are to be individually adapted and accessible irrespective of disabilities and ethnic background. The Act is intended to ensure the provision of crisis centre services suitable for all those who are subject to domestic violence.

The municipalities' implementation of the Crisis Centre Act is under evaluation. This evaluation will, among other things, include a review of the extent to which the municipalities meet the Act's requirements and whether the County Governors' duty to supervise the crisis centre services is sufficient to ensure good services. The results will be published in the autumn of 2014 and form the basis of an assessment of the need to further develop these services.

24 (e)

The ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence requires some legislative amendments. A proposal on the necessary amendments was sent on a public hearing

in February 2013 and is currently being followed up by the Ministry of Justice and Public Security. A time frame for ratification will be set in due course.

Recommendation 30

The Committee urges the State party to:

(a) *Implement legislation guaranteeing equal pay for work of equal value, to narrow and close the wage gap between women and men in accordance with the International Labour Organization Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, and hasten the process of adopting the proposed legislation that will, along with other measures, provide for transparency in wages and mandate information provision from employers whenever discrimination is suspected;*

(b) *Take effective measures to prevent discrimination against women on account of pregnancy and childbirth, and ensure that all women and men in public and private sectors are guaranteed paid parental leave;*

(c) *Implement policies targeted at women, including the adoption of temporary special measures to curb women's unemployment and involuntary part-time employment, to create more opportunities for women to extend their working hours including by mandating reduction of the scope of part-time posts especially in the governmental and public service, to gain priority access to full-time employment and guarantee all women employees with the right to choose full-time work and to strengthen its measures to promote women's entry into growth sectors of the economy;*

(d) *Adopt more vigorous measures to accelerate the eradication of pay discrimination against women, including job evaluations across market sectors, the collection of data, the organization of a nationwide equal pay campaign and the provision of increased assistance to social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women;*

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

(f) *Improve the access and participation of women from a minority background in the labour market by providing adequate information and training and by facilitating the accreditation and approval of prior education and work experience, as well as by conducting research on the impact of institutional regulations that limit women, in particular migrant women of ethnic and minority communities, on the basis of their way of dressing, such as wearing a headscarf, with a view to ensure their full enjoyment of rights enshrined under the Convention; and*

(g) *Ensure that the implementation of a gender-equality policy, including pay equity guarantees and the use of special temporary measures, when necessary, constitutes a legal requirement for granting public procurement contracts.*

Reply: 30 (a)***The Gender Equality Act***

Norwegian legislation stipulates that women and men are to receive equal pay for work of equal value. Section 5 of the Gender Equality Act prevents discrimination on the basis of gender. As regards pay, the content of the prohibition is stipulated in section 21 of the Gender Equality Act *Equal pay for work of equal value*.

Section 21 of the Gender Equality Act — equal pay for work of equal value

According to section 21 of the Gender Equality Act, women and men who work for the same undertaking have the right to equal pay for the same work and for work of equal value (the equal pay provision). It follows from the equal pay provision in section 21, seen together with the general prohibition against discrimination stipulated in section 5, that the pay is to be determined in a way that is not directly or indirectly discriminating.

According to section 21 of the Gender Equality Act, pay is the ordinary remuneration for work plus all other supplements or advantages or other benefits provided by the employer. Pensions, bonus schemes, work clothes, cars, subscriptions, telephones, etc., are counted as part of the pay. The right to equal pay pursuant to section 21 only applies to employees of the same undertaking.

The right to equal pay pursuant to section 21 of the Gender Equality Act applies in those cases where two employees carry out work of equal value. Firstly, the same work, i.e. work that from the outside appears to be the same, will also be of equal value. This applies if the employees have the same professional backgrounds and carry out the same tasks. Secondly, work that appears to be different, for example due to the employees' different professional backgrounds, may also be of equal value.

When assessing whether two different jobs are of equal value, an overall assessment must be conducted of all the factors that are of importance to the execution of the specific work. According to section 21 subsection 3, the key assessment criteria are the expertise required to perform the work as well as the effort, responsibility and working conditions. All the professional qualifications and characteristics, as well as responsibilities and strains, needed to carry out the work should be taken into consideration.

Section 22 of the Gender Equality Act — the employer's duty of disclosure regarding pay

To ensure the efficient follow-up of the Gender Equality Act's prohibition against pay discrimination and stipulation of the right to equal pay, the new Gender Equality Act of 1 January 2014 includes a provision regarding the employer's duty of disclosure regarding pay. This provision is intended to contribute to greater openness regarding pay in the workplace.

