

INFORMATION SUBMITTED BY FOKUS - FORUM FOR WOMEN AND
DEVELOPMENT, ON BEHALF OF NORWEGIAN CIVIL SOCIETY ORGANIZATIONS
HAVING PREVIOUSLY SUBMITTED A SHADOW REPORT JUNE 2011

**ADDITIONAL INFORMATION BY NORWEGIAN CIVIL SOCIETY TO THE CEDAW
COMMITTEE REGARDING NORWAY'S OFFICIAL REPORT**

We appreciate the opportunity to highlight some of the issues presented in the Shadow report and include some new information that has come up after the submission in June 2011. The report was submitted by a wide variety of Norwegian civil society and has been coordinated by FOKUS – Forum for Women and Development – a Norwegian umbrella organization representing 73 women's organizations and women's caucuses. This Shadow Report is a joint initiative by 30 Norwegian NGOs. Each organization has contributed their expertise and knowledge in their particular field.

We have chosen to divide this addendum in three parts - 1) Comments to specific parts of the Shadow report with new developments, 2) Comments to list of issues and questions answered by Norway dated 4 November 2011, and 3) possible questions for the Committee to follow up during its examination of Norway on 16 February 2012.

Part 1 -

Norway has a long tradition of being a champion on gender equality and women's empowerment, and representatives from the Norwegian government and Parliament often use progress in Norway to showcase internationally issues related to this. We agree that, compared to many other countries around the world, we have come a long way in Norway. At the same time we see that there is a long way to go to achieve real gender equality. The Norwegian system gives an illusion of having achieved more than we really have.

Protection against gender discrimination in Norway is sanctioned by the Gender Equality Act and through the incorporation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Human Rights Act. The Norwegian Constitution does not sanction this protection. This impairs the legal basis and symbolic value of the gender discrimination protection.

There is a clear gap between formal equality and substantial equality and Norwegian authorities lean on the formal equality to such an extent that the discussion on the substantial equality too often remains unaddressed. There is a lack of perception of the connection between structural discrimination taking place in many areas related to gender and gender stereotypes that still remain visible in Norway. The power structures that persist allow gender justice to still be flawed and lacking in a number of areas.

One of our aims with the shadow report is to show how the intersectional gender discrimination persists, and the need to address the links between age, class, education, access to income, ethnicity, disabilities, economic differences, gender minorities and more as clear causes of discrimination, and hurdles that remain to achieve results that will show actual equality for all groups of women.

The official Norwegian report that has been submitted to the CEDAW Committee does not in any way show this as it is too general in its approach and reporting to the Committee, and there is, for example, a lack of visibility of intersectional discrimination of disabled or trans women.

To provide more information to you regarding these general introductory remarks and links between formal and substantial equality, structural discrimination, gender stereotypes and lack of access to justice we will provide you with some specific examples.

In its eighth periodic report to the CEDAW Committee, Norway promoted gender mainstreaming as its overarching strategy to achieve gender equality, although gender specific measures have also been accepted if they advance equality. This strategy has had limited effect, as it has not been followed up in keeping with the intentions behind it. The focus on the situation of women has been weakened, structural discrimination tends to be overlooked, and the idea that gender neutrality advances equality prevails.

Gender-mainstreaming strategies must be followed up with the operationalization of an institutional structure, resources, working methods or approaches within various disciplines. In addition to mainstreaming, gender specific measures must be applied to a greater degree, to ensure equality for women. Thirdly, an overarching strategy to combat gender stereotypes in the general population should be developed, followed up by adequate measures and funding.

A new report commissioned by the Norwegian Ministry for Children, Equality and Social Inclusion was finalized and presented to the Minister at the end of 2011 (NOU 2011:18 – Structure for gender equality) This report proposes strengthened organizing of different sectors and work on gender equality, strengthening the law on gender equality and strengthening the role of the Ombud. The process now is an upcoming round of hearings with civil society involved. One of the challenges that the government has to deal with is the financial aspect of strengthening the different levels of work on gender equality, as proposed by the report. This is in a Norwegian context not a matter of not having the available funding in the budget, but making the strengthening of gender equality a priority also financially and in national budget discussions.

