



CEDAW 2017

**The Ombud's report to the UN Committee
on the Elimination of Discrimination
against Women**

– a supplement to Norway's ninth periodic report



1. INTRODUCTION

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) sets standards for women's rights that Norway has undertaken to comply with. CEDAW has also been incorporated into the Norwegian Human Rights Act and takes precedence over other acts. The Equality and Anti-Discrimination Ombud (the Ombud) has a statutory responsibility to monitor whether Norwegian law, politics and administrative practice comply with CEDAW. Norway has come far when it comes to gender equality. However, we have still not reached a point where we can say that women and men have the same powers, freedom and equal opportunities. Imbalances persist between the genders in a number of areas, for example in their choice of profession, the prevalence of part-time work, pay and managerial positions, representation in local politics and management positions in academia. Women are subjected to more gender discrimination than men, both as individuals and as a group. Women are also subjected to more violence and harassment simply because they are women.

This report has selected five topics that require particular attention. They are:

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These are areas that the Ombud gives particular focus to in its overall work, and the CEDAW Committee has previously also called for the State's effort in several of these fields. The Ombud has consulted civil society in its preparation of the report¹.

In the previous supplementary report to the CEDAW Committee, the Ombud commented on some overarching, general weaknesses in the Norwegian authorities' gender equality policy, pointing to insufficient compliance with CEDAW. Unfortunately, the situation now, four years later, has not improved significantly in these areas. This will be commented on in brief below. We would otherwise like to remark that, on several points in the report, we highlight the situation for young boys and men. This is where we believe that the present situation affects boys and men in a way that has negative consequences for women. Changes in these areas require a comprehensive policy targeting both women and men.

A key issue here is stereotypical ideas about gender roles and norms in Norwegian society. Unfortunately, they seem to be becoming stronger rather than weaker in some areas. This applies, for example, to children and youth culture. Childhood has become commercialised and highly gendered, while the youth culture is characterised by increased objectification of women and potentially harmful ideals for women's bodies image and sexuality. These are complex phenomena, and the trends are the result of, among other things, massive external influence from all parts of Norwegian society, as well as foreign media. Implementing a counter-policy to do something about this is therefore challenging. However, it is the Ombud's view that the situation receives far too little attention from the authorities, and that not enough measures are implemented to combat or balance out these stereotypes. In connection with the previous examination, the CEDAW Committee encouraged the State to look into possible harmful effects of gender stereotypes, and to implement measures targeting the media and the education system with a view to promoting positive, non-stereotypical portrayals of women². In the Ombud's opinion, the State is not doing enough to ensure compliance with CEDAW Article 5, which states that the parties to the Convention shall take all appropriate measures to modify patterns of conduct of men and women, with a view to achieving the elimination of prejudices and practices based on stereotyped roles for men and women.

Furthermore, the Ombud is concerned that stereotypes and gender norms relating to rape, and ideas about what constitutes rape, may lead to rape offences not being reported to the police, and, secondly, that the cases that are reported are not adequately followed up by the police and the justice system³. In 2016, an important public debate has taken place about the courts' handling of rape cases, following acquittals in a few such cases⁴. The debate highlighted the need for work

on changing attitudes, gender stereotypes and norms relating to sexual abuse and rape, both among the general public and on the part of the public prosecuting authority and the courts. In connection with the previous examination, the CEDAW Committee mentioned in particular that the State should ensure that lay judges undergo training on the subject of violence against women⁵. Such training has not yet been carried out.

The State's strategy is to 'mainstream' gender equality policy. This means that gender equality considerations shall be incorporated into general legislation, policy and administrative practice. In practice, this may mean that gender equality considerations must yield or are not properly attended to. Particular concern is attached to the Government's legislative drafting instructions, which are intended to ensure an adequate decision basis for government measures. The instructions were revised with effect from 1 March 2016. Previously, gender inequality was emphasised in the instructions as one of seven issues that it could be significant to look into. Now, gender equality is only mentioned briefly in the guidelines to the new instructions, as one of many issues of principle that can be considered in an assessment. Over time, there is a risk that this will mean that gender equality is given less emphasis in connection with the preparation of laws, regulations and other measures. In the Ombud's view, the consequences of this change should be evaluated after some time has passed.

In connection with the CEDAW Committee's previous examination of Norway, one of the Committee's main concerns was precisely that gender-neutral legislation, policies and programmes can lead to insufficient protection against discrimination for women and be an obstacle to achieving real equality between women and men⁶. The Ombud sees a growing tendency for gender neutralisation. One example is the Government's suggestion, in the proposed new joint Anti-Discrimination Act, which was presented in autumn 2015, to remove the particular objective of 'improving the position of women' in the Act's statement of purpose. The proposal reflects a widespread view that we have already achieved gender equality in Norway. Although the Ombud recognises that men are also subjected to discrimination on the basis of gender, removing this phrase will represent a set-back and undermine women's structural protection against discrimination.

The new joint Anti-Discrimination Act proposes to remove family life and the personal sphere from the scope of the Act. This will entail an unfortunate weakening of women's protection against discrimination. CEDAW also covers family and private life, and the CEDAW Committee has repeatedly expressed concern about Norway's inability to safeguard women's due process and their right to freedom from discrimination with regard to different forms of gender-based violence. Gender-based violence includes, not least, violence in families and personal relationships. By excluding family life and the personal sphere from the scope of the Anti-Discrimination Act, the Act will not fully reflect the society it is intended to apply to. For some groups of women, discrimination is primarily something that takes place in the family, for example in the form of social control, resulting, in the most extreme cases, in these women being cut off from the rest of society. Discrimination in the family is serious in itself and also prevents women in a vulnerable situation from exercising their rights as fully-fledged members of society. Discrimination in the family is a barrier to participation, not only in the labour market but also in other social arenas.

Furthermore, we want to highlight the danger of gender equality not being adequately addressed in connection with the development of policy and legislation, because civil society does not have sufficient formal and actual power of influence. There is currently no fixed forum for ongoing dialogue with and involvement of civil society at the national level. Moreover, civil society reports that consultation deadlines, including for proposals with a bearing on gender equality, are so short that organisations do not have time to submit thorough statements. Insufficient funds also weaken the organisations' working conditions.

EXPLANATION OF REFERENCES IN THE REPORT:

Art. refers to an article in CEDAW⁷. GR refers to the CEDAW Committee's general recommendations⁸. CO refers to the CEDAW Committee's concluding observations from the examination of Norway in 2012⁹.

