



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Fifty-first session

13 February – 2 March 2012

### List of issues and questions with regard to the consideration of periodic reports: Norway

#### Addendum

#### Replies of Norway to the list of issues to be taken up in connection with the consideration of the eighth periodic reports\*

1. In February 2011 the Government appointed a commission that was given the task to present an overall assessment of existing gender equality policies in general, and consider how people's life cycle, ethnicity and class should be part of gender equality policies. The mandate for the commission included the following tasks (a) discuss the fundamental principle of Norwegian policy of gender equality, including questions about why the Norwegian society has an equal opportunity policy and the aim of this; (b) consider appropriate indicators for gender equality and how to measure desired development; (c) identify areas in Norwegian society where gender equality is not yet achieved; (d) present recommendations for appropriate measures and instruments; (e) assess the need for new research and initiate collection of further knowledge on the issue; (f) consider how future gender equality policies should take into consideration the diversity of the society such as immigration, religion, age and various social groups in society. The aim is to have a foundation for a comprehensive evidence based gender equality policy for the future Norway. The Commission has been asked to submit its report by September 2012. The report is expected to include results achieved in eliminating discrimination against women in areas covered by the Convention. The Commission has also been given an additional task to review and assess the Norwegian equality machinery and to present its findings in a separate report later in November this year (2011). The Government will submit to the Committee the English version of the summaries of both the Commission's reports as soon as they are available.

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

### **Constitutional, legislative and institutional framework**

2. On 18 June 2009 the Storting appointed a committee to propose a limited revision of the Constitution the right of individuals to the freedom of peaceful assembly, with the aim of strengthening the position of human rights. The Human Rights Committee consists of prominent members of the Norwegian public, and its work will be part of the Storting's plans for the celebration of the 200th anniversary of the Constitution. The Committee's report is to be submitted to the Parliament by 1 January 2012. Referring to the question on whether the Government can provide examples of pertinent case law that shows that the provisions of the Convention have been invoked in national courts, we regret to inform you that we have not been able to find examples of Supreme Court cases that refer to the Convention. On the other hand there are quite a few references to the European Human Rights Convention (EHRC) in the Supreme Court cases, but few references to the United Nations Human Rights conventions. Furthermore, we see a clear increase in the references to EHRC after the Human Rights Act came into force in 1999. A possible explanation might be that very few anti-discrimination cases find their way to the courts. Since the establishment of the Equality and Anti-discrimination Ombud, many of the cases concerning the issues covered in the Convention are handled by the Ombud.

3. A proposal on a comprehensive legal protection against discrimination was submitted by a law commission in 2009. The Norwegian Ministry of Children, Equality and Social Inclusion is currently working on following up the commission's proposals. Instead of one comprehensive single act, the Government is now working on a legislative proposal with adjustments in existing anti-discrimination legislation, with an aim to harmonize the rules in the different acts. This approach takes into consideration that a separate act on gender equality provides the best framework to promote women's rights and position in society. Furthermore, that separate acts will provide the best framework for equality with regard to ethnicity and disability. In addition to this, the Government is preparing a bill prohibiting discrimination on grounds of sexual orientation and gender identity. The aim is to extend the protection against discrimination on the basis of sexual orientation to all areas of society, with the exception of private life, and also to give transsexuals and other transgender persons a stronger and clearer protection.

4. The Government aims at improving the quality of interpretation in the public sector. To adapt to the population's diversity and strengthen the minority perspective in interpreting services and public service provision, extensive efforts have been made since 2002. Special measures to improve the quality of the interpreting services were carried out in the police, prosecuting authority/judicial system, at shelter services and in the immigration administration. As part of the Government's action plan to promote equality and prevent ethnic discrimination, consideration will be given in 2009-2012 to introduce common guidelines for the use of interpreters in the public sector. Consideration will also be given to introduce sector specific guidelines for parts of the public sector that are of major significance for the users' welfare. A working group led by the Directorate of Integration and Diversity and commissioned by the Ministry of Children, Equality and Social Inclusion, studied and presented suggestions for measures to improve the quality of the interpreting services in the public sector. The working group has considered how the Government can ensure that the users of interpretation services have both knowledge and skills regarding communication with the use of interpreters. This initiative is part of the Government's action plan to promote equality and prevent ethnic discrimination.