According to section 22 of the Gender Equality Act, an employee who suspects discrimination in the setting of pay may demand that the employer provide written confirmation of the pay level and the criteria for the setting of the pay of the person or persons with whom the person in question is making a comparison.

The employer is subject to the Personal Data Act and the actual disclosure of pay information is an act that requires a legal basis. Section 22 of the Gender Equality Act provides a separate authority, which is a sufficient legal basis according to the Personal Data Act.

The employer's duty to disclose pay information is to be followed by a corresponding duty to inform the employee of the information that has been disclosed and to whom it has been disclosed.

The person who receives pay information pursuant to this provision is subject to a duty of confidentiality and must sign a confidentiality declaration. This does not apply to information covered by the Freedom of Information Act.

Enforcement

The Norwegian Equality and Anti-Discrimination Ombud and Equality Tribunal deal with complaints concerning breaches of the provisions of the Gender Equality Act. The Ombud is to consider whether the matter contravenes the Gender Equality Act. If the Ombud decides that there has been a breach of the Act, the Ombud shall encourage the responsible party to comply with the Ombud's statement.

However, the Ombud's statements are not legally binding. The Ombud cannot impose any sanction as a result of a breach of the Act.

If the responsible party does not comply with the Ombud's statement, the matter may be appealed against to the Norwegian Equality Tribunal. The Tribunal may impose the following sanctions: rectification, halting and enforcement damages.

The Norwegian Technical Calculation Committee for Wage Settlements (TBU)

The Norwegian Technical Calculation Committee for Wage Settlements annually publishes the pay of women and men according to negotiation area, industry, age and education level. The Committee consists of representatives of employer and employee organizations as well as of various ministries.

Statistics Norway also publishes on its website detailed pay statistics for women and men according to various indicators and will from 2015 (according to plan) be able to present even better pay statistics than the current ones. The wage gap between women and men has on the whole narrowed slightly over the past few years and in 2013 women earned on average 86.5 per cent of men's pay.

30 (b)

The parental benefit scheme

The Norwegian parental benefit scheme covers all workers, i.e. employees in the private and public sector, the self-employed and freelancers.

In order to be entitled to parental benefit, the parent must have worked and had a pensionable income for at least six of the 10 months prior to the parent starting to receive parental benefit. The pensionable income must, on an annual basis, equal at least half of the National Insurance basic amount (G). As from 1 May 2013, the basic amount is NOK 85,245. A period during which the parent receives some social security benefits (such as sick pay or parental benefit) is counted as a work period.

As from 1 July 2013, the parental benefit period is 49 weeks of full pay compensation or 59 weeks of 80 per cent pay compensation. Women who are not entitled to parental benefit are entitled to a lump-sum maternity grant which in 2014 equals NOK 38,750.

Amendments to the Gender Equality Act

Section 20 of the Gender Equality Act was introduced in 2012. This provision stipulates that employees who are or have been on parental leave are

- entitled to return to the same, or a corresponding, position
- entitled to make pay claims and to have their pay assessed
- entitled to benefit from general improvements in pay and working conditions

These rights can also be deduced from the prohibition against gender discrimination in the Gender Equality Act which protects employees against wrongful differential treatment based on parental leave, so the provision thus specifies and clarifies these rules.

Student rights

Pregnancy may be a strain on a woman while studying and lead to involuntary delays and the danger of worse results. To combat this, women in Norway are entitled to leave from their studies during a pregnancy and while caring for children. During the leave, the student will still have the status of a student at the institution, with the rights this entails, and be entitled to resume her studies at the same level as before the leave. These rights are stipulated in section 4-5 of the Universities and University Colleges Act.

The Ministry now proposes that pregnant women who have enrolled for an exam are to be entitled to postpone the exam if the exam date is during the period between three weeks before her due date and six weeks after the birth. The father of the child is to be given the right to postpone his exams if the exam date is during the two-week period after the birth. Since a co-mother has the same rights as a father, women in same-sex relationships will be treated in the same way as fathers. The rights stated in this paragraph will be proposed but have not yet been agreed to. It is proposed to include the rights in section 4-5 of the Universities and University Colleges Act.

30 (c)

Unemployment in Norway is still quite low, although it has increased slightly during the past year. Women have a lower level of unemployment than men (3.3 per cent compared to 3.7 per cent in 2013 (The Labour Survey (*Arbeidskraftundersøkelsen*))) but the level of unemployment has increased more for women than for men the last year. Women's unemployment rate has been lower than men's over the past two decades. Norway has no unemployment measures aimed especially at women. Many women in Norway work part-time, although the percentage has fallen slightly over the past few years. In 2013, 40 per cent of women worked part-time. Of these, almost ten per cent stated they were underemployed. Almost three-quarters of all those who are underemployed are women.