1 The Norwegian Women's Lobby, the Secretariat of the Shelter Movement, the ROSA project, Oslo Women's Shelter, Stop Discrimination, Alternative to Violence, and Reform – the resource centre for men

2 Recommendation No 22

3 See Chapter 3

4 Especially what is known as the 'Hemsedal case' (LB-2015-85818)

5 Recommendation No 24 (c)

6 The Committee's Recommendations No 9 and No 10

7 Convention on the Elimination of All Forms of Discrimination against Women: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

8 <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

9 <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-NOR-CO-8.pdf>

2. VIOLENCE IN CLOSE RELATIONSHIPS

2.1. Description of the situation

Violence in close relationships is punishable under the General Civil Penal Code. The Act contains special provisions on violence in close relationships: Section 282 and Section 283. Partner homicide comes under Section 275 and persecution under Section 266 a. In addition, Section 273 and Section 274 on bodily injury may be relevant. Over the last 35 years, the State has intensified its efforts to prevent, protect against, uncover and punish gender-based violence between private individuals. Violence in close relationships nonetheless remains a serious gender equality problem. Not enough effort is devoted to counteracting the causes of the violence, preventive measures are not effective enough and there is insufficient protection of the victims. In addition, Norway has signed but not ratified the Council of Europe's convention on violence against women¹⁰. In November 2016, the Government launched an escalation plan against violence and abuse for the period 2017-2021¹¹.

2.1.1. Extent

It is estimated that about 150,000 people are subjected to violence in close relationships in Norway every year¹². Although violence is also committed against men, women are more exposed to the grave forms of violence. According to a survey¹³ conducted in 2014 on violence and rape in Norway, 8.2 per cent of women and 1.9 per cent of men have been subjected to grave violence from their partners, such as kicking, holding in a stranglehold or hitting. Two-thirds of the victims have been subjected to controlling behaviour by their partner. Between 1990 and 2012, one quarter of all homicides committed in Norway (206 of 867) were partner homicides. Ninety per cent of the victims were women¹⁴. Although there was an increase of eight per cent in the number of police reports on domestic violence from 2011 to 2015, only one quarter of the victims report the violence to the police¹⁵. In a survey of students between the ages of 18 and 25, one of ten said that they had been subjected to violence by their partner or a friend under the influence of alcohol or drugs. Eighteen per cent know young men in their circle of friends who, while under the influence of alcohol or drugs, has been violent to friends or girlfriends¹⁶. The costs to society of domestic violence is related, among other things, to the victims' reduced possibility of participating in the labour market. A survey of women who had experienced violence in close relationships showed that 45 per cent of the women were not in employment¹⁷. Further, 34 per cent of women living in crises centres are in employment, compared with 66 per cent in the general population¹⁸.

2.1.2. Lack of protection

In 2013, the Norwegian Supreme Court concluded in case HR-2013-881-A that the State was to be held liable under Articles 3 and 8 of the European Convention on Human Rights for failure to provide necessary protection of a woman who had been subjected to threats and persecution for a long period. A total of 570 persons are registered under what is known as the 'code 7 arrangement', meaning that their address is kept secret from private individuals. Around 937 persons are registered under code 6, which is the most stringent security measure and entails that their address is not visible in public records either. Approximately 850 of them are women and their children, who have run away because they are exposed to violence in close relationships¹⁹.

The Office of the Public Prosecutor can issue a protection order (ban on visits) if there is reason to believe that a person may commit a violent crime, persecute someone or prevent another person's free movement. There has been a marked increase in the number of violations of such orders, from 876 in 2006²⁰ to 1,941 in 2014²¹. In 2013, the possibility of 'reverse alarms' was introduced, meaning that the offender, and not the victim, is sentenced to wear an alarm. As of 1 November 2016,

10 Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)
11 Proposition No 12 (2016–2017) to the Storting: Opptrappingsplan mot vold og overgrep ('Escalation plan against violence and abuse' – in Norwegian only), (2017–2021)
12 Vista 2012
13 Violence and Rape in Norway – A national prevalence survey, NKVTS, 2014
14 Partner homicides in Norway 1990–2012/ A mixed methods study of risk factors in partner homicide. Oslo: OUS, the Centre for Research and Education in Forensic and Psychiatry for the South-Eastern Health Region. URL http://sifer.no/files/Partnerdrap_web.pdf (Vatnar, S. K. B. (2015)
15 Violence and Rape in Norway – A national prevalence survey, NKVTS, 2014
16 Youth survey on violence, Sentio Research 2016: http://www.actis.no/files/docs/ungdomsundersokelse_vold.pdf
17 Kjersti Alsaker et al. Domestic violence can make employment difficult. Journal of Gender Studies, no 3-4, 2014
18 Sentio research – Reporting from crisis centres, 2014, Directorate of Children, Youth and Family Affairs 2015
19 VG 1 Aug. 2015: <http://www.vg.no/nyheter/innenriks/stadig-flere-har-samfunnets-sterkeste-beskyttelse/a/23494213/>
20 <http://www.dagbladet.no/2010/10/20/nyheter/besoksforbud/innenriks/politiet/13918690/>
21 http://www.dagbladet.no/2015/03/06/nyheter/vold_i_nere_relasjoner/samfunn/politikk/innenriks/38088323/

13 charges had been taken out on violence alarms, 8 were convicted and 3 wore a reverse alarm²². In seven of ten cases of partner homicide, there have been reports of violence prior to the homicide²³. The SARA (Spousal Assault Risk Assessment) system has been introduced for the purpose of identifying persons at risk of grave violence, and, at worst, partner homicide. A survey from 2015²⁴ showed that SARA should have been introduced in all police districts by the end of 2013, but that it had only been introduced in half of them. In addition, not all police districts have a domestic violence coordinator employed full time.

Under the Crisis Centre Act, the municipalities of Norway are obliged to provide all victims of domestic violence with equal assistance through crisis centres, adapted to each person's needs. However, the municipalities have not yet developed satisfactory services for victims with disabilities and victims who are addicted to drugs or alcohol²⁵. Furthermore, victims from minority backgrounds may need language adaptation, which is not adequately attended to. In addition, the assistance provided to victims of domestic violence is not sufficiently coordinated to ensure that they get the comprehensive assistance they need. Nor has relevant expertise been ensured with a view to providing such assistance.

The organisation Reform (resource centre for men) reports that the provision of services for men who commit violence is insufficient, and that there is a need for more preventive services targeting boys, young men and young couples²⁶.

Foreign nationals holding temporary residence permits because they are in a relationship with a person holding Norwegian citizenship or a settlement permit in Norway will lose their residence permit if the relationship ends before the foreign national has been granted permanent residence. This is regulated by the Immigration Act²⁷. An independent residence permit can be granted after three years, but an exception to the rule applies to, among others, victims of domestic violence. The exception to the residence rule²⁸ is not exercised in line with the intentions behind it and the provision is often interpreted more narrowly by the immigration authorities than the wording indicates²⁹. This concerns in particular the interpretation and application of the term abuse, in that it is made a requirement that the incidents must have caused injuries or reduced the applicant's quality of life. The cases are thereby not considered on the basis of the violent act(s) themselves. Knowledge about the exception is also limited among those it is intended to protect and in the public administration³⁰. This is still a problem despite the fact that competence-raising measures have been implemented among large groups of relevant first-line services under the auspices of the Centre for Knowledge and Gender Equality (KUN).