### **National machinery for the advancement of women**

5. In June 2010 the Government decided to develop a new national action plan for gender equality. The new action plan for gender equality will be launched later this year (2011) and covers the period from 2011 to 2014. The purpose of the action plan will be to

provide an overview of Norwegian policies for gender equality in different areas of society. The action plan will also serve as a strategic plan to further develop gender equality policies. The areas to be addressed in the plan are (a) a segregated working life; (b) gender and education; (c) distribution of economical power; (d) equal parenting; (e) domestic violence; (f) gender stereotypes; (g) gender and power; and (h) gender and health. The action plan will include political goals and new initiatives in the specific areas mentioned above, together with a set of statistical indicators. The purpose of these indicators will be to monitor the outcome of the action plan in a long term perspective. The Ministry of Children, Equality and Social Inclusion has consulted the main employer and employee organizations, and civil society organizations within the field of gender equality and related areas in the making of the action plan. The action plan must therefore be seen in connection with policies for equality and anti-discrimination in general. The Government regards ethnicity, disabilities issues and sexual orientations as different aspects of gender equality. The Government will submit to the Committee the English version of the new Action Plan on Gender Equality as soon as it has been launched.

6. The main tool to include gender equality in the budget propositions of all ministries is the Master Budget Document that requires all ministries to incorporate gender and a gender perspective where this is found relevant and appropriate. The Norwegian Ministry of Children, Equality and Social Inclusion has a particular responsibility for coordination and for initiatives on gender equality in the public sector, and for preventing discrimination on grounds of gender, religion, ethnicity, disability and sexual orientation for both children and adults at ministerial level. The Ministry also coordinates the High Level Group of Senior Official on Gender Equality and uses this high level group to discuss gender equality issues such as how the ministries are managing to include specific objectives and indicators for gender equality in their budget proposals. Gender budgeting is an ongoing continuous process that has to be followed up on an annual basis. Every year, after the budget has been presented to the Parliament, the Equality and Discrimination Ombud scrutinizes some of the ministries' gender budgeting. The Ombud addresses those cases where the ministries fail to follow up their obligations.

7. Since 2007 the Ministry of Children, Equality and Social Inclusion has financially supported 3 regional centers for equality and diversity. The centers are mandated with following up local and regional municipalities and companies by providing guidance, training and exchanges of experience. The evaluation of the regional centers for equality and diversity, carried out in 2010, shows a need at local and regional level for information and guidance on how to mainstream equality issues (Source, publication: "Evalueringssrapport Regionale sentre for likestilling og mangfold" AFI/ The Work Research Institute, 2010). The appointed commission referred to in paragraph 1, has also been given the task to review and assess the Norwegian equality machinery. The Commission will present its findings in a separate report in November this year (2011). The regional centers will be part of this evaluation.

### **Violence against women**

8. An evaluation of the police work on domestic violence is underway and a report will be presented in June 2012. Norway signed the new Council of Europe Convention, which is the first legally binding instrument to prevent violence against women in Europe, on 17 July 2011. The Convention was adopted in May 2011 in Istanbul. The Government is currently considering which amendments to Norwegian law are necessary in order to ensure that Norwegian law is in compliance with the convention.

9. A special penal sanction for violence in close relationships entered into force on 1 January 2006. This also covers mental abuse. The punishment for abuse in close relationships has been increased from three years to four years, and for aggravated abuse,

the punishment has been increased to six years. A considerable increase in penalty levels within the sentencing frameworks has also been decided for all forms of domestic abuse. In the new Penal Code, that has not yet entered into force, the levels are raised further to a maximum of six years for domestic abuse and 15 years for gross domestic abuse. An extensive renewal and modernization of the data processing equipment in the police sector is required before the new Penal Code can enter into force. Not until an ongoing project planning this process is finalized, will it be possible to give an answer with any certainty to when the new Penal Code will enter into force.