The government will make efforts to reduce the use of involuntary part-time work and to establish a culture of full-time employment in working life. Various measures to reduce the amount of involuntary part-time work in Norwegian working life have been implemented over several years. The most recent measures are three new provisions in the Working Environment Act which were adopted by the Norwegian parliament in June 2013 and entered into force on 1 January 2014. In the first place, employers are now subject to a statutory duty to discuss the use of part-time positions with employee representatives at least once a year. Another provision stipulates a right to a position equal to the actual time worked for part-time employees who, on the whole, have worked more than their agreed working hours during the past 12 months. The third provision imposes a duty on the employer to discuss the issue with the employee in so far as practically possible before making a decision regarding the hiring of a person for a position to which the employee claims he/she has a preferential right. These three provisions follow up a 2010 report to the Norwegian parliament on working life that gave notice of several measures to combat involuntary part-time work.

Several other measures to combat involuntary part-time work have been implemented over the past few years. In 2005, a provision giving part-time employees a preferential right to increase their working hours instead of the employer hiring a new person was included in the Working Environment Act. In 2010, the working hours of those working shifts and rotas were stated to be equal. Previously, the regulation of the working hours of shift and rota workers was based on the working-hour schemes in one sector, the manufacturing industry, which is male-dominated. This meant that employees with very different working-hour scheme burdens had the same normal working hours. The new scheme means that the reduction in working hours if the employee works shifts or rotas is to a greater extent linked to independent and gender-neutral criteria. The compensation for inconvenient working hours was increased to make it more attractive to work at nights and during the weekends. The difficulty in procuring labour to work at weekends is an important reason for the large amount of involuntary part-time work, especially in the health care sector. Where this rota scheme is used, the change will contribute to more people choosing to work at the weekends more often than before and thus also reduce the extent of involuntary part-time work.

In addition, some trials of different working-hour schemes and training have been initiated and may help to increase the percentage of full-time worked by those employee groups with a high incidence of part-time work. Several ministries are involved in this work and many of the trials are taking place in the health and social services field in the municipal sector and in the regional health authorities. In the development programme *Saman om ein betre kommune* (Together to create a better municipality), 30-40 municipalities are working on local projects to increase the percentage of full-time employees.

These municipalities receive financial support for their projects and share their experiences in a network. Several have developed their projects so that they are about how to establish a culture of full-time working. The municipalities are being monitored closely and their experiences and results will be published.

The Norwegian government has made efforts to encourage women to take higher education, especially in subjects that are male dominated. This has been done using a number of tools among other things, women are given extra credits when applying

for several courses where women are under-represented including engineering studies.

30 (d)

The parental benefit scheme

As from 1 July 2013, the parental benefit scheme is divided into three. Each of the parents is assigned an equally long period after the birth. In addition, there is a shared period that the parents themselves decide how to divide between them.

Time off to breastfeed with pay

As from 1 January 2014, women are entitled to be paid by their employer for up to one hour off to breastfeed on days with agreed working hours of seven hours or more. The right to pay during the time off to breastfeed applies during the child's first year, while the right to time off to breastfeed has no time limit.

These changes are a follow-up to Report to the Norwegian Parliament (Meld. St.) no. 6 (2010-2011)

Likestilling for likelønn (Equality to Ensure Equal Pay), submitted by the Stoltenberg II government.

Tripartite collaboration on equality in working life

The Ministry of Labour and Social Affairs, Ministry of Children, Equality and Social Inclusion and main employers' and employees' organizations have agreed to reinforce the tripartite collaboration to strengthen the efforts to achieve equality in working life. The collaboration will be anchored in the *Arbeidslivs-og Pensjonspolitisk Råd* (Committee on Labour Market and Pension Issues), a permanent forum where the Government and employers' and employees' organizations can discuss working-life issues. The Committee will hold separate meetings to discuss equality between women and men in working life and will help to shed light on equality challenges in the various issues that are otherwise raised. The Committee will establish a separate working group to discuss equality in working life.

Why we do not evaluate jobs across different market sectors

Work assessment as a tool to ensure equal pay has not achieved any great popularity in Norway. Work assessment measures the value of job groups across professional and occupational boundaries and makes it possible to compare the value of women's and men's work in a gender-divided labour market. In Norway, work assessment has not been seen as a good strategy for achieving equal pay and has attracted some criticism as a tool to ensure equal pay. One of the most important criticisms is that the method rarely leads to change because it does not take into consideration how negotiation strength and power structures affect pay determination.