2.2. The Ombud's assessment of the situation

The State has a responsibility for preventing violence against women and violence in close relationships, for protecting the victims, prosecuting and punishing the perpetrators and cooperating with all relevant bodies in accordance with CEDAW Article 3 and the CEDAW Committee's General Recommendation No 19, which states that gender-based violence against women is discrimination according to CEDAW's Article 1. The Ombud is concerned that violence in close relationships and partner homicide continue to be serious gender equality problems that threaten women's fundamental human right to life, freedom and security. The Ombud considers that the State still does not fully meet its convention obligations under CEDAW Article 3, the Committee's Recommendation No 19 and the CEDAW Committee's Recommendations No 21–26 to Norway in 2012. The Ombud takes a positive view of the Government's escalation plan against violence and abuse, which entails a strengthening of a range of measures. However, the Ombud considers that there is still a need for policy development and more effective efforts in the field of domestic violence.

The Ombud is concerned about how few people report domestic violence to the police, that victims do not receive necessary, adapted and effective protection, that there is an increase in violations of protection orders, that police intervention in the event of a violation is not quick enough, and that

22 The National Police Directorate
23 Vatnar, S. K. B. (2015). Partner homicides in Norway, 1990–2012. A mixed methods study of risk factors in partner homicide. Oslo: OUS, the Centre for Research and Education in Forensic and Psychiatry for the South-Eastern Health Region. URL http://sifer.no/files/Partnerdrap_web.pdf (Vatnar, S. K. B. (2015)
24 Tine Saxegaard, Sara Marie Endreson, Report on the police domestic violence coordinator scheme, Jurk report no 71, 2014
25 The provision of crisis centres in the municipalities. Evaluation of the municipalities' implementation of the Crisis Centre Act, Bakkeiteig et al., Nova report 19/2014
26 In connection with the Ombud's consultations with civil society in the work on this report
27 The Act concerning the entry of foreign nationals into the Kingdom and their presence in the realm (the Immigration Act): <https://lovdata.no/dokument/NL/lov/2008-05-15-35>
28 The Immigration Act Section 53: <https://lovdata.no/dokument/NL/lov/2008-05-15-35>
29 Ali, Sobia Muzaffar. Retten til fortsatt oppholdstillatelse på selvstendig grunnlag ('The right to continued residence permit on an independent basis' – in Norwegian only). Master's thesis. Faculty of Law. 2014.
30 For documentation of lack of expertise in first-line services, see, inter alia, Bakkeiteig et al. 2014, Bufdir 2015, LiveWork 2015.

'reverse alarms' are not used to a sufficient extent, so that women and children bear the burden of having to live in fear at a secret address. Despite several national policy documents, the Ombud is concerned that preventive measures are not given sufficient priority, and that the measures are not targeted and effective enough. The Ombud appreciates the police's establishment of victim care offices. The Ombud is nonetheless concerned that victims of violence do not have access to comprehensive and sufficiently coordinated help services with the relevant expertise.

The Ombud considers it positive that the Government has announced that it will ask the National Police Directorate to evaluate the level of expertise on the subject of violence at all levels of the police organisation, and that it will appoint a group of experts tasked with investigating partner homicide cases with a view to identifying good methods for early intervention³¹. The Ombud is nonetheless concerned about the police not intervening soon enough, that the SARA system is not implemented in all police districts, and that not all domestic violence coordinators are employed in full-time positions. The Government has announced an evaluation of how violations of protection orders are followed up by the police³², which the Ombud believes is important.

Furthermore, the Ombud considers that the State should make greater efforts in relation to preventive measures, such as actively counteracting gender stereotypes and norms and expanding the range of services available to offenders and to boys, young men and young couples. The Ombud is also of the opinion that the authorities should consider measures that may counteract violence that occurs in connection with the influence of alcohol or drugs.

Moreover, the Ombud is concerned that women holding temporary residence permits who are subjected to domestic violence do not receive the protection they need and are entitled to. Both the CEDAW and the CERD Committees have expressed concern about the situation of these women³³. In the Ombud's opinion, it is important that relevant agencies such as the Norwegian Welfare and Labour Administration (NAV) acquire the necessary knowledge about the rights of women in this situation, so that the women receive the help they need and are entitled to.

2.3. The Ombud's recommendations

The Ombud recommends that the Committee ask the Government to develop a comprehensive, long-term strategy to prevent, protect against, uncover and punish violence in close relationships, that includes the following measures:

1. Developing accessible, adapted crisis services and earmarking funds for adapting the services to different women's needs. Providing comprehensive, coordinated assistance measures to victims of violence, that are rooted in the crisis centres' expertise.
2. Ensuring that the police are capable of exercising effective protection through expanding the system of domestic violence coordinators and of SARA in all the police districts, and by lowering the threshold for reporting domestic violence.
3. Expanding the system of 'reverse alarms' so that the burden is moved from the victim to the offender, and ensuring that the system is effectively enforced.
4. Expanding services for offenders, and expanding preventive measures targeting particularly boys and men in different life situations.
5. Lowering the threshold for what is considered abuse under the exception provision in the Immigration Act, so that it is no longer a requirement that the incidents must have caused injuries or reduced the applicant's quality of life, and thereby ensuring that the cases are considered on the basis of the violent act(s) themselves. Further expanding the exception rule to include all forms of violence in close relationships, not just partner violence.
6. Instructing the Directorate of Immigration (UDI) to provide information about the exception rule when it issues decisions on residence permits. Expanding the criteria for participating in introduction programmes to include persons who come to Norway for the purpose of family reunification, and providing information about rights and possibilities relating to their basis for residence.
7. Ratifying the Council of Europe's Convention on violence against women (the Istanbul Convention).

31 Proposition No 12 (2016–2017) to the Storting: Opptappingsplan mot vold og overgrep ('Escalation plan against violence and abuse' – in Norwegian only), (2017–2021)

32 Proposition No 12 (2016–2017) to the Storting: Opptappingsplan mot vold og overgrep ('Escalation plan against violence and abuse' – in Norwegian only), (2017–2021)

33 CEDAW Committee's concluding observations 2012, no. 35 and no. 36 (c), and CERD Committee's concluding observations no. 33 to Norway's 21st and 22nd report in 2015

3. SEXUAL HARASSMENT AND SEXUAL VIOLENCE

3.1. Description of the situation

3.1.1. Sexual harassment and rape

Sexual harassment is prohibited under the Gender Equality Act Section 8³⁴, and sexualised violence and rape is punishable under the General Civil Penal Code Chapter 26³⁵.