If you look at the curriculum only, Norwegian public schools seem very good as to gender discrimination issues. However, there is a lack of the institutional framework to combat discrimination, and of adequate measures to combat gender stereotypes:

Although gender issues and sexual orientation are part of the national curriculum, teachers in public schools very often lack the knowledge to teach about these subjects in a satisfactory manner. In state funded private schools, there is no clear obligation to teach the children about such matters at all. In addition, no functioning control mechanisms exist to ensure that schools prevent harassment or bullying of students on the basis of gender, gender identity or sexual orientation - or other grounds of discrimination. This is particularly the case in private, "faith-based" schools, but is also found in state schools, as reported by the Children's ombudsman. Clear requirements must be imposed on the teaching provided in private schools in respect of all grounds of discrimination. These requirements, as well as the right to not experience harassment, must be effectively enforced, and all teachers must be given adequate training.

As to work life, it is very clear that gender stereotypes and structural discrimination create a difference in result between genders. Although women are becoming an increasingly better educated workforce compared to men, research shows that women are still paid 2/3 of what men in comparable positions are paid, and the number of women in leadership positions is still far from being proportionate with the number of qualified women. 74 % of Norwegian women are part of the labor force. 43 % of the women work part time, 8 % of these doing so because they cannot get longer hours. Studies show that there is reason to believe that the proportion of underemployed women is greater than these numbers show. Involuntary part time work is a phenomenon that affects women in typical female occupations such as in health care, cleaning, and the hotel and restaurant trades. The level of involuntary part time work is greater at municipal level than at state level. It is a result of stereotypical gender roles

that have led to a practice involving rota work where part time jobs are normal in occupations where women are the majority.

There are clear indications that women in Norway with an ethnic minority background experience discrimination and exclusion from the labor market. They are given inadequate information and training, and experience a long and difficult process to get their education and work experience accredited and approved. All of these issues are part of a structural and sometimes intersectional discrimination of women that Norway has not dealt with in any satisfactory way.

As to the handling of crime, there is reason to believe that access to justice for crimes that tend to harm women a lot more often than men, is harder to obtain. Statistics based on reported rape cases between 2003 and 2005 document that 84 per cent of rape cases reported to the police never came to court, mostly due to lack of evidence. Compared to other crimes, few rape cases end with a conviction in the courts. Between 2003 and 2005, the percentage of acquittals in rape cases was around 36 per cent. During the same period, the percentage of acquittals for all reported crimes was 7-8 per cent.

In its official report to the CEDAW Committee, Norway states that the increased number of reported rape cases probably reflects a greater willingness to report rape crimes. Regrettably there are no comparable incidence statistics available, so this statement is not backed up by any figures. The lack of reliable statistics on the incidence and prevalence of rape and sexual violence makes it difficult to identify appropriate measures to increase protection against rape and sexual violence, including preventive measures.

Shelters are vital in ensuring safety and access to justice for women experiencing domestic violence. We think it's an improvement that all municipalities now are required to provide a shelter for their inhabitants. However, civil society fears that great differences will arise in the shelter service when the funding is brought within the framework grant to the municipalities in 2011. What the State fails to take into account is that shelters do not follow the same logic as other statutory services. It has proven to be the case that criteria other than demographic and social conditions have an important part to play.

The shelters must be guaranteed stable and predictable funding to enable them to make long-term plans for their work. The grant, which is now to be included in the framework grants for operating the shelters, must be earmarked, or the result will be a structural discrimination of women in some areas.

Disabled women constitute the largest minority group among women in Norway. A study has shown that women with disabilities are five times more exposed to violence or threats of violence and discrimination as other women. In 2009, it was revealed that only 24 out of 50 crisis centers in Norway were accessible for women with physical disabilities. This is but one example, and the overall lack of attention paid by the Government to the absence of disabled women in both political and public life is alarming. They are not mentioned in the official report. Other studies show that other minorities of women are also more exposed to violence than majority women.