National equal-pay campaign

Norway has not had any national equal-pay campaign initiated by the authorities. A campaign will probably have very little effect on the current pay differences that exist between women and men. A lot of the wage gap is due to women and men

working in different enterprises and having different career patterns and labour-market behaviour, etc. These are factors that a campaign is unlikely to resolve, and Norway has for that reason no plans for an equal-pay campaign.

30 (e)

The state pension system

Reference is made to the survey entitled “The Norwegian Social Insurance Scheme”, the latest version of which may be found on the following website:

http://www.regjeringen.no/en/dep/ad/doc/veiledninger_brosjyrer/2013/the-norwegian-social-insurance-scheme-20.html?id=716026

Reference is furthermore made to the enclosed paper by Dennis Fredriksen and Nils Martin Stølen of Statistics Norway, entitled *Gender aspects of the Norwegian pension system*.

The Norwegian pension reform introduced new provisions on pension earning for persons born after 1953. (For persons born in the years 1954 to 1962, the old-age pension will consist of proportional parts calculated according to the new and the old provisions. The new provisions will have full effect for persons born in 1963 or later.)

In the new pension system, the income-based pension will be calculated on the basis of *all* pensionable income earned between the ages of 13 and 75, as opposed to the old pension system, where 40 years of insurance gave entitlement to a full pension, calculated on the basis of the income during the person’s 20 best income years.

Several features of Norwegian society and Norwegian social legislation ensure that the described amendment does not result in indirect discrimination against women.

According to a study by Statistics Norway, published 31 July 2013, the labour force participation rate for women in Norway, ages 15 to 74, is 68.4 (per 2nd quarter, 2013). For men, the corresponding figure is 74.5. The difference between the genders in this respect may to some extent be due to the fact that more women than men are undergoing higher education (university or equivalent). It would be reasonable to assume that the difference between the genders would be even smaller for persons born in 1954 or later, i.e. the group that will be affected by the described amendment to the National Insurance Act.

The old earning provisions have a relatively high earnings ceiling. Full credit is given for income up to 6 times the Basic amount (B.a.) of the National Insurance Scheme. The B.a. is NOK 85,245 as per 1 May 2013. Furthermore, 1/3 of income between 6 B.a. and 12 B.a. is credited as pensionable income. In the new earning provisions, the earnings ceiling is 7.1 B.a. Income in excess of these ceilings are disregarded for pension earning purposes. Since men on average still have slightly higher income than women, more men than women will be affected by the lowered earnings ceiling.

In addition to pension earning through pensionable income, the pension capital may be increased through e.g. unpaid homecare. Provisions on pension earning for people taking care of elderly family members or children under the age of 6 were introduced as early as 1992. In the old earning provisions, a pension guarantee ensures that persons who meet the requirements will have a pension earning at the

same level as if they had an actual pensionable income of 4 B.a. In the new pension provisions, the level has been increased to 4.5 B.a. The increase is given retroactive effect, also for years prior to 1992.

In addition to the income-based pension, the new pension system comprises a guaranteed pension, which is purely residence-based, and for which no labour force participation or contribution payment is required. Persons who have lived in Norway for 40 years between the ages of 16 and 66 are entitled to a full guaranteed pension. With a shorter period, the pension is proportionally reduced. This component of the pension scheme ensures that all persons with the required 40 years in Norway will receive an adequate pension upon retirement.

Persons with less than 40 years are, however, guaranteed a pension at the same level through the Supplementary Allowances Scheme, cf. Chapter 20 of the abovementioned survey entitled "The Norwegian Social Insurance Scheme".

As shown in Chapter 10.3 of the survey, the Norwegian scheme for cash benefits in the case of maternity and adoption is generous. The parental leave benefit period is 49 weeks, with a replacement rate of 100 per cent, up to a ceiling of 6 B.a. (NOK 511 470). The parents may choose to prolong the parental leave period by reducing the replacement rate to 80 per cent. The total benefit period will then be 59 weeks.

The parental leave benefit is pensionable income. This means that if the parents choose the 100 per cent replacement rate, the parental leave period will not result in a lower future pension.

The parental leave benefit period is divided into three parts. A period of 14 weeks is reserved for the father (father's quota), a period of 14 weeks is reserved for the mother (mother's quota), and a period of 21 or 31 weeks, depending on the replacement rate, is to be divided between the parents' according to their preferences. The father's quota and other measures contribute towards a society with a high level of gender equality, where the care giving is not resting as heavily on women as is the case in some other countries.