Sexual harassment takes place in both private and public arenas. In a survey on harassment in upper secondary school, 55 per cent of the girls stated that they had been the victim of non-physical sexual harassment, while 33 per cent stated that they had been the victim of physical sexual harassment³⁶. The harassment was largely committed by boys at the same age. Sexual harassment is under-reported, and this must in part be seen in light of a lack of low-threshold services. The courts have proved to be too high a threshold for victims of harassment.

It is assumed that between 8,000 and 16,000 women are raped every year³⁷. Relatively few report it to the police. The figure for 2015 was 1,367 reports³⁸. In addition, very few reports to the police end in a conviction. The National Police Directorate's own review of the investigation of rape cases shows that in 39 per cent of the cases, the investigation was of 'low quality and efficiency', or 'very low quality and efficiency'³⁹. In particular, insufficient collection of technical evidence is an obstacle to conviction. When the case is brought before the court, attitudes, particularly among lay judges, that women themselves are to blame in connection with rape, or lack of knowledge about rape on the part of lay judges, can weaken women's right to due process in rape cases. The serious harmful consequences of rape are well documented. Less attention has been given to the harmful consequences of sexual harassment and other forms of sexual violence. Victims of sexual violence are more vulnerable to repeated abuse. Girls and young women are at particular risk of sexual violence. Grave sexual harassment bordering on rape primarily affects girls and young women⁴⁰.

3.1.2. The emergence of new arenas for sexual abuse

The extent of sexual violence and harassment against girls and women does not seem to decrease despite increased gender equality in other areas of society. Rather, there has been a development characterised by new technology-based arenas for abuse, as described in Chapter 4 below. Increased attention has also been given to the prevalence of what appears to be abuse-oriented practices targeting school children, where young girls are subjected to grave sexual harassment by older boys. This is in conjunction with the period when students in upper secondary school celebrate their last year of school ('russetiden'), and the buddy systems for new students in higher education. These changes indicate a problem with extensive sexualisation in the portrayal and treatment of girls and young women. The Ombud has previously expressed concern about tendencies in society in the direction of increased sexualisation particularly of girls and young women, and that digital spaces have contributed to a further strengthening of these tendencies⁴¹. Furthermore, the Ombud refers to the survey that shows that young women are at increased risk of being subjected to violence from boyfriends and friends under the influence of alcohol or other substances, cf. section 2.1.1.

3.1.3. Pornography

A major European survey⁴² shows that as many as 34 per cent of Norwegian children between the ages of 9 and 16 have watched pornography online. This is twice the European average, which is 14 per cent. There is a lack of systematic, qualitative research exploring possible connections between pornography and sexual violence. Simultaneously, the Director General of Public Prosecutions sees in its own abuse cases the presence of pornography-influenced sexual cultures among young men who commit sexual assaults⁴³.

34 Act relating to gender equality (the Gender Equality Act): <https://lovdata.no/dokument/NL/lov/2013-06-21-59>

35 The General Civil Penal Code: <https://lovdata.no/dokument/NL/lov/2005-05-20-28?q=straffeloven>

36 Seksuell helse og trakassering i videregående opplæring ('Sexual health and harassment in upper secondary school'), 2013–2014, Bendixen & Kennair. 2014.

37 NOU 2008:4 Fra ord til handling – Bekjempelse av voldtekt krever handling ('From words to action – Combating rape requires action' – in Norwegian only)

38 https://www.politi.no/vedlegg/lokale_vedlegg/kripos/Vedlegg_3591.pdf

39 https://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_2957.pdf

40 Svein Mossige and Kari Stefansen, NOVA report 20/07

41 For example, a survey conducted by the Norwegian Media Authority found that 40 per cent of the respondents who had sent nude pictures of themselves felt pressured to do so.

42 EU Kids Online

43 During an open seminar arranged by Norwegian Centre for Human Rights, about the multifaceted aspects of due process, seen in light of the courts treatment of rape cases

3.1.5. Sexual harassment and harassment based on gender in the workplace

The prevention of harassment under discrimination legislation is part of employer's duties in the mandatory systematic work on health, safety and the environment (HSE), and employees are obliged under the Working Environment Act to report harassment. In a survey conducted in 2015, 4.7 per cent, or around 123,000 employees, stated that they receive unwanted sexual attention, comments or similar in the workplace on a monthly basis. Eight per cent of working women and two per cent of working men report this. Working women in the youngest age group (17–24) are most affected, where 14 per cent reported unwanted sexual attention. It is particularly among waiters, health personnel and customer service professions that the prevalence is high⁴⁴.

3.2. The Ombud's assessment of the situation

The CEDAW Committee's General Recommendation No 19 states that gender-based violence against women is discrimination according to CEDAW's Article 1. Furthermore, Article 2 orders states to pursue all appropriate means to eliminate discrimination against women. The Ombud considers that the Government's effort to combat sexual violence against women is inadequate. In addition, new arenas for abuse have emerged, and some forms of gender-based violence and exploitation of women are therefore increasing. The Ombud is of the view that not enough is being done to prevent sexual violence. Effective prevention requires prioritisation and efforts targeting the root causes of such violence. The Ombud believes that there is a risk that the Government focuses most of its attention on repairing the harms caused by the violence, and that it does not sufficiently counteract the root causes of violence in accordance with its obligations under CEDAW Article 5. There is a need to counteract negative gender stereotypes, which together with other factors, are among the main causes of gender-based violence. In addition, the Government should consider measures to counteract violence that occurs in connection with the influence of alcohol or drugs.

The Ombud finds it worrying that different forms of gender and sexual cultures among young people seem to promote sexual violence and harassment, such as in connection with upper secondary graduation celebrations ('russetiden'), buddy systems for new students and closed internet forums for men. There is little knowledge about what is causing this development and how it affects perceptions of gender and sexuality and relations between boys and girls. Despite the potentially negative consequences of these sexual cultures, sex education in primary and secondary school does not seem to sufficiently reflect the challenges posed by these cultures. The Ombud is concerned with the Government's lack of initiative to establish a low-threshold service for sexual harassment cases, despite the fact that the State has known for a long time that victims of sexual harassment do not consider the courts to be a suitable venue to bring their cases. As far as the Ombud knows, the Government does not have any plans to compensate for the lack of a low-threshold service with, for example, an extended right to free legal aid.

Furthermore, the Ombud is concerned about the fact that very few employers are aware of, and comply with, their obligations under the Gender Equality Act to prevent and introduce notification procedures in cases concerning sexual harassment and gender-based harassment. In addition, the Ombud wishes to point out that the Norwegian Police University College in Oslo has decided to discontinue the specialisation course in sexual abuse. The Ombud is worried that this will weaken the quality of investigation in sexual abuse cases and also weaken recruitment to the police unit dealing with sexual offences.