Shelters, as a low-threshold service, must be accessible and adapted to various groups of women, including disabled women, women from ethnic minorities, lesbians and transgendered. Particularly vulnerable groups are women with serious mental health problems and/or problems involving substance abuse. These women may experience problems getting help, and it may be difficult for them to obtain a safe and free place to stay if they need to escape from their home as shelters lack the necessary expertise.

Lack of access to justice is also a problem for transgender persons. As of today, there are no legal provisions stating the requirements for changing the registered gender. The decision of gender status rests entirely with the only clinic in Norway that provides medical care for this group. Only those who get the diagnosis transsexual (F64.0) are entitled to medical care, and there is no real right to appeal if the clinic's only psychiatrist refuses her consent.

To conclude - although formal equality is well developed in Norway, structural discrimination leads to a lack of substantial equality and access to justice, and there is a lack of awareness and adequate measures addressing this. This is particularly the case for minorities among women. The examples mentioned are only some of the issues that Norwegian authorities still have to deal with and correct to fulfill its obligations derived from the CEDAW. Further information and other examples can be found in the Shadow report itself.

Part 2 -

Comments to Norway's answers to list of issues and questions

1. Change in the Constitution

We support the proposed new article against discrimination

Few cases concerning CEDAW in the court

- There is no training for judges or lawyers on CEDAW, only in the European Convention on Human Rights (JURK talked to the Ministry for Justice, the Supreme Court, and the Norwegian Courts' Administration)

Constitutional, legislative and institutional framework

4: Legal information for immigrants and other groups of women

General Recommendations from the committees require of legal information for immigrant women. Research referred to on page 11-12 in the Shadow report document five requirements:

The legal information must be 1) Understandable, 2) Accessible, 3) Reliable, 4) Relevant and 5) Adequate. By "adequate" she means that the state should not give too much information, and that the individual's duty to find information should be balanced against the state's duty to provide.

In its response the Ministry only focuses on the information being understandable. Translation is fine, but easy Norwegian is just as important, and reaches a lot more women. There is no overall plan or strategy on how this should be done, neither for immigrant women nor for other groups of women, including disabled women, or women with poor reading skills.

National machinery for the advancement of women

5: The Action Plan for Gender Equality has a number of good proposals. We especially welcome the focus on various minorities among women. However, it remains to be seen how much will actually be put into action.

6: Very few of the government's reports and proposals contain a gender perspective. The trend is that it is either about gender equality only, or this is not mentioned. For example in a huge report on the effects of migration on Norwegian society, NOU 2011: 7 Welfare and migration, commissioned by the Ministry for Children and Equality, the statistics providing the basis for the analysis in the report did not contain gender as a category.

Violence against women

8: A new Phd study on how battered women themselves have experienced the penal process from the first contact with the police, through to the final court procedure, shows that women who did try to engage the criminal justice system – first and foremost the police – in their efforts to stop or reduce the violence, were not necessarily successful in that project. There seem to exist what we may describe as "public images" of the abuse itself, of the battered women and of the men who batter. These images, intended to be of benefit to the battered woman, rather seem to complicate her with the employees of the criminal justice system.

Thus, the criminal justice system, first and foremost the police, have been a burden, rather than help for the women. It may seem that the understanding and help you get as a victim of violence, provided by the police, largely is random and personal- and place dependent.

One of the most important issues of the action plan against domestic violence of 2002, was to ensure that each police district has a domestic violence coordinator in a full time position. At the time of the new action plan being published, this is still not the case in a number of police districts, as referred to on p. 22-23 in the NGO shadow report.

9: This question is not answered by Norway:

Please provide information on measures taken to provide specific training to judiciary in this regard.

In the "Plan of Action Against violence in close relationships, 2012", this is listed as one of the measures. However the measure is mainly targeted at cases concerning children, not violence against women or the new Penal Code.