10. The Government of Norway is financing treatment programmes for perpetrators of domestic violence. The Government believes that efforts to combat domestic violence must also focus on the person committing the violent act. Norway is in the forefront of developing treatment programmes for perpetrators of domestic violence. The aim is to make these programmes available on a nationwide basis. The foundation Alternative to violence (ATV) is a key player in this work at an operative level. With funding from the Government, and/or municipalities, ATV runs perpetrator programmes in nine cities in 2011. ATV treated around 850 persons in 2010, 550 of them perpetrators of violence. The programmes are voluntary and include individual and group therapy. The Government has allocated 22,5 million NOK to these programmes in 2011. In addition an anger management programme has been developed by the Regional Security Department Competence Centre (Brøset) and is being disseminated to various services and actors who are in contact with violent offenders, amongst them the family counselling services. The Foundation Reform - resource centre for men- also runs an anger management programme.

11. The Government has initiated a survey of a selection of spousal homicide cases. The object is to strengthen the knowledge base regarding risk factors and possible warning signs. This survey is intended to help develop better and more focused protective measures and better prevention strategies. The starting point for the survey is planned spring 2012. As part of the preventive work, two pilot projects for testing of the registration tool *Spousal Assault Assessment Guide-Police Version (SARA)* have been established. This is a tool that the police can use to evaluate risk factors for future serious spousal violence.

### **Employment**

12. The Government's White Paper on Equal Pay ("Meld. St. 6 Likestilling for likelønn") was considered and approved by Parliament in April 2011. The issues in the white paper included transparency on wage levels and pay statistics available to all employees at the workplace, strengthening the rights for employees who are absent from work due to parental leave in order to avoid discrimination related to pregnancy and child care, equal parenting and a better balance between family and working life for mothers as well as fathers. In addition division of the paid parental leave period in three parts, 12 weeks reserved for the mother, 12 weeks for the father and 20 weeks for "family negotiations". (The three weeks before birth are reserved for the mother). Furthermore one hour paid leave for breast-feeding a day until the child is one year. The Ministry of Children, Equality and Social inclusion is now in the process of following up the issues raised in the white paper.

13. The main purpose of the Norwegian Public Procurement Act is to ensure the most efficient use of resources by public procurement based on businesslike and equal treatment between suppliers. As of today, there are no specific measures in public procurement to promote gender equality.

### **Health**

14. 4369 HIV-positive persons have been confirmed in Norway, 2931 men and 1437 women. The percentage of immigrants infected while they were residing in Norway has

increased in recent years, especially among women, and now constitutes about one third of the heterosexually infected cases. During the past ten years the Government has had an increased focus on women, as heterosexual practice now causes more new HIV cases than in the early phases of the epidemic, and more women are living with HIV in Norway. In addition, there are more immigrants living in Norway, many of them of who score low on a number of living condition variables and face greater barriers to health services which may indicate the likelihood of poor sexual health (education, economy, sexual autonomy). This is especially relevant for many women coming from areas that have a high prevalence of HIV.

15. Preventive strategies and follow-up measures must have a clear gender perspective that particularly takes into account how many women are highly at-risk of contracting HIV. Among other things, this may involve a lack of sexual autonomy, a lack of self-determination with regard to use of contraceptives, biological factors and their personal economical situation. Thus, organizations receiving public grants are required to take the gender perspective into account in their applications and project descriptions. The national HIV strategy (2009-2014) has a clear gender-based focus. All pregnant women are screened for HIV (voluntary testing). All pregnant women with HIV are offered ART to reduce the risk of MTC. Norway has not registered any cases of MTC transmissions since 1999.

16. All people residing in Norway are granted equal access to health services, regardless of gender or ethnic background. This is regulated in the Patients Rights Act from 1999. We have some knowledge about which diseases in particular affect the minority populations, and their risk profile. The health services are responsible for making sure that the provision of services is tuned to the current patterns of disease in the population at any given time, and with sufficient capacity. In a minority health perspective, both language and cultural aspects of communication are challenges in regard to the de facto access to health services. The state owned hospitals are instructed to use qualified interpretation services. The health authorities have made a brochure on the correct use of interpreters, and a guideline for health personnel. The hospitals have also been instructed to implement measures to ensure that linguistic and cultural background does not prevent patients from getting adequate help. The Directorate of Health will implement measures to strengthen the language and cultural competency among personnel in the health enterprises. Several hospitals have started cooperation projects with municipalities aiming at strengthening both the hospital and municipal health services ability to give patients with ethnic minority background the same quality of health services as the majority population.