3.3. The Ombud's recommendations

The Ombud recommends that the Committee ask the Government to:

1. Establish a low-threshold service for sexual harassment cases.
2. Include in the health, safety and environment provisions in the Working Environment Act, employers' duties relating to prevention and notification procedures in cases concerning sexual harassment and harassment based on gender as defined in the Gender Equality Act.
3. Develop national minimum standards for sex education in primary and secondary school that address topics and knowledge objectives that reflect developments in society, with particular emphasis on the role of social media and digital platforms in young people's lives, the developing of gender identity, norms, prejudices and stereotypes relating to sexuality and gender, and knowledge about different forms of digital and physical sexual violence. In addition, the school health service should strengthen its competence in these areas, and the capacity should be increased.

44 Fact book on the working environment and health 2015 from the National Institute of Occupational Health (STAMI) <https://stami.no/publikasjon/faktabok-om-arbeidsmiljo-og-helse-2015-status-og-utviklingstrekk/>

4. Devote resources to research into the root causes of sexual violence, the consequences of a highly sexualised society and the connection between sexualisation and gender-based violence.
5. Encourage the Police University College in Oslo to reintroduce the specialisation course in sexual abuse.

4. HATE SPEECH, DIGITAL HARASSMENT AND DIGITAL VIOLENCE

Art. 3
GR nr. 19

4.1. Description of the situation

Hate speech may be punishable under the General Civil Penal Code Sections 263 and 267. Digital harassment and digital violence may be punishable under various provisions of the General Civil Penal Code, depending on the nature of the offence. Relevant sections in the General Civil Penal Code are Sections 201, 202, 204, 205, 306 and 311, in addition to Sections 263 and 267⁴⁵.

4.1.1. Hate speech

Hate speech targeting women because of their gender has received more attention in recent years. In autumn 2016, the Government adopted an action plan on hate speech, including hate speech targeting women. Research conducted in Norway suggests that women who are visible in the public discourse, such as debaters, bloggers, journalists and politicians⁴⁶, are particularly at risk. Gender-based hate speech against women is characterised by largely focusing on women's bodies, appearances, sexuality and gender⁴⁷. It comes in different degrees of severity and ranges from negative comments about a woman's gender or appearance to encouraging and glorifying sexual violence and threats of violence and sexual violence⁴⁸. This undermines girls and women's fundamental right to life, freedom and security, and limits their participation in the public discourse. The latter seems to apply to women from minority backgrounds in particular, where the defamation targets both their gender and their ethnic or religious affiliation. Hate speech takes place in different arenas, but it is in digital arenas that it is most widespread and affects the most people.

4.1.2. Gender-based digital violence

Technological developments provide new arenas for committing violence against women. The line between digital harassment and digital violence is blurred. Gender-based digital harassment and digital violence against women include hate speech, collective harassment and threats against female online gamers, digital stalking, identity theft, 'creepshots'⁴⁹, images and texts that promote glorification of gender-based and sexual violence (including in online games), unwanted spreading of videos and photos with sexual content through e.g. closed online forums for men⁵⁰, revenge porn and non-consensual porn, digital spreading of abuse material and extortion for e.g. prostitution by so-called 'loverboys'⁵¹. Technology is also used by men who are violent to their partners, for example by limiting the woman's freedom of movement⁵².

The harmful effects of digital violence can be as extensive and serious as in cases of physical violence⁵³. Although research in the field is lacking, it is also likely that the violence is triggered by the same causes. The violence may also develop from physical to digital violence, and from digital blackmail to physical abuse. A European study showed that 38 per cent of the Norwegian girls who were asked had experienced digital violence in an intimate relationship. It also showed that a higher proportion of girls than boys have experienced that their partner or ex-partner had used a mobile phone or social media to harass or threaten them. Girls who send nude photos of themselves to their partner are more vulnerable to partner violence⁵⁴.

45 The General Civil Penal Code: <https://lovdata.no/dokument/NL/lov/2005-05-20-28?q=straffeloven>

46 Hagen, Aina Landsverk. Meningers mot, netthatt og yttringsfrihet i Norge ('Courage of convictions, online hatred and freedom of speech in Norway' – in Norwegian only). Cappelen Damm. 2015.

47 Midtbøen & Steen-Johnsen, 2014

48 Hedda F Espeli. Kvinners meningsytring i den digitale offentlighetens kultur ('Women's expression of opinion in the digital culture' – in Norwegian only) Status of freedom of speech in Norway, 2014

49 Photos of random girls and women in public, focusing on their bodies.

50 The Ombudsman is aware that there are a number of closed online forums for men where the members systematically collect and distribute nude photos and sexual videos of girls who have not permitted such distribution.

51 These are boys/men who target girls they consider to be vulnerable or receptive and create a fictional online or offline relationship with the girl. After a while, they may for example ask the girl to send a nude photo of herself as 'proof' of their intimate relationship, which they say they will distribute through different portals unless the girl does as they say. It often involves prostitution.

52 EU Kids 2016

53 Refer f. ex. http://www.genderit.org/sites/default/upload/apownsp_mdg3advocacypaper_full_2011_en_0.pdf and http://www.learningtoendabuse.ca/sites/default/files/Baker_Campbell_Barreto_Categories_Technology-Related_VAW_.pdf

54 Hellevik, P & Øverlien, C. Teenage Intimate Partner Violence: Factors associated with victimization among Norwegian youths in Safeguarding Teenage Intimate Relationships (STIR, 2016).

Another survey⁵⁵ found that current or previous partners, and friends and acquaintances, were behind most of the reported cases of serious violations and hate speech online. Experiences of digital violence, especially combined with free distribution (re-victimisation), can have very serious consequences and have in some cases also contributed to suicide, as in two publicly known cases in the USA and France⁵⁶.

4.2. The Ombud's assessment of the situation

CEDAW Article 3 instructs the State to take all appropriate measures, including legislation, to protect women against violence in their everyday lives. In the Ombud's opinion, the Government does not meet its obligations under Article 3 because it lacks an effective approach to preventing and combating hate speech and digital violence against girls and women. The Government's new strategy on hate speech (2016-2020) contains important measures that must be followed up with the necessary resources and priority in order to be effective. Digital violence against women gives rise to new challenges that requires the State to carry out a systematic review of the division of responsibility between public and private parties such as internet service providers, phone companies and distributors of digital material. Furthermore, the Ombud is concerned that the police and courts do not have sufficient knowledge about or enough resources to safeguard due process for women who are subjected to gender-based digital violence⁵⁷. Systematic, long-term efforts are also needed that can contribute to preventing and combating the root causes of hate speech and digital violence against women, including to combat widespread negative gender stereotypes. This would help to promote the intentions of Article 5 (a) of the Convention.

