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Please find enclosed the contribution by the Norwegian Women's Lobby submitted to the Committee on the Elimination of Discrimination against Women for consideration in relation to the ninth Periodic Report of Norway.

Oslo, 13 April 2017

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# Shadow Report to the CEDAW Committee, 2017

Supplementary information from the  
Norwegian Women's Lobby to the UN  
Committee on the Elimination of  
Discrimination Against Women in relation  
to the 9th Periodic Report of Norway



The primary aim of the Norwegian Women's Lobby (NWL) is to eliminate all forms of discrimination against women and girls and to advance women's human rights, on the basis of the Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Platform for Action and other fundamental international agreements.

NWL is an umbrella organization for the Norwegian women's rights and women's organizations, and was founded in 2014. NWL has ten member organizations:

- Women's International League for Peace and Freedom Norway
- Legal Advice for Women
- Secretariat of the Shelter Movement
- Women's Front of Norway
- Feminist Group Ottar
- Nordic Women's University
- MiRA Resource Centre for Black, Immigrant and Refugee Women
- Norwegian Association for Women's Rights
- Norwegian Female Lawyers' Association
- Sámi Women's Network

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## **Foreword**

The Norwegian Women's Lobby has chosen to submit its own report containing viewpoints in connection with the 9th periodic report from the Norwegian Government on Norway's implementation of the Convention on the Elimination of All Forms of Discrimination against Women to the Committee on the Elimination of Discrimination against Women. This report has been elaborated by three of the member organizations of the Norwegian Women's Lobby, the Norwegian Association for Women's Rights, the MiRA Resource Centre for Black, Immigrant and Refugee Women and the Secretariat of the Shelter Movement, but it has been circulated to all the ten member organizations of the Norwegian Women's Lobby.

The report was coordinated by former Supreme Court Justice Karin Bruzelius, who is a member of the Norwegian Women's Lobby's Expert Committee and of the Norwegian Association for Women's Rights. The Norwegian Women's Lobby has received no funding, and the report has been written on a voluntary basis. The report follows the structure of the Government's ninth periodic report.

Oslo, 13 April 2017

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President of the Norwegian Women's Lobby

## **General comment**

Equality between men and women has progressed, but equality has not been reached in all areas. The present government does not perceive the furthering of equality between men and women as a principal political goal any longer. Politically it is more important to focus on changing the situation of men and boys. This is evident in the financial support that the state every year gives to a trust that has been created to further the situation of men<sup>1</sup>, but also in the White paper *Innst. 228 S (2015–2016) Likestilling i praksis – Like muligheter for kvinner og men* [Gender equality in practice—equal opportunities for women and men] and in other proposals to change the policy and statutes. In general the women’s organizations perceive that there is not much, or no interest, in furthering their claims of full equality. When making the funds for 2016 available to the Directorate on children, youth and family the Ministry stated in its letter that when allowing money to grassroots organizations in the equality and family sector the male perspective should be observed.

### **1. Issues raised in the concluding comments of the Committee on the Elimination of Discrimination against Women on Norway’s eight report**

#### **Paragraphs 8, 9 and 10 (a)**

The Storting (parliament), did not include a provision on the equality of women when it revised the Constitution in 2014. As stated in the government’s report a general clause on equality<sup>2</sup> was added. This clause will make it difficult to request special measures to enhance the status of women as a gender group in Norway, unless a specific clause on enhancement of women’s equality be included.

#### **Recommendation:**

**The Storting is requested to consider including a specific clause in the Constitution to enhance the equality of women.**

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<sup>1</sup> Reform – Ressurssenter for menn [Reform Resource Centre for Men]. In 2014 it received NOK 3 769 000 as a basis allowance from the Norwegian Government. Similar amounts have been allowed in the years 2015-2016. See the report from Reform for 2014.

<sup>2</sup> Section 98.

**Paragraph 10 (b)**

It is our impression that the Government to an increasing degree allows shorter periods hearing the public on proposals for legislative initiatives, than the period proscribed in the Government's legislative drafting instructions. This makes it more difficult for women's organizations to submit timely comments. The difficulty is increased by the fact that meetings, where proposals are presented, often are held during office hours. Most of the women's rights organizations do not have any paid staff and almost all work is done on a voluntary basis. The last example is a proposal by the Ministry on children and equality for a total change of the entire system of handling of claims on discrimination, which was sent the concerned organizations with a time-limit of six weeks to give comments on the proposals.