An important feature in the new pension scheme is that life expectancy is used as a component in the pension calculation. This is done by dividing the accumulated pension capital by an annuity divisor which reflects the expected number of years as an old-age pensioner. The annuity divisor is based on observed mortality rates. The divisor is therefore not gender specific, i.e. the same divisor applies to both genders.

However, it is a statistical fact that women on average live longer than men. According to statistics published by Statistics Norway in April 2013, girls born in 2012 have a life expectancy of 83.41 years, while boys born in the same year have a life expectancy of 79.42 years.

The fact that the same divisor applies to both genders, while women live longer than men, has a significant redistribution effect to the benefit of women.

The Ministry of Labour and Social Affairs has assigned the Research Council of Norway the task of assessing the Pensions Reform, including its possible effects on gender equality. The evaluation will take place from 2011 to 2018.

The employer-related pension system

Employer undertakings can establish a pension scheme to give their employees a retirement pension in addition to that which the employees receive as pay while they are employed. The retirement pension benefits under an occupational pension scheme are payable in addition to the National Insurance retirement pension. The Mandatory Occupational Pensions Act stipulates the undertakings that are obliged to establish an occupational pension scheme for their employees, the kind of pension scheme they must at least have and the minimum premium or contribution requirements in such schemes.

Pension schemes pursuant to the Defined Benefit Pensions Act, Defined Contribution Pensions Act or Occupational Pensions Act may meet the Mandatory Occupational Pensions Act's requirements.

These schemes provide tax benefits. In order for Norwegian occupational pension schemes to qualify for tax benefits, all the employees of an undertaking must have an equal right to become a member of the undertaking's pension scheme and the pension accrual cannot equal a larger percentage of the salary of highly paid employees than of the salary of lower-paid employees (the proportionality principle). In Norway, occupational pension schemes are decentralized and linked to the individual undertaking. Apart from the Mandatory Occupational Pensions Act's minimum requirements, it is up to the individual employer undertaking to determine the economic frameworks for its individual retirement pension scheme depending on its own cost-paying ability.

Because women are expected to live longer than men, the premiums and contributions payable in defined benefit company pension schemes, in defined contribution pension schemes that are to be converted into an assured annual benefit on the date when a pension is taken, and in occupational pension schemes must be slightly higher for women than for men in order to achieve the same estimated annual pension benefit. In connection with this, it has been assumed that pension schemes where different annual premiums or contributions provide equal annual benefits are more acceptable from a gender-equality viewpoint than equal annual contributions or premiums and *different* annual benefits. The consequences of the rules that a higher pension contribution is to be paid for women than for men are to be investigated as part of a further assessment of the economic and administrative effects of adapting the private occupational pension schemes to the pension reform. Among other things, it is to be considered whether a distinction between the contributions to the pension plan and premium payments may contribute to the more equal treatment of women and men in relation to pensions.

30 (f)***General labour-market measures***

All immigrants who visit a Labour and Welfare Service (NAV) office and have a right to reside in the country are entitled to an assessment of their needs and ability to work in the same way as everyone else. The assessment of their needs forms the basis for any allocation of measures. The type of measures offered depends among other things on the kind of assistance the immigrant requires to get a job more quickly. Immigrants are a vulnerable group in the labour market and are therefore a key target group for the labour-market policy. Unemployed immigrants from

countries outside the European Economic Area (EEA) are to be prioritized for admission to labour-market measures arranged by the Labour and Welfare Service. In general, there are relatively more immigrants participating in various measures than their percentage of the population would indicate. In 2013, immigrants made up almost 60 per cent of all the women who took part in labour-market measures.

Immigrant women have higher levels of registered unemployment than immigrant men.

According to the Labour and Welfare Service, participants must have achieved a certain proficiency in the Norwegian language in order to be able to benefit from the measures offered. Not all immigrant

women (or immigrant men) have achieved this. It appears that immigrants, and especially female ones, need to acquire more skills to be able to get a job and there is also a need for greater numbers of suitable local measures. Both the Labour and Welfare Service and the ministries are working on these challenges. Two work groups have been appointed to look at:

- The collaboration between the Labour and Welfare Service and the municipalities regarding those participating in the introduction scheme, and the use of labour-market measures in relation to immigrants (under the leadership of the Ministry of Labour and Social Affairs)
- How to better combine an introduction programme with primary/secondary schooling and examine the transition between the introduction programme and the qualification programme (under the leadership of the Directorate of Integration and Diversity (IMDi)).