4.3. The Ombud's recommendations

The Ombud recommends that the Committee ask the Government to:

1. Make systematic efforts to uncover, map and combat different forms of digital violence, and see this in conjunction with other work concerning violence against women.
2. Identify any deficiencies in the legal protection that weakens due process for women subjected to gender-based digital violence, and to follow up findings from a Nordic research project⁵⁸. Increase police resources for work on digital sexual offences, in the form of competence-raising, finances and personnel.
3. Introduce compulsory education on digital violence against girls and women at teacher education institutions and in police education.
4. Establish an online portal with continuous mapping of the media's moderation of readers' comments, which can be used by media players who are not familiar with or do not have their own methods of moderation.

Art. 6
GR nr. 25
GR nr. 26

5. HUMAN TRAFFICKING

5.1. Description of the situation

5.1.1. Scope

The vast majority identified as victims of human trafficking are women exploited for prostitution or other sexual purposes. There are no certain figures for the number of victims of trafficking in Norway. The Coordination Unit for Victims of Human Trafficking (KOM) compiles figures from different agencies working closely with possible victims of trafficking, and has calculated that in 2015, 301 persons received assistance as assumed victims. Women make up the majority, and are predominantly exploited for prostitution or other sexual purposes⁵⁹. The number of identified victims of trafficking has been slightly reduced in the years after 2012. In 2014, 193 women were registered as possible victims of trafficking exploited for prostitution. The corresponding figure for 2015 was 175. There are unrecorded cases in this area, and KOM says that their figures should be considered minimum figures. Agencies and organisations working with victims of trafficking argue that the decrease can be due to several factors. The Nadheim centre for women and men with experience of prostitution, which is run by the Church City Mission, states that there are fewer Nigerian women in prostitution because of, among other things, intensified immigration control by the police.

55 Anderson et al. 2015. Polisanmälda Hot och Kränkningar mot Eskilda Personer via Internet ('Threats and insults against individuals via the internet' - in Swedish only). The Swedish National Council for Crime Prevention (Brå).
56 Links to cases: <http://www.bbc.com/news/world-europe-37380704>; http://www.huffingtonpost.com/2009/12/07/jessica-logan-suicide-par_n_382825.html
57 Kripas refers to, among other things, the scope of the problem and jurisdiction make investigations more difficult: <https://nrkbeta.no/2016/08/10/bilder-av-unge-norske-jenter-deles-pa-gutteforum>
58 <http://www.nikk.no/nyheter/nordiska-lagar-mot-hot-och-hat-pa-natet-granskas/>
59 Report from KOM 2016, p. 20: https://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_3727.pdf

Several parties have also pointed out to KOM that the way the help is designed can lead possible victims to turn down assistance, which means that victims are not registered⁶⁰. Many victims have strong ties to the traffickers, which makes it difficult to keep their location secret. Intensified immigration control by the police has also caused some people to keep a low profile⁶¹.

In 2015, 30,000 people applied for asylum in Norway, which is a high number in the Norwegian context. So far, the influx of refugees has not been reflected in the number of possible victims of trafficking. However, asylum seekers and persons who are staying in the country unlawfully after receiving a rejection of their asylum application can be vulnerable to exploitation in trafficking. The Directorate of Immigration (UDI) expresses concern about unreported cases in this group⁶². The situation requires good information procedures and knowledge about human trafficking to be able to identify possible victims in this group.

5.1.2. Legislation, politics and administrative practice

In recent years, several appropriate measures have been implemented with a view to combating trafficking and protecting the victims. The new General Civil Penal Code entered into force in 2015, where the maximum sentence for trafficking was increased to six years. The maximum sentence for grave human trafficking is ten years⁶³.

In December 2016, the Government adopted a new action plan on human trafficking⁶⁴, which replaces the one that expired in 2014. The new action plan contains a number of measures whereby the Government is obliged to make coordinated efforts to combat trafficking, and where the State and voluntary organisations work together to stop abuse and protect the victims. Identification is decisive in order to work effectively to combat trafficking and to assist the victims as best as possible. There is no national system for identification, and reporting to KOM shows that there are variations in the identification⁶⁵. The interdisciplinary operative team in Bergen refers to how increased experience of and knowledge about trafficking have increased the probability of identifying possible victims⁶⁶. One of the measures in the Government's new action plan is to develop a new mandate for KOM, which shall help to give the unit an effective role in identifying and referring victims.

Because women who are victims of trafficking mainly are exploited for prostitution, legislation on the purchase of sexual services is relevant. In its recommendations of 2012, the Committee asked Norway to study the effect of the General Civil Penal Code Section 202 a (Section 316 in the new General Civil Penal Code⁶⁷), i.e. the provision that prohibits the purchase of sexual services (known as the Sex Purchase Act). The Act was evaluated in 2014. That the evaluation was carried out so soon after the Act entered into force in 2009 has been criticised. The findings nonetheless show that fewer people buy sex and that fewer boys and men think it is acceptable to buy sexual services. This has led to fewer people being exploited in prostitution and also fewer traffickers. The market has become weakened and the scope of human trafficking to Norway has probably been reduced compared with before the Act entered into force⁶⁸. The Sex Purchase Act has been the subject of debate in Norwegian politics, largely because there is disagreement about its potential harmful effect on women in prostitution. There is nonetheless political agreement to uphold it as long as the current Government is in power.

5.1.3. Need for safe, adequate assistance

Few of the possible victims of trafficking seek assistance, only about one third. One of the reasons so many turn down the offer of assistance and protection is fear of threats and reprisals⁶⁹. In addition, the assistance is not perceived as adequate or sufficiently long-term⁷⁰. Several of the women who try to get out of trafficking find themselves in a situation where they change residence status. Some are

60 Ibid, p. 19
61 Ibid, p. 20
62 Ibid, p. 42
63 The General Civil Penal Code section 257 and section 258: https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-9#KAPITTEL_2-9
64 The Government's action plan on human trafficking; 2016, the Ministry of Justice and Public Security
65 When requesting input on the scope and nature of human trafficking cases, KOM refers to how, for example, only 10 of 27 police districts and one specialist agency provided feedback (KOM; 2016, p. 50).
66 The outreach service in Bergen, 2013. https://www.bergen.kommune.no/bk/multimedia/archive/00156/Rapport_om_arbeid_m_156710a.pdf
67 The General Civil Penal Code section 316 (Sex Purchase Act). https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-11#KAPITTEL_2-11
68 Vista Analyse, 2014/30, p. 157. https://www.regjeringen.no/contentassets/0823f01fb3d646328f20465a2afa9477/evaluering_sexkjopsloven_2014.pdf
69 Annual Report 2015; ROSA. http://www.krisesenter.com/wp-content/uploads/2016/06/Rosa_a%CC%8Aarsrapport_visningsutgave.pdf
70 Annual Report 2015; Nadheim. <http://www.bymisjon.no/PageFiles/857/C3%85rsmelding%202015.pdf>

granted a period of reflection⁷¹, and once this is over, some apply for asylum or are granted a limited residence permit while the investigation is ongoing. Different residence statuses confer different rights, which has been criticised by the organisations working with these women for several years. The right to medical care, financial support, accommodation and other assistance is still conditional on the person's residence status. A woman who has been granted a period of reflection and who has, for example, been allocated housing through the Norwegian Labour and Welfare Service (NAV) and kindergarten places for children, will lose her rights if she becomes an asylum seeker and is given a place at an asylum residence centre anywhere in the country. As an asylum seeker, you are under the authority of the UDI, while a period of reflection entitles you to services through NAV. One of the measures in the new action plan is to review the basis for residence for victims of trafficking to ensure as expedient follow-up as possible.