**Recommendation:**

**The Government is requested to give civil society sufficient time, i.e. three months, to comment on proposals for changes in the legislation, especially in the case where the proposal for comments is the result of work within a Ministry.**

**Paragraph 10 (c)**

The Government does not analyze the effect of the proposals in the yearly proposal for a new national budget from a gender perspective. No proper gender budgeting is performed. Women's rights organizations are of the opinion that gender analysis would be most helpful to highlight the differences in effect that proposals may have with regard to men and women. In addition it is desired that also other proposals should be gender analyzed.

**Recommendation:**

**The Government is requested to**

- a) introduce gender budgeting in its yearly proposals for new budgets and change of adopted budgets;**

**b) gender analyze the effect of proposals.****Paragraphs 13 and 14 (a)**

The Norwegian women's rights association does not support the proposal by the Government to introduce a common equality and anti-discrimination act. The impact of the draft is that the female gender in the future will be seen as a minority group. There will no longer be a legal provision allowing preferential treatment of women as a group. Women as a group still earn less than men in comparable positions as referred to in the Government's own report. It is also our position that the problems encountered by women due to ethnic background, religion etc. could be dealt with within the present statute on equality of the sexes.

**Recommendation:**

**The state is requested to maintain a separate statute on equality between men and women.**

**Paragraph 17**

It should be mentioned that the president of the Norwegian Supreme Court since March 1<sup>st</sup> 2016 is a woman.

**Paragraphs 21 and 22**

The pressure not only on young people, but also men and women generally, from advertisements is constantly increasing in our society as well as in most others. However, we do not see that this is a problem that can be solved within the national scope.

The Government states that it has strengthened the school health service and health centers. However, as school health service is a local matter and the government does not accept to provide directly for this service it is up to the local governments to decide if and how to strengthen the actual service level

rendered and our impression is that local governments in general do not prioritize this.

**Recommendations:**

**Measures should be considered within the UN system to curb the present sexist development of advertisements.**

**The Government is requested to ensure the availability of sufficient school health service at schools of every level all over the country.**

**Paragraphs 35 and 36 Disadvantaged groups of women**

In these paragraphs the CEDAW committee expressed its concerns about disadvantaged groups of women who may be more vulnerable to multiple forms of discrimination with respect to education, health, social and political participation and employment. In para 36 the Committee made certain recommendations that we would like to comment on:

*a*

Discrimination against women from ethnic minority communities and migrant women continues in Norway and we have not seen introduction of measures to combat this. The Norwegian Directorate for Children, Youth and Family Affairs has established a forum on ethnic discrimination but concrete results of the work of this forum and particularly specific measures to combat ethnic discrimination remain to be seen.

Norway still does not compile statistics and data on different groups that compose its population, even though the United Nations Committee on the Elimination of Racial Discrimination (CERD) several times has requested the Government to produce such information.<sup>3</sup> In order to combat discrimination against minority women, particularly at the intersection of gender and ethnicity, and to find out if minorities have equal access to economic, social and cultural rights compared to general population, it is important to have reliable and comprehensive data.

**Recommendations:**

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<sup>3</sup> See the Committee's recommendation in section C. para. 8 in CERD/C/NOR/CO/21-22.

- **Norwegian government to create a database on the composition of the Norwegian population.**
- **Norwegian government is urged to propose incorporation of the CERD into the human rights act of 1999.**

*b*

Many young women from other countries work in Norway as au pairs supposedly as members of their host families. The number of hours that they are allowed to work is regulated, but in many cases they are requested to work far beyond this limit without additional pay. Since 2012 an au pair in Norway may not have a child in her home country. This discrimination of mothers should be abolished as it makes women vulnerable.