#### **Disadvantaged groups of women**

17. The importance of a perspective to combat multiple discrimination is recognized by Norwegian authorities. The perspective forms the basis for all political and legal developments in the equality and discrimination field. As mentioned in paragraph 1 above, the Government has appointed a commission which mandate is to evaluate gender equality policies based on life cycle, ethnicity and class. The Commission will also examine gender equality in an intersectional perspective, which includes multiple discrimination. The aim is to lay the foundation for comprehensive, knowledge-based affirmative action policies for the future. The multiple discrimination perspective is also of vital importance in the enforcement of discrimination cases and violations. It is the Equality Ombud – together with the courts – that is responsible for enforcing anti-discrimination laws in Norway today. The Ombud has the authority and is encouraged, to handle discrimination cases with an intersectional perspective. Furthermore, there is a close connection between anti-discrimination policies and integration policies. The inclusion of immigrants and persons with an immigrant background in all parts of society is one way of combating discrimination. The key areas in Norwegian integration and inclusion policies are (a) assisting immigrants into a position where they can make use of their rights and have equal

opportunities; (b) facilitating the labour market participation of immigrants, and (c) setting up and assisting structures that ensure close dialogue with the people concerned, and immigrants. These measures are in many ways, a complementary aspect of the anti-discrimination policies.

18. The National resource center on violence and traumatic stress (NKVTS) is conducting a nationwide survey on violence against women starting in the end of December 2011.

19. The Government has this autumn (2011) presented a strategy for including persons with disability in the labour market. The strategy was launched together with the Government's budget proposal for 2012, as a separate attachment. Both the strategy and the other measures directed towards persons with disabilities mentioned in Norway's eighth report to the Committee on the Elimination of Discrimination against Women are gender neutral. However the strategy underlines that the measures shall be individually tailored, taking into account the prerequisites and preference of the person. However, there gender specific indicators related to most of the measures directed towards persons with disabilities. In other words it is possible to assess the situation for both women and men, and to design specific measures, if needed. Norway signed the Convention on the Rights of Persons with Disabilities in 2007. The Government is contemplating the question of ratification. Norway considers however that the convention cannot be ratified before national laws are in compliance with the convention. The Norwegian Government has examined to what extent the convention will necessitate changes in Norwegian law and politics. The Norwegian legislation on legal capacity is considered not to be in compliance with art.12 of the convention. A new act on legal capacity has been passed, but has not yet entered into force. Apart from the legal capacity act, Norwegian legislation and politics are considered to be in line with the convention.

20. The labour market policy aims at achieving high labour force participation among both men and women. Women in Norway participate in the labour market at almost the same level as men. The figures for 2009 show 70 per cent women and 76 per cent men in the age between 15-74 years. However, statistics show that the unemployment rate among immigrants is three times higher than for the rest of the population.

21. One of the main concerns of the Government is to improve the participation in the labour market of women with minority background. Enhanced economic equality for women with minority background is a prioritized objective for the Government. The Introduction Programme, the qualification programme for vulnerable groups and the labour market policies in general are important measures in this sense.

22. *The Introduction Programme* includes newly arrived immigrants who are refugees, persons granted humanitarian status, persons who have collective protection and persons who are family members of these categories have a statutory right and obligation to take part in a full-day, year round training scheme, the introductory programme. The purpose of the programme is to provide basic Norwegian language skills, basic insight into Norwegian society and prepare for participation in working life and/or education. Those who take part in the programme receive an introduction benefit that is equivalent to twice the basic amount from the National Insurance Scheme. Results from the programme show that 48 per cent of the women that completed the programme in 2008, were employed or undergoing education in November 2009.

23. The Introductory Act regulates a right and an obligation to language tuition for a large group of newly arrived immigrants. However, the group that is entitled to free Norwegian language tuition is much larger than the group that qualifies for the introductory programme. The intention of requiring participation in 300 hours of language training and social studies is to ensure that immigrants acquire a basic knowledge in Norwegian in order

to participate in the Norwegian society. Some labour immigrants have an obligation to attend language tuition, but are not entitled to free tuition. Labour immigrants who reside in Norway pursuant to the EEA/EFTA regulations are neither entitled nor obliged to attend tuition in Norwegian.