5.2. The Ombud's assessment of the situation

In its concluding comments to Norway in 2012, the CEDAW Committee expressed concern about the increase in the number of possible victims of human trafficking in Norway. The Committee recommended full implementation of Article 6, among other things by introducing measures to ensure adequate social rights for girls and women, proper identification of victims and protection and assistance for the victims. The Ombud takes a positive view of the new action plan on human trafficking and believes that it contains measures that are appropriate to ensuring better identification, providing more comprehensive assistance and safeguarding rights regardless of residence status. However, it is decisive that sufficient resources are devoted and priority given to the proposed measures in order for them to be effective, so as to meet the obligations under CEDAW Article 6 and the Committee's Recommendations No 25 and 26 to Norway.

Victims of trafficking should be given the same rights and assistance measures all over the country to ensure optimum protection and assistance. Sufficient information should also be provided to victims and possible victims of trafficking. Varying practices and competence in identifying victims of human trafficking make the system unpredictable. Furthermore, the Ombud is concerned that the women lose continuity in their rights if their residence status changes. Identifying victims of human trafficking requires expertise. There is no uniform practice for this in Norway. If possible victims of human trafficking are not identified before they are sent out of the country, the Ombud is concerned that these women will be trafficked in other countries. The Ombud is also concerned that the number of possible victims of human trafficking for prostitution is far higher than documented, and that there may be many unreported cases. The prohibition on the purchase of sexual services is under constant press in society, and the Ombud is of the view that more social measures must be implemented to protect the women affected by the prohibition.

5.3. The Ombud's recommendations

The Ombud recommends that the Committee ask the Government to:

1. Ensure a uniform national system for identifying and following up possible victims of trafficking, in addition to issuing guidelines on what information possible victims of trafficking need.
2. Ensure continuity in rights in connection with changes in residence status, so that the basis for residence does not lead to changed or fewer rights and different follow-up agencies.
3. Reduce the market by safeguarding the General Civil Penal Code Section 316 (previously Section 202 a)⁷² in parallel with providing a way out of prostitution in line with CEDAW Article 6. Provide information about human trafficking and carry out awareness campaigns in society.
4. Ensure that efforts to combat trafficking are given priority in relevant agencies, such as the justice, health and social sector and the immigration authorities, and ensure that resources are allocated to this work.

Art. 5 (a)
11.1 a-d
CO nr. 29
CO nr. 30

6. INEQUALITY IN THE LABOUR MARKET

6.1. Description of the situation

The Gender Equality Act prohibits discrimination based on gender and instructs employers to make active efforts to promote gender equality in the workplace. Other acts that are particularly relevant for

the State's handling of the challenges mentioned in this chapter are the Working Environment Act⁷³ and the acts on discrimination on the basis of ethnicity⁷⁴ and disability⁷⁵.

6.1.1 The gendered labour market

The horizontal and vertical gender segregation in the Norwegian labour market persists⁷⁶.

Equal pay

The gender pay gap between women and men has been stable for about 20 years. On average, women earn 86 per cent of what men earn⁷⁷. Gender differences between women and men largely follow the horizontal and vertical gender division in the labour market⁷⁸. That means that women earn less than men because they, to a greater extent, hold lower positions and because the level of pay is lower in female-dominated occupations than in male-dominated occupations.

Use of part-time work

The use of part-time work is common in female-dominated occupations. In addition, women also work part-time in industries where this is not as common⁷⁹. Gender differences in part-time work are gradually becoming smaller, but the differences are still great, and changes are happening slowly. The proportion of women who are underemployed has remained stable for several years. In total, 37 per cent of all women in employment work part-time, compared with 15 per cent of all men in employment⁸⁰. About 10 per cent of women who work part-time are underemployed⁸¹. Immigrant women from non-Western countries are over-represented in typical part-time occupations, and there are many indications that involuntary part-time work is more prevalent among immigrant women from Asia and Africa than among Norwegian women⁸². These immigrant women are therefore more likely to hold positions with a low percentage of full-time, with the unpredictability this entails in terms of their economy and working hours. In addition, immigrant women have a less stable part-time connection than Norwegian women. This means that immigrant women have a far greater chance of falling outside the labour market than other women⁸³. The Norwegian labour market places increasingly stringent requirements on both documented Norwegian language skills and other formal qualifications. People with insufficient language skills and little formal education are most at risk of falling outside the labour market⁸⁴. There are considerable gender differences in part-time work between disabled women and men. Sixty-one per cent of disabled women in employment work part-time, while the proportion among men is 25 per cent⁸⁵. This is an even greater gender difference than in the population in general. More knowledge is needed about why this is the case.

The Working Environment Act Section 14-3 states that part-time employees have a preferential right if the employer needs more manpower. Until recently, trade unions have frequently used this provision to increase the percentage of full-time employment for their members. When the Supreme Court concluded that employees cannot exercise their preferential right unless they exercise this right to the entire vacancy⁸⁶, this important instrument to reduce part-time work is no longer available.

⁷¹ This is regulated by the Immigration Regulations Section 8-3 Period of reflection etc. for victims of human trafficking.

⁷² The General Civil Penal Code section 316

⁷³ The Working Environment Act: <https://lovdata.no/dokument/NL/lov/2005-06-17-62?q=arbeidsmiljøloven>

⁷⁴ Act on prohibition of discrimination based on ethnicity, religion etc. (the Anti-Discrimination Act): <https://lovdata.no/dokument/LTI/lov/2005-06-03-33>

⁷⁵ Act relating to a prohibition against discrimination on the basis of disability (the Anti-discrimination and Accessibility Act): <https://lovdata.no/dokument/NL/lov/2013-06-21-61?q=diskriminerings-og-tilgjengelighetsloven>

⁷⁶ Statistics Norway's key figures on gender equality 2014 (updated 24 June 2016): <http://www.ssb.no/befolkning/nokkeltall/likestilling>

⁷⁷ Statistics Norway's key figures on gender equality 2014 (updated 24 June 2016): <http://www.ssb.no/befolkning/nokkeltall/likestilling>

⁷⁸ NOU 2008: 6 Kjønn og lønn ('Gender and pay') (p. 75).