#### **Recommendations:**

- **Norwegian authorities requested to supervise that the conditions for having an au pair are abided to by host families.**
- **The ban on mothers to be abolished as it is discriminatory.**

*c*

Despite many years of focus on recognition of foreign higher education in Norway,<sup>4</sup> there are many immigrant women whose previous education has not yet been recognized. However, there is some progress and the government has established a pilot project to help particularly refugees who do not have verifiable documentation. In a new white paper<sup>5</sup> in 2016, the Government has proposed that qualifications to a few selected professions will be recognized. Further it proposes to provide a complementary education for refugees and immigrants educated as teachers or nurses in their home countries<sup>6</sup>. Such complementary educational facilities should in our opinion be provided to many other professions such as social scientists, lawyers, engineers, pharmacists, various vocational educations and more.

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<sup>4</sup> Carried out by the Norwegian Agency for Quality Assurance in Education (NOKUT)

<sup>5</sup> Meld. St. 30 (2015-2016) Fra mottak til arbeidsliv – en effektiv integreringspolitikk [From reception centre to labour market—an effective integration policy]

<sup>6</sup> See Meld. St. 30 page 71.

Access to legal aid and to information about rights is an area given low priority by the Norwegian government, particularly when it comes to immigrants, refugees and ethnic minority women. There exists no comprehensive policy and strategy on how to reach out with information on anti-discrimination protection to women migrants and ethnic minority communities.

A large number of ethnic minority women are excluded or at risk of being excluded from the labour market. Discrimination based on ethnicity is a serious problem in the labour market. Statistics from Statistics Norway,<sup>7</sup> at the end of March 2016,<sup>8</sup> showed an unemployment rate among immigrants of 4,8 % while compared to 3,3 % in the entire population. The unemployment rate was higher among Africans and racialized populations compared to immigrants from Western and Eastern European countries. The unemployment rate among the refugee population was the highest. A research study by Midtbøen and Rogstad<sup>9</sup> showed that the chances of a person with a non-Norwegian name to be invited to a job interview are 25 % smaller than for others. Minority women using hijab have fewer chances to get a job than other women.

Many unemployed ethnic minority women are sent by the Labor and Welfare Administration (NAV) to vocational programs or workplaces for internship as a pretext to gain job experience. The primary purpose of these measures is that the workplaces should seriously consider employing these women when they finish their internship. Very few women have, however, found employment through such measures. Many employers look upon these internships as a free labor force. This is a new form of exploitation and discrimination which is ignored by the authorities.

Norwegian women in general have the highest rate of labour participation in the world. This is not reflected among the immigrant and ethnic minority populations. Experience also suggests that single mothers with minority background are a vulnerable group exposed to the social and economic stigmatization.

Recommendations:

- **Intersectional discrimination to become a priority area of the Government;**

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<sup>7</sup> Statistics Norway, SSB

<sup>9</sup> Arnfinn H. Midtbøen and Jon Rogstad (2012) Diskrimineringens omfang og årsaker. Etniske minoriteters tilgang til norsk arbeidsliv, [The prevalence and causes of discrimination. Ethnical minorities' access to Norwegian labour market] Institutt for samfunnsforskning.

- **The Government should provide access to free legal aid and information about rights;**
- **Information should be provided in a language that the migrant and ethnic minority women understand;**
- **The internship programs should be reviewed, evaluated and monitored so that minority women are not exploited as free labour.**

c

The present government has proposed many changes in the immigration legislation which have serious consequences for ethnic minority women, refugee and immigrant communities.

One of the proposals to restrict immigration is the adoption in May 2016 of increased maintenance requirements. The subsistence requirement is now 88 % of salary grade 24 in the state salary scale (currently NOK 305,200 per year). These restrictive measures will affect women and children disproportionately hard. The majority of immigrant, refugee and ethnic minority women want to work and contribute, but the structural obstacles are great. Furthermore, a large number of minorities work in low paid service sectors, many as part-time workers, and will find it difficult to meet this requirement. MiRA Centre is of the opinion that the present tightening the immigration regulations regarding family reunification constitute a breach of human rights of immigrants.