Though the authorities and justice system in Norway claim to give high priority to combating violence against women, the victims' right to justice is in practice often hampered. The number of reported cases of family violence to the police has steadily increased in recent years. However, few reported cases of family violence end with a conviction in the courts.

10: This question is not answered by Norway:

Please provide information on whether these centres were established and regarding the budget and funds allocated to these facilities in comparison to those of shelters for women victims of violence.

From the shadow report (this is still the case regarding the financial situation for the shelters):

Civil society is concerned about the consequences of the Act on Shelters for the existing shelters. We fear that great differences will arise in the shelter service when the funding is brought within the framework grant to the municipalities in 2011. What the State fails to take into account is that shelters do not follow the same logic as other statutory services. It has proven to be the case that criteria other than demographic and social conditions have an important part to play.

The shelters must be guaranteed stable and predictable funding to enable them to make

long-term plans for their work. The grant which is now to be included in the framework grants for operating the shelters must be earmarked.

11: According to the current literature research on women murdered by their partners, the risk factors are as following:

1) former intimate partner violence in the current relationship, 2) the perpetrator access to and use of firearms, 3) context of pregnancy and childbirth, 4) perpetrator suicide in the wake of partner homicide, 5) perpetrator gender, and 6) perpetrator former partner violence.

The current literature research indicates important implications for preventative measures that are not taken into account in Norway's reply to the Committee.

The victim's contact with the support and healthcare services was of importance. The study suggests that the structuring and systematization of risk assessment and risk management are necessary, also in the public support and healthcare services (for example the assault centers), and not only within the police.

This question is not answered by Norway:

Please inform the Committee on how the Government counters structural discrimination related to gender stereotypes within the judiciary, particularly concerning rape and other types of violence against women.

Other issues not covered in the ministry's answer:

Disabled women and women who have sex with women experience more violence than most other groups of women, but we still don't know why, and who the perpetrators are.

Disadvantaged groups of women

16: The commission referred to by the Ministry under question 1, suggest several measures, for example a directorate responsible for following up the work against discrimination, including intersectional issues, and that intersectional discrimination is explicitly prohibited in all the anti-discrimination acts.

17: It is unclear whether the report the ministry refers to in its answer contain research also on the groups the committee here mentions.

18: There is again a lack of focus on the gender perspective in the strategy referred to from 2011. There is no distinction between disabled men and women.

20: Two Supreme Court decisions from 2011 (HR-2011-1739 and HR-2011-1740) show that there is a need for new legislation concerning the division of property between former

cohabitants. Formerly the court has taken the differences in income into account, but now it has set forth a new rule that each should contribute 50%. We know that the person with the highest income drives the level of expenses upwards, and women still earn significantly less than men, so this is a rule which is discriminatory towards women.

Part 3 - Possible questions to be asked

1. Legal framework

1.1 Anti-discrimination law

The Norwegian government decided not to continue the work with a holistic discrimination law. How will the legal framework handle intersectional and multiple discrimination, and ensure the same protection against discrimination when women are being discriminated against in these situations?

Will women have the same protection when being discriminated against mainly on the basis of other grounds than gender, as when gender is the principal ground for discrimination?

1.2 Access to justice in discrimination cases

An EU report on access to justice in discrimination cases from 2011 (McClimans 2011), stated that several measures are needed in order to make the system work as intended, and suggested the following measures:

1. Continue the work on improving the current framework legislation with a focus of making on holistic discrimination legislation to ensure the statutory legislation as a sufficient legal basis for discrimination cases.
2. Address the procedural issues on access to justice within the framework of developing a new holistic discrimination legislation.
3. Allow sanction/ orders of non-economical damages to be given by the Ombud and/ or the Tribunal
4. Give the Ombud mandate to advise on cases where the claimant/ discriminated shall receive free legal aid in order to take the case to the ordinary court. It has been suggested that the Ombud is given a possibility to advise on cases where the discriminated shall receive free legal aid. If followed through this would be a best practice.

How are these measures being followed up by the Norwegian government?

1.3 Legal information

Is there an existing strategy to ensure that the population, including immigrants and other minorities, receive information about their rights and duties in a way they can understand?