The qualification programme is intended to help persons with a significantly reduced ability to work and earn an income to get and keep an ordinary job. Close, binding assistance and follow-up are important elements in the programme. Many of those in the target group would otherwise have been dependent on social security as their main source of income for lengthy periods. The programme is open to both women and men. Almost half of those participating in the qualification programme are women. Both single women and women who are provided for by their husbands but who are themselves excluded from the workplace can take part in the programme. Almost half of the participants in the programme in 2011 were immigrants. In 2011, the areas of the world that the participants came from were as follows: Norway (51%), Africa (19%), Asia (21%) and Europe (7%).

Integration measures

The introduction programme

The main goal of the integration policy is to achieve a society without any socioeconomic differences that follow ethnic divisions. Immigrants and their children must not be worse off than others. We must adapt qualification programmes for those who come here so that these immigrants can utilize their resources and take part in working life and society in the same way as everyone else. The introduction programme is an important tool to reach this goal.

The introduction programme is an individually adapted qualification programme for newly arrived immigrants who need to acquire basic skills. Immigrants are entitled and obliged to participate in a two-year, full-time introduction programme. This

programme aims to provide a basic knowledge of Norwegian and a fundamental insight into Norwegian society and to prepare the immigrant for further education or participation in working life. The individual municipality is responsible for offering the introduction programme.

The target group is persons between the ages of 18 and 55 years who require basic skills and have been granted asylum or a residence permit on humanitarian grounds, persons who have been given collective protection in a mass flight situation, resettlement refugees, family members of the aforementioned groups and persons who, following a relationship breakup, have been granted a residence permit on independent grounds based on abuse in the relationship.

Figures from Statistics Norway show that 13,200 people took part in the introduction scheme in 2012. Fifty per cent of the participants were women while 50 per cent were men. As in 2011, most of the participants, more than seven out of 10, were from Eritrea, Somalia, Afghanistan, Iraq and Ethiopia.

Of those who completed the programme in 2010, 54 per cent were either working and/or studying in November 2011. Thirteen per cent were registered as unemployed or taking part in employment schemes.

There are great differences between women and men when it comes to the percentage that are working and/or studying the year after they finished the programme. Of those who finished the programme in 2010, 66 per cent of the men were working and/or studying in November 2011. For the women, this figure was 42 per cent. There are also great differences between the municipalities when it comes to the percentage working and/or studying after they finish the programme.

Participation in the programme entitles the immigrant to an introduction benefit equal to twice the National Insurance basic amount each year. As at 1 May 2013, this is NOK 170,490 per annum. Participants under the age of 25 years receive two-thirds of this amount.

Courses in the Norwegian language and social studies

Through the Introduction Act, newly arrived adult immigrants are given the right and/or duty to attend courses in Norwegian and social studies. The objective of the courses is to strengthen the immigrants' opportunities to take part in working life and society and make them more financially independent.

The right and/or duty to attend courses in Norwegian and social studies apply to persons who have been given a residence permit that provides a basis for a permanent residence permit after 1 September 2005. Only those between 16 and 55 years have a right and duty to attend the courses.

Persons between the ages of 55 and 67 years have no duty to attend the courses but are entitled to attend the courses.

Those covered by the right and duty to attend the courses after 1 January 2012 must attend courses for 600 hours — 550 hours of Norwegian studies and 50 hours of social studies in a language that the individual understands. If necessary, those covered by the right and duty to attend the courses may be offered up to 2,400 hours of Norwegian studies.

Labour immigrants from countries outside the EEA/EFTA and their family members have a duty to attend the courses but are not entitled to receive this education free of charge. This group has a duty to attend courses for 300 hours and this also applies to those who received their residence permit after 1 January 2012. Those with a residence permit pursuant to the EEA/EFTA rules and Norwegian and Nordic citizens have neither a right nor a duty to attend courses in Norwegian and social studies.

The municipality is responsible for offering the courses and the courses must be adapted to the individual's needs and abilities.

Completing the mandatory courses (300 or 600 hours) is a requirement for receiving a permanent residence permit. Those applying for Norwegian citizenship must have completed the mandatory courses pursuant to the Introduction Act or document a sufficient knowledge of Norwegian in order to obtain Norwegian citizenship.

More and more people are taking Norwegian tests. In 2007, around 7,000 took the final test, while in 2012 this figure was more than 15,000. In 2012, 58 per cent passed the written part of the test and 83.4 per cent passed the oral part.