We are also concerned that restrictions on the possibility of family reunion will put refugee women and children in vulnerable situations. They will face a difficult choice; if mothers and children are not able to reunite shortly after arrival in a receiving country they may take the risk of either taking the whole family on the dangerous journey to reach safety or division of the family for unforeseeable time. This same concern has been expressed by immigration authorities such as the Norwegian Directorate of Immigration (UDI) and the UN refugee agency UNHCR. UNHCR has also expressed the fears that a tightening of immigration laws will lead to increased human smuggling, and in the long-term poor integration.

The white paper Meld.St. 30, 2015 – 2016, “Fra mottak til arbeidsliv – en effektiv integreringspolitikk” contains many proposals to weaken the rights of refugee and immigrant women:

- Restricting the rights to maternity leave for those that participate in the introduction programs where they learn Norwegian language. The government presumes that when women take out maternal leave after childbirth, they are slow to complete the language courses which in turn delay their participation in the labor market. Presently refugees and immigrant women have the same right as all other women in Norway to maternity leave from studies or work during child birth and after birth. This proposal means that immigrant and refugee women will be demanded to return to the courses after four weeks, after the childbirth. There is reason to question whether this proposal is in line with women's human rights, EU law and Norwegian gender equality laws (page. 57).
- In addition the government proposes increasing the requirement of time of residence to five years before refugee and immigrant women will be granted a right to cash benefits for child care at home. Today the families can chose either kindergarten or home care for children up to the age of two years. This proposal means that refugee and immigrant women, who give birth during their first five years in Norway, will not have the same rights as other women. The government will deprive refugee and immigrant women of equality. This proposal does not take into account various vulnerability factors related to being a woman refugee and immigrant.

### **Recommendations:**

- **Norwegian State is urged to abide by its international obligations, including the UN refugee Convention as well as the conventions to protect the rights of women and their children when amending its immigration policies. Women and children as the most vulnerable groups among the refugees and asylum seekers must be given major protection within the legal framework.**
- **The Norwegian Gender Equality statute must apply to refugee and immigrant women from the very day of their arrival in the country. We urge the State not to discriminate against women concerning the regulations of maternity leave, cash-support and other relevant areas of concern.**

- **The Norwegian State to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families in accordance with CEDAWS recommendations.**

### **Paragraphs 23 and 24**

Immigrant women face multiple forms of violence in close relationships, for example in the form of oppressive cultural traditions such as female genital mutilation, forced and/or child marriage, as victims of rape or other kinds of sexual abuse and physical and/or psychological violence.

The main focus of Norwegian state has been on female genital mutilation and forced marriages. Both practices are forbidden. However, there is a lack of holistic approach to combat all forms of violence against minority and immigrant women including structural forms of violence, which are reflected within the restricted immigration policies.

Most women that come to Norway as immigrants come through family reunion. Their legal status for the first three years is dependent on their spouses. A government proposal to increase this to 5 years has been dropped. It would have had serious consequences for migrant women who become victim of violence within a family. Already many women do not seek help or report violence because they are afraid that they could be deported. There is an exemption to the present three year rule; if the woman proves that violence has occurred and documents the extent of violence as is required by the authorities, she may be granted residence permit on independent grounds. However, the immigration officers often lack the knowledge of this exemption, and know little about how to apply the rule of exemption while dealing with the cases of violence against immigrant women.

### **Recommendations:**

- **Three years rule to acquire permanent residence permit after family reunification must be abolished or reduced to one year.**
- **Improvement of the knowledge of law by enforcing agencies and strengthen their capacity to deal with the cases of violence against**

**migrant women and children. It is important that those who work with the implementation of laws, know how to implement it.**

- **Improve the shelter homes with multilingual resources and free legal help to women victims of violence.**
- **Strengthen the position of minority by providing them with adequate information about their legal rights and where necessary with the right of free legal aid.**

### **3 Information relating to the articles in parts I, II, III and IV in the Convention on the Elimination of All Forms of discrimination against Women**

#### **Paragraph 44**

In this paragraph the Government states that funds have been allocated for a shadow report to the state report. In this connection we would like to point out that these funds were quite limited and given to an organization that primarily works with issues relating to women and development in the developing countries. The Norwegian women's lobby whose main mandate is to promote gender equality for women in Norway was refused financial support to work with the shadow report.

