



ROYAL NORWEGIAN MINISTRY
OF CHILDREN AND EQUALITY

According to list

Your ref

Our ref

Date

17/2542-53

9 November 2017

Written reply by the Government of Norway to questions posed under the examination of Norway 7th November 2017 by the CEDAW Committee in connection with the consideration of the ninth periodic report of Norway

Free legal aid, statistics

The statistics available on gender distribution for those applying for free legal aid show that the gender distribution is equal, i.e. that about 50 percent of each gender apply for free legal aid. The statistics available do, however, cover only parts of the free legal aid scheme. There are no statistics available on the various areas covered by the scheme.

Regulation on financial matters between cohabitants

It is important to Norway always to have well-functioning regulations of financial matters for couples living together. However, the way we see it, cohabitants as one group can hardly be captured in general legal categories. Cohabitants represent a much more heterogeneous group than married couples, with greater diversity when it comes to the need of legislation.

Cohabitants can achieve ownership to assets through indirect contributions, such as domestic work, taking care of children and household expenses. Furthermore, cohabitants can achieve economic compensation due to enrichment, for example if one cohabitant uses his or her fundings to increase the value of the partners' property. Cohabitants have certain rights to the joint residence and household goods when a household community ceases to exist. In addition Norway has general regulations regarding co-owners.

Inheritance rights based on cohabitation - in short

Cohabitants who have, have had or are expecting children together with the decedent, is entitled to 4 times a basic amount (G) that in 2017 in Norway is set to 93 634 NOK (4G is today 374 536 Norwegian kroner). A cohabitant's inheritance rights have priority before the

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inheritance rights of off-spring. A cohabitant's inheritance rights can only be restricted by testament of which the cohabitant is informed before the testator's death.

Cohabitants without children, but who have lived together for the last five years before the decedent died, have the same inheritance rights as mentioned above, if the decedent has said so in a testament.

Cohabitants who have, have had or are expecting children together with the decedent has the right to retain undivided possession of concrete objects (for example the common estate) according to certain rules in the Inheritance Act. However, if the decedent has off-spring of his own («særkullsbarn»), they must consent to it.

Minority women and pre-nuptial agreements

It is our opinion that the legislation to a sufficient extent safeguards the balance between the spouses' responsibility for the contract on one hand, and on the other hand the concern to protect a weak party against disloyal behavior and unfair marital agreements. We find this to be a challenge that should not be met by legislative changes. Instead, we must continue focusing on providing relevant information and knowledge to presumably weak groups.

The freedom of marital agreements between spouses is a freedom to choose between alternatives within the framework of the Marriage Act. Further, the Marriage Act has rules on conversion and change of agreements between spouses. Circumstances around the time the marital agreement was made are relevant, and can on an independent basis lead to invalidity. If one party has not had the necessary understanding of the agreement, this is primarily his or her own responsibility. But where the agreement is particularly unfair, the result might be different. The legislation proposes that a concrete assessment is made in each case.

Inheritance rights based on marriage - in short

The spouse is entitled to one-fourth of the inheritance when the decedent has off-spring. Yet, the spouse is in any case entitled to at least 4 times a basic amount (G) that in 2017 in Norway is set to 93 634 NOK (4G is today 374 536 Norwegian kroner).

If the decedent's first ranking kinship heirs are his or her parents or their descendents, the spouse is entitled to one half of the inheritance. Yet, the spouse is in any case entitled to at least 6 times a basic amount that in 2017 in Norway is 93 634 NOK (6G is today 561 804 Norwegian kroner).

If there are no heirs as mentioned above, the spouse takes the entire inheritance.

The rights of the spouse to at least 4 or 6 G, cannot be restricted by testament. The other mentioned rights of the spouse can be restricted only by testament of which the spouse is informed before the testator's death.

The spouse has the right to retain undivided possession of the joint estate according to certain rules in the Inheritance Act. However, if the decedent has off-spring of his own («særkullsbarn»), they must consent to it.

Obligatory inheritance

Two thirds of the property of the decedent pass as obligatory inheritance to his offspring. But the obligatory inheritance shall in no case exceed 1.000.000 NOK to each child of the decedent or to each child's line, provided, however, that the limit for the more remote offspring is at least 200.000 NOK to each heir.

Reciprocal testament

The rules for setting up a reciprocal testament are the same as for setting up other testaments - it requires a written document with signatures from both the testators and two witnesses. The law further requires simultaneously presence of the witnesses as well as their knowledge that the document is a testament.

Child Maintenance

Both parents have an obligation to provide for their children, each according to his or hers ability and means. The parent who does not live with the child shall pay a monthly amount (child maintenance) to the child. The parents may - and are encouraged to, make an agreement on the maintenance amount.

If they fail to agree, they may request that the Norwegian Labour and Welfare Service (NAV) determine the child maintenance. Child maintenance is set on the basis of what it cost to provide a child (maintenance cost). The maintenance cost will be divided between the parents proportionally on basis of their income. The non-custodial parent is entitled to retain a minimum portion of his or her income to maintain himself/herself and any children in his/her household. Child maintenance will be reduced if the non-custodial parent has an agreement on access to the child.

Child benefit

Parents are entitled to child benefit if they have a child under the age of 18 in their care. Single parents are also entitled to extended child benefit and can be entitled to infant supplement. The rate for child benefit is 970 NOK per child per month. Extended child benefit is an extra 970 NOK per month.

Advance payment of maintenance

The advance payment scheme is an integral part of the Norwegian child maintenance system. The purpose is to ensure that children receive a steady monthly payment of maintenance for months in which maintenance from the non-custodial parent is not paid or is paid too late. Conditions for receiving advance payments are that the child is under 18 years, stays and resides in Norway, does not live together with both parents and that the collection of child maintenance is managed by the Norwegian Collection Agency. Advance payment is income-tested with reference to the recipient's income.

The national insurance for divorced spouses/cohabitants

As regards rights in the national insurance for divorced spouses/cohabitants, we refer to the attached report from the Ministry of Labor and Social Affairs:

"The Norwegian Social Insurance Scheme January 2017":

Chapter 4.2.1 Income-based Pension – new provision

Chapter 4.2.2 Guaranteed Pension – new provision

Chapter 5.1 Benefits to Surviving Spouse

Chapter 14 Benefits to single parents

Chapter 15 Advance Payment of child maintenance

In addition to this, we can inform the Committee about the following:

If you have small children and low or no income, you will have pension entitlement for care work. The same applies if you take care of sick, elderly or disabled people who need care. Persons between 17 and 69 years of age, can be credited a pension earning in the supplementary pension scheme based on an income up to 3.00 times the Base Amount (for the years 1992–2009) and up to 3.50 times the Base Amount (for 2010 and later years). This corresponds to pension entitlements based on an income from work of NOK 370 304 and NOK 416 592, respectively.

To receive pension-earnings for care work you must have had:

- The daily care of a child who has not reached six years of age by the end of the year (for child not reached seven years, for earnings from 1992-2009)
- You must perform unpaid care for at least half a year for a sick person, a disabled person and the care work must be at least 22 hours per week.

Yours sincerely

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This document is signed electronically and has therefore no handwritten signature

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