24. *The qualification programme for vulnerable groups* was introduced on 1 November 2007. The target group consists of individuals who have a considerably reduced working and earning capacity and receive no or very limited social security benefits to live on. Women with a minority background with low formal education and working experience will often fulfil the conditions for participating in the programme. The aim of the programme is to enable more individuals in this group to enter employment. The programme is offered to those who are considered able to gain a foothold in the labour market after closer and more binding follow-up, even when their progress may be relatively slow and uncertain. The programme is one of the Government's most important measures to reduce poverty. The qualification programme is implemented by the municipality and administered by the local labour and welfare office.

25. *The labour market policy* aims at achieving the inclusion of more immigrants in the labour market. Efforts to mobilise immigrant labour are important for the utilisation of resources needed in the Norwegian economy. Immigrants, along with other vulnerable groups such as vocationally disabled, youth and long-term unemployed, are considered as target groups within the labour market policy, and are given priority when it comes to labour market measures. In May 2011 nearly 50 per cent of all women who participated in labour market measures for unemployed (job programmes) were immigrants. In comparison, female immigrants constitute about 36 per cent of all women who were unemployed or participated in job programmes. In addition, there are also specific labour market and job seeking courses designed for immigrants. Typically, these offer language training combined with theoretical teaching and/or work practice.

26. *The Second Chance programme* started in 2005 and is a trial qualification programme for immigrants who, after several years in Norway, have not established a permanent foothold in the labour market, and are long-term recipients of social security benefits. Second Chance, which is patterned on the same model as the Introduction Programme, is a full-day, year round programme with qualification allowance which requires participation. Women with an immigrant background are a prioritized group under this programme. Results from the programme in 2010, show that 77 per cent of the participants in the programme were women. In 2010 an average of 23 per cent of the participants from the Second Chance programme were employed or in education.

27. *The Programme for Basic Competence in Working Life* gives financial support to enterprises and course providers in order to improve basic skills among employees in public and private enterprises. The target group is defined as employees with limited formal education, and the purpose of the whole programme is to improve the employability of the participants in order to prevent early retirement or exclusion from working life. Women with an immigrant background have made up considerable numbers of the course participants in a couple of sectors in particular, i.e. nursing (old people's homes) and in cleaning. Generally about 27 per cent of all participants in these programmes were immigrants.

28. The Government also has specific measures to improve recruitment of persons with an immigrant background to the labour market, to the government sector and recruitment to state owned enterprises. Since 2005 the Government has had social inclusion goals to monitor the inclusion of the immigrant population. The Government has defined 17 goals for social inclusion that cover different areas of society. These are all long term goals. These goals are reported on by the ministries in charge in their annual budget proposals. One of the goals set out is that the amount of employees with immigrant background in the

government sector shall increase. In 2010 3.8 per cent of employees in the civil service were immigrants with non western backgrounds. In comparison, the numbers in 2009 were 3.6 per cent and 3.2 per cent in 2008. Another goal is to increase the number of employees with immigrant background in the police, judiciary and the Norwegian Correctional Services. In 2010 3.4 per cent of the employees in the police- and judiciary sector were persons with immigrant background. In comparison, the number was 3.3 per cent in 2009 and 2.8 per cent in 2008. These are both long term goals. The total share for immigrants in public positions was 8.9 per cent in 2010. Of these 5.2 per cent were women. This is an increase of 3.5 per cent over the five past years.

29. To improve single parents' opportunities to become self supported, the Government proposes that from 2012 the single parent should be in work-related activity from the youngest child is one year old to be eligible for transitional benefit. As much as 95 per cent of the recipients are women. Benefits to single parents comprise transitional benefit, childcare benefit, education benefit and grants to cover necessary moving expenses in order to gain employment. In 2007, more than 95 per cent of the single parents on transitional benefit were women. Around 15 per cent were immigrants. When the youngest child attains the age of three, the single parent has to participate work-related activity in order to keep the transitional benefit.

30. The latest *Action plan to promote equality and prevent ethnic discrimination 2009 – 2012* includes measures to include minorities into the labour market. One of the measures is a mentor programme for women with minority background. The Government has also initiated efforts to identify measures to enable women with a minority background to benefit, at the level as the rest of the population from the welfare arrangements and other universal rights.

31. Since 2010, there the Supreme Court has passed some judgements in the area concerning marriage and family relations. However, the current legal situation pertaining to such matters is essentially the same as reported earlier.

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