### **III. Information relating to the articles in parts I, II, III and IV in the Convention**

#### **Article 1 – definition of the term discrimination against women**

We would like to draw your attention to the fact that it is our opinion the government through its use of words to describe the power used by men against women as well men's aggression against women makes the actual situations invisible and constitute a breach of women's human rights and

freedoms.<sup>10</sup> In this context we also draw your attention to your own comments in 2013 on the sex neutral legislation and praxis used by Norway.

### **Recommendation**

- **Norwegian legislation on equality between the sexes should be genderspecific and not neutralized. In relation to violence the perpetrators sex must be made clear.**

### **Article 2 (b) Anti-discrimination legislation**

*Proposal for a comprehensive equality and discrimination act.* Reference is made to the information given by the Government. The Norwegian Women's Right Association has opposed and still opposes the adoption of a comprehensive act. First of all the change will be one of focus – individual rather than group discrimination. We still consider that there is a necessity to have means that will allow the change of conditions of women as a group. Even though women have achieved a better situation in Norway than in many other countries, women are still victims of discrimination the basis of their sex. Important in this context are that wages in professions where the majority of the workers are women remain noticeably lower than wages of men that perform similar tasks. In the draft statute circulated by the Government last winter for comments the provision on “furthering the equality of women” had been omitted. Secondly we do not find it acceptable that a group that constitutes at least one half of the population should be covered by a statute that otherwise is meant to protect individuals. Thirdly it is our impression that the implementation of equality protection by the ombudsman is less important than previously considering all the different heads of discrimination that the ombudsman and the office are requested to deal with. Fourthly the present Government is clearly more interested in furthering the position of men/boys than women. In many instances we have seen that it has adopted measures that have as their main purpose to further the position of men.

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<sup>10</sup> See professor Ragnhild Hennem (2010) *Kjønnslikestilling på ville veier* [Gender equality astray—can gender neutral shelters be defended] in Beatrice Halsaa and Anne Hellum (eds.): *Rettferdighet. [Justice]* Oslo: Universitetsforlaget

One of the arguments for the adoption of a comprehensive statute is that it will make it easier to catch compound discrimination. We accept that compound discrimination is a problem, but do not understand that this could not have been dealt within the present equality statute.

### **Article 2 (c) National equality machinery**

It is necessary that steps are taken to improve the present ombudsman and tribunal system. The decision making process is too slow and presently neither the ombudsman nor the board have tools to rectify the wrongs done by a discriminatory decision.

The White paper on Gender Equality in Practice: Equal Opportunities for Women and Men<sup>11</sup> contained as a general observation good analyses of the present situation, but almost no proposals for possible measures to amend the different situations. The paper was discussed by Parliament on April 14th 2016 on the basis of a paper emitted by the Parliaments Committee on family- and cultural matters, and as a result of the debate the Parliament adopted a long list of measures that the Government is requested to implement.<sup>12</sup> During the parliamentary process the women`s association and the political parties played a very active role.

### **Recommendation:**

**The Government is requested in its next report to the CEDAW Committee to show how it has implemented the proposals adopted by the Storting.**

### **Killing by your partner**

Every fourth killing in Norway is perpetrated by the partner. There are measures available to prevent or lower this, see report by Solveig Bø Vatnar "Partnerdrap i Norge 1990 – 2012: en mixed study av risikofaktorer for partnerdrap" [Partner homicides in Norway 1990-2012: a mixed methods study of risk factors of partner homicides].

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<sup>11</sup> Meld. St. 7 (2015-2016) presented om 9th October 2015.

<sup>12</sup> See the decisions by the Storting of April 14<sup>th</sup>.

## **Hidden lives**

Due to violence from men around 850 women live hidden lives in Norway. Women hiding from earlier partners or their families are not able to choose freely where to live and where to work. This is contrary to their human rights.

## **Work by the police**

The work by the police to protect women that are threatened by violence by members of their family or former partners is not sufficient. In many parts of the country the available instrument to evaluate the risks (SARA) have not yet been implemented in full.

Also the work by the police in connection with sexual crimes and harassment is need of improvement.

## **The shelters**

Only 20 % of the local municipalities have a plan on actions to take against violence in close relations. The implementation of the statute on local shelters needs to be evaluated.