At the request of the Ministry of Children, Equality and Social Inclusion, Statistics Norway publishes statistics of the participants in the scheme involving courses in Norwegian and social studies for adult immigrants. The number of participants has been stable at around 37,000 for the past three years (2010-2012). In 2012, 58 per cent of the participants were women while 42 per cent were men. The statistics show that participants from some countries in Asia and Africa dominate the numbers taking Norwegian courses. In total, participants from Somalia and Eritrea comprised more than 27 per cent of all the participants whose nationality was known. There were also many participants from Thailand and Afghanistan.

Of those who had stated their educational background, 47 per cent had studied at primary/lower secondary school level or lower. Nine per cent had no education from their country of origin. Many of those attending Norwegian courses have therefore limited schooling from their country of origin and this leads to a great need for education in Norway.

The Job Chance (Jobbsjansen)

It is profitable to focus on tailored measures, including for persons who have not worked for a long time. More women with an immigrant background must be given the opportunity to get a job and the government believes it is especially important to provide a good service to women who are outside the labour market in order to contribute to increased employment and a better standard of living. For this reason Jobbsjansen (the Job Chance) was introduced as a permanent scheme in 2013.

Its target group is immigrants aged 18-55 years who need basic qualifications, who have no links with working life and who are not covered by other schemes. Immigrant women who do not work and are not dependent on social security are a prioritized target group for the Job Chance.

The programme is intended to be individually adapted and carried out in so far as possible in accordance with the Introduction Act and recommended guidelines. It is to lead to better qualifications for taking part in working life, better proficiency in Norwegian and better insight into Norwegian society. The programme is intended to

lay the foundation for a permanent link with working life and for financial independence. The programme can last for up to two years and may be extended for up to one year if this is regarded as necessary and expedient. In the case of persons who lack basic reading and writing skills in their own mother tongue, the programme may be extended for yet another year, i.e. it may last for a total of four years.

The national budget for 2014 allocates NOK 87 million to the Job Chance, an increase of NOK 60 million compared to that allocated to *Ny sjanse* (A New Chance) in 2012.

The action plan called Vi trenger innvandrernes kompetanse (We Need the Competence of Immigrants)

The Ministry of Children, Equality and Social Inclusion launched *Handlingsplan 2013-2016: Vi trenger innvandrernes kompetanse* (Action Plan 2013-2016: We need ***the Competence of Immigrants***) in 2013. The action plan is intended to allow even more people to make use of their skills and resources. The plan contains 19 measures and is among other things aimed at contributing to better approval schemes for foreign educational qualifications and other competence.

Approval of foreign educational qualifications

The kind of education that an immigrant has determines the approval needed and the approval office that is to assess the application. Separate institutions approve different types of higher education and professions regulated by law. NOKUT (the Norwegian Agency for Quality Assurance in Education) (<http://www.nokut.no/en/>) has general responsibility for higher education but also plays a role in providing an overview and assistance regarding where to apply to have other types of education approved. As regards foreign certificates of apprenticeship and craft certificates (at upper secondary school level), there are no formal approval schemes for professions that are not regulated by law.

However, it is possible to obtain an assessment of the formal and informal competence in the contents of the foreign education compared to the relevant Norwegian craft training.

All approval of higher education qualifications by public authorities in Norway is free of charge. In Norway, there are two main routes to obtain approval of qualifications:

- NOKUT (The Norwegian Agency for Quality Assurance in Education)/the ministries responsible for the subject — general recognition and recognition of professional qualifications for professions regulated by law.
- Approval of universities and colleges.

NOKUT provides *general recognition* of higher foreign educational qualifications following applications from individuals. General recognition is a decision that the qualifications are approved as being equal to accredited Norwegian higher educational qualifications. In the case of a general recognition, it is considered whether the scope and level of the education equal a Norwegian bachelor's, master's or doctoral degree, but the subject content of the applicant's educational qualifications is not normally specified.

In 2013, systems were implemented to provide general recognition for applicants who have no verifiable documentation of their foreign education. NOKUT is responsible for this scheme and the general recognition decisions are based on expert assessments of the applicant's competence.

General recognition is on the whole intended for working life, but it is up to the applicant how it is used. The procedures and other necessary information are to be found on NOKUT's website. The approval is gender-neutral.

NOKUT is responsible for providing information on various approval schemes to students, job-seekers and public authorities.

Applications are processed successively according to their registration date. NOKUT asks supplementary questions if the application is incomplete. The general recognition assessment does not take non-formal learning into account.