How is the right to legal information for people with language difficulties, such as migrant women or people with some kinds of disabilities, being ensured, and what specific strategies exist today?

1.4 Transgender persons

What are the requirements for changing one's registered gender? A report from the Norwegian Directorate for Health has been published in autumn 2011. What is being done in order to implement its recommendations?

2. Structural Discrimination

2.1 Work life

What is being done in order to create more equality in the valuation of work between male dominated and female dominated professions at the same level of qualifications?

What measures are being taken to counter the fact that 43 % of the female work force work part time, many of them wanting to work more than they do?

What is done to ensure that contracts entered into by public authorities ensure and promote gender equality?

2.2 Education

In order to prevent discrimination and counter stereotypes, it is vital that young people are taught about sex and gender, gender equality, sexual orientation and gender identity. What has been done in order to ensure that the teachers have adequate training about these matters? Please be specific as to funding, curriculae in teacher training institutions etc.

An important measure against rape is education. To what extent do the education about sexuality concern gender equality issues, stereotypes and communication about one's sexuality, including one's limits?

The Children's ombudsman published a report in 2010 stating that there are no efficient measures that can be taken against schools who do not do as they should to prevent harassment and bullying in schools. What is done to amend this situation?

What is being done to ensure that children in private schools receive adequate teaching about gender equality, gender identity and sexual orientation issues? How are these same pupils being protected against discrimination from both pupils and teachers?

2.3 Sexual violence

In 2008, a government report was made on how the judiciary handles rape, which included a number of suggested measures. Which of these have been implemented, and to what extent? Which have not yet been implemented?

2.4 Violence against women

How will the government ensure that women will get the same level of protection at shelters, no matter where in Norway they are based, or if they belong to a minority or have difficulties with substance abuse or mental illness?

It has already been documented that disabled women and young women who are attracted to women are more exposed to violence than majority women. Is there any systematic research on how gender and other grounds of discrimination interact in relation to being at risk of violence, including sexual violence? How is this handled in the general work against violence against women?

What measures are taken to improve the security situation of women under threat? How is the freedom of movement balanced between victim and perpetrator?

What is being done in order to map the reasons behind the high number of homicides in close relationships, and what measures are being taken?

How does the government counter structural discrimination related to gender stereotypes within the judiciary, particularly concerning rape and other types of violence?

2.5 The financial situation of women

What is being done to ensure that women will not end up as disproportionately poorer than men as a result of the recent pension reform?

Women are poorer than men in Norway, and end up worse off than men after divorce. Is there any research as to how the existing rules concerning marriage and cohabitation, including the rules concerning financial issues, contribute to this situation? What measures are taken to improve the fact that women tend to be disproportionately worse off financially than men after breaking up?

2.6 UN Security Council Resolution 1325

What exactly is being done to follow up this resolution? How much and on what specific measures have the money referred to by the government been spent?

3. Health care

3.1 Transgender and intersex

Which measures are taken to ensure that all transgender and intersex persons receive adequate health care?

What is being done to ensure that these groups are not under pressure to go through medical procedures that are not necessary for their physical health?

What is being done to ensure that lesbians, bisexual and transgender women are not forced to go into the closet again when dependent on care from the public health services?

Is there any research concerning the reasons why Sami women in majority areas have such significant health problems? What measures are being taken?

4. Refugees

In the official report, the Norwegian government uphold that the existing guidelines concerning gender related persecution include sexual orientation and gender identity. However, these have been much criticized for setting as a requirement that people should go into the closet again upon return to the country they are fleeing from, and the government has promised a number of times to the Norwegian LGBT Organization that the guidelines should be amended. What has been done, and to what extent are these guidelines in accordance with the UNHCR guidelines on this matter?

5. Prostitution and trafficking

What is being done in order to ensure the rights of women who are victims of trafficking or who work in prostitution on a voluntary basis? This includes their access to justice, for example when they are raped, immigration status issues, health care etc. How are the measures being evaluated?