## **Recommendations**

- **The Government should elaborate a systematic and structured registration of killings committed by a partner, including sociodemographic data, clinical factors, context, contact with health authorities, police, assistance from public and private sources in order to make it possible to identify cases where there is a high risk of killing by a partner.**
- **The reversal of violence alarm should be intensified.**
- **SARA should be implemented all over the country**
- **Municipalities should be requested to elaborate plans of action against sexrelated violence.**

- **Norway should ratify the Istanbul-convention.**

### **Article 3 Gender equality and human rights**

Cooperation between the women's rights associations and the Government is to some extent hindered by the fact that the women's rights organizations do not have sufficient funds, and hence no paid staff, and that the Government schedules meetings to take place during office hours. That creates difficulties for those organizations that do not have the means either to pay its elected officers or a secretariat.

#### **Recommendation:**

**The Government should make funds available to the women's organizations comparable to those granted similar work carried out on behalf of men.**

### **Article 4.2 Protection of the reproductive role of women**

As stated in the report the average age of women given birth for the first time is rising. This is a rather worrying development. There are reasons to believe that women due to the present system of monetary compensation wait with their first child until they are employed. Steps should be taken that allow for at least a minimum of support from the Social Protection system also for women who do not fulfill the present legal requirement. The adoption of such a measure may also hinder further increase of children growing up below the poverty limit.

Women now spend a very short time in hospital after giving birth. This seems to increase the number of women with depressions after birth and also with problems breastfeeding their children.

#### **Recommendation:**

**The length of stay in a hospital by women that have given birth should be prolonged.**

### **Article 5 (a) Gender roles**

As stated in the official report the Norwegian labour market remains sharply divided by gender. We are still waiting for measures that will change this fact. One possible measure is an increase in the wages earned by those who work in the professions where you find most women. Many of these professions are in public owned workplaces as hospitals etc. There seems to be joint unwillingness by the employers' as well as the employee's organizations to do anything about this.

#### **Recommendation:**

**The State is encouraged to make greater efforts to remove the different evaluation of similar work carried out by women and men.**

### **Article 5 (b) Joint responsibilities for women and men, for children and families**

In order to increase the possibility for parents to decide between themselves how the parental benefit period is to be used, the Government has done away with the privilege of women to have a specific period – six weeks after birth – especially allocated them. As we see it, it will never be possible to treat women and men equal in connection with the parental benefit period as a woman that has given birth will always need a certain period of restoration. In addition we maintain that the period allocated to men – now 10 weeks – should be lengthened. Due to the division of the labor market many men earn more than women and we now see that many do not take more than the minimum leave.

#### **Recommendation:**

**The Government should reintroduce a specific period after birth to the mother. Mothers and fathers should then each have a period of 14 weeks. Parents should be allowed to divide the remaining period freely.**

#### **Article 6 – appropriate measures to suppress trafficking etc.**

Female prostitutes are a most vulnerable group, especially with regard to violence. Women forced to prostitution are in need of assistance, safekeeping and a period of reflection with a real content. The threshold for women that are victims of exploitation should be lowered.

#### **Recommendation:**

- **The government should elaborate a program where women that are the victims of trafficking are treated equal and with high quality. This will enhance the possibility to strengthen the use of provisions on strong human reasons in chapter 8 of the statute on foreigners.**

#### **Article 7 (c) Non-governmental organizations**

What is stated in this section is true, and at the same time the description of the role of the Government is exaggerated. The annual grants for operation of gender equality organizations are small and they have to compete with family organizations. The Norwegian Women's Lobby, which organizes ten of the core women's rights organizations in Norway, receives no funding at all, and has sent a formal complaint to the Equality and Discrimination Ombud.

The funding of the Centenary of Women's Suffrage was quite insufficient and a lot of the work had to be done on a voluntary basis.

The Norwegian government's involvement in the preparation of the Nordic Forum, June 2014, was almost nil compared to the support it received from the other Nordic countries. The distribution of information to interested Norwegian NGOs was very slow and as a rule more and quicker information

was available through our counterparts in the other Nordic countries. The concluding document has not yet been distributed in Norway.

**Recommendation:**

**The state should increase its support of and interaction with grassroots organizations.**