Professions regulated by law (such as teachers, physicians, nurses) are approved by the ministry/directorate responsible for these professions, normally after NOKUT has conducted a general recognition assessment. This assessment is also gender-neutral and is conducted successively according to the date when the application is submitted.

Universities and colleges may provide *specific recognition*. This entails an assessment of whether the applicant's education is equivalent to a specific education provided by the institution and is usually used when an applicant wishes to study at the institution in question. It is up to the individual institution to determine whether work experience can be approved as part of the applicant's qualifications. The recognition scheme is gender-neutral. It is up to the individual institution to consider any measures to encourage women, and especially immigrant women, to apply for admission to studies based on specific recognition.

The assessment of a foreign primary/secondary education as a basis for admission to higher education takes place through a separate nationwide body — *Samordna Opptak* (Norwegian Universities and Colleges Admission Service (NUCAS)). This assessment is based on a list prepared by NOKUT, the GSU List (requirements as to general higher education entrance qualifications for applicants with foreign educational qualifications). At this level, too, admission takes place on a non-discriminatory basis.

Anyone who feels discriminated against in connection with assessments conducted by public bodies, including in connection with an assessment of educational qualifications, may complain to the Norwegian Equality and Anti-Discrimination Ombud. The Ombud deals with complaints free of charge and anyone wishing to complain may obtain guidance and help from the Ombud's executive officers.

In Norway, more women than men complete higher education and women achieve better results. A steadily increasing number of these are women with immigrant backgrounds. A report entitled *En helhetlig integreringspolitikk* (An Overall Integration Policy) was submitted to the Norwegian parliament in 2012. This report also reviewed the situation for immigrant women and work is being carried out on a number of measures aimed at informing and encouraging immigrant women, among others, to utilize and expand their formal qualifications.

Programme to ensure basic competence in working life

The programme to ensure basic competence in working life (Program for basiskompetanse i arbeidslivet (BKA)) provides grants to courses in basic reading, writing, arithmetic and ICT for employees of private and public enterprises.

An evaluation of the programme (Proba, 2012) shows that it reaches its target group. The programme has demonstrated that the workplace is a very successful educational arena for adults with little formal education. The fact that the training takes place during working hours and is supported by the employer means that questions relating to living expenses are on the whole resolved by the employee receiving pay while training.

According to PIAAC (2013), an OECD survey of adult skills, more than 400,000 adult Norwegians have weak fundamental skills. Groups which score relatively poorly in the test are those with immigrant backgrounds, the youngest (16-24 years old) and the oldest (55-65 years old).

In 2012, a relatively equal number of men and women took part in the programme — 49 per cent women and 51 per cent men. In 2013, 24 per cent of those attending ordinary courses were minority-lingual. Thirteen per cent were minority-lingual women.

As from 2014, the BKA programme can teach spoken Norwegian in addition to other fundamental skills.

Research into the effect of prohibitions against religious headgear

The Norwegian authorities have not initiated any research into the effect of prohibiting religious headgear.

As regards the hiring of court employees other than judges, this takes place locally in the courts. The Norwegian National Courts Administration assists the courts in this work, including with regard to training.

The courts and National Courts Administration are aware of the Personnel Report (PM) 2004-12 published by the Ministry of Modernization and Administration (now the Ministry of Local Government and Modernization) which states that applicants with immigrant backgrounds are to be summoned to an interview. Despite this, there are still very few employees with immigrant backgrounds in Norwegian courts. The National Courts Administration is actively working on this issue and is in contact with the courts, including at presiding judge conferences.

The legislation contains few barriers preventing women with an immigrant background from being given access to the courts as a workplace. The requirement that judges must have Norwegian citizenship stated in section 53 of the Courts of Justice Act is a kind of barrier but is in practice of lesser importance. Applicants will usually have fulfilled the requirements for Norwegian citizenship by the time they have sufficient qualifications to apply for the job.

The board of the National Courts Administration has also taken the attitude that no prohibition against wearing visible symbols linked to religion, culture, etc., in the courts should be introduced.

The Norwegian Police University College has implemented measures to recruit students with an immigrant background through its *Ny arbeidsform* (New Ways of

Working) project. This project is aimed at admission boards to ensure there is no discrimination and avoid subjective assessments when selecting students.

The wearing of religious headgear is not permitted according to the police uniform rules. There are also no plans to allow the police to wear religious headgear.

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The main objective of the procurement regulations is to ensure that the use of resources in public procurements is as efficient as possible. There are no specific measures in the procurement area to promote equality between the sexes and in our opinion this aim also has no link with the Act's objective of ensuring the efficient use of resources.