⁷⁹ Moland, Leif E. (2013): «Heltid-deltid – en kunnskapsstatus» ('Full-time/part-time work – knowledge status' – in Norwegian only), Fafo report 2013:27 (p. 19).

⁸⁰ Statistics Norway's key figures on employment 2015 (updated 29 July 2016). <https://www.ssb.no/arbeid-og-lonn/nokkeltall/hovedside-arbeid-og-lonn>

⁸¹ Report No 7 (2015–2016) to the Storting, Likestilling i praksis ('Gender equality in practice' – in Norwegian only), p. 52. SSB AKU: <https://www.ssb.no/arbeid-og-lonn/statistikker/aku/kvartal/2016-04-28>. Statistics Norway's definition of underemployed: part-time employees who are looking for more work and are available for such work within a month.

⁸² Kavli, Hanne C. & Heidi Nicolaisen (2016): «Integrert eller marginalisert? Innvandrede kvinner i norsk arbeidsliv» ('Integrated or marginalised? Immigrant women in the Norwegian labour market' – in Norwegian only), Tidsskrift for samfunnsforskning, vol. 57, no 4

⁸³ Kavli, Hanne C. & Heidi Nicolaisen (2016): «Integrert eller marginalisert? Innvandrede kvinner i norsk arbeidsliv» ('Integrated or marginalised? Immigrant women in the Norwegian labour market' – in Norwegian only), Tidsskrift for samfunnsforskning, vol. 57, no 4

⁸⁴ Kavli, Hanne C. (Fafo researcher): «En fot innenfor er ikke nok» ('One foot in the door is not enough' – in Norwegian only), article in Kommunal Rapport, 15 March 2016, http://kommunal-rapport.no/debatt/en_fot_innenfor_er_ikke_nok

⁸⁵ The Directorate for Children, Youth and Family Affairs's website: https://www.bufdir.no/Statistikk_og_analyse/Nedsatt_funksjonsevne/Arbeid/Arbeidsdeltakelse/

⁸⁶ HR-2016-867-A

6.1.2. Combining paid employment and care

It is still the case that women, far more often than men, adapt their paid employment to care responsibilities in the family⁸⁷. This takes the form of both part-time work and of women putting their careers 'on hold' and switching to less prestigious and less demanding positions when they have children⁸⁸.

6.1.3. Discrimination based on pregnancy

Female employees state that they experience discrimination in connection with having children far more often than male employees do. Figures from a comprehensive survey carried out by the Ombud in 2015 show that 55 per cent of female employees and 22 per cent of male employees state that they have experienced discrimination in connection with pregnancy or parental leave. Furthermore, it emerges that one in four women in temporary positions state that they did not receive an offer of continuing on in their position because they were due to have a baby⁸⁹. Women hold temporary positions to a greater extent than men, and the differences are particularly pronounced in the 30–39 age group⁹⁰, the age when it is common to have children. Twenty-one per cent believe that they have missed out on wage negotiations because they had children⁹¹. In other words, women state that they miss out on opportunities on the labour market because they have children.

6.1.4. Access to work

Enquiries to the Ombud and information from organisations show that some Muslim women are not offered a job because they are wearing a religious headdress. The scope of this has not been documented, however. The Ombud has had a few cases where the complainant has been asked to remove their headdress to get the job⁹², and one case where an employer wanted to impose a prohibition on religious headdresses despite the Ombud's conclusion that this would be in breach of the Anti-Discrimination Act⁹³. The introduction programme is a mandatory qualification programme for refugees and asylum seekers, the purpose of which is to get them quicker into education and employment. Women have a lower probability of transitioning to employment or education on completion of the programme, compared with men⁹⁴. One explanation for this is that many of the participants are at a stage in their lives where they have children or stay at home with small children. Another explanation is that several of the women have little or no previous schooling, and also lack experience of paid employment. It is especially women with low or no education and extensive care responsibilities who benefit the least from the introduction programme in terms of the transition to employment and education. There is inadequate knowledge about disabled women and their access to employment and opportunities in the labour market. Very little of the research and statistics on disabled people distinguish between women and men.

6.2. The Ombud's assessment of the situation

CEDAW Article 5 points out that the State shall take all appropriate measures to eliminate stereotyped roles for men and women. It is the Ombud's opinion that the Government is not doing enough to meet this obligation. Little attention is devoted to the fact that the labour market reproduces gender stereotypes about what type of work men and women can do, what they are interested in and what they are good at. This takes place through the interaction of factors such as unequal pay, the part-time culture in women's occupations, discrimination of pregnant women and the full-time and overtime culture in male workplaces. These structural conditions make it irrational for heterosexual couples to break with the traditional gender patterns. He earns more, works in the private sector where the work pressure is high, while her choice of education, occupation and job opportunities are often adapted to the care responsibility she must take if they are to make day-to-day life with children work.

87 Bergene, Ann Cecilie et al. (2015): «YS Arbeidslivsbarometer 2015. Norsk arbeidsliv 2015. «Det nye arbeidslivet»: hvem, hva, hvor?» (Worklife barometer 2015. The Norwegian labour market 2015. 'The new labour market: who, what and where?' – in Norwegian only). Oslo: Arbeidsforskningsinstituttet (p. 51–52); NOU 2012:15 Policy for equality (p. 187–189).

88 Halrynjo, S. & S. T. Lyng (2010): «Fars forkjørsrett – mors vikeplikt? Kjønn, karriere og omsorgsansvar i eliteprofesjoner» ('Fathers' right of way – mothers' duty to yield? Gender, career and care responsibility in elite professions' – in Norwegian only), *Tidsskrift for samfunnsforskning*, 51(2).

89 The survey was conducted in collaboration with TNS Gallup. Read more about the survey on the Ombudsman's website: <http://www.ldo.no/nyheter-og-fag/nyheter/nyheter-2015/gravide-diskrimineres/sammendrag-av-undersokelsen/>

90 StatBank Norway (AKU), 19 Aug. 2016.

91 The Ombudsman's comprehensive survey of discrimination on the basis of pregnancy: <http://www.ldo.no/nyheter-og-fag/nyheter/nyheter-2015/gravide-diskrimineres/sammendrag-av-undersokelsen/>

92 For example Ombudsman case no LDO 16/1071

93 Case 16/2271 concerning Blidensol nursing home

94 Orupabo, Julia & Ida Drange (2015): «Kvinner med innvandrerbakgrunn i arbeidsmarkedet. Effekten av tiltak og stønader for arbeidsmarkedstilknytning» ('Women from immigrant backgrounds on the labour market. The effect of measures and benefits on their connection to the labour market' – in Norwegian only), the Research Council of Norway (p. 24–25).

Instead of making systematic long-term efforts to remove these structural challenges, men and women's choices are explained as individual preferences ascribed to properties of their gender. The Ombud therefore believes that measures at the structural level should not only include women. In order to improve women's position, we need to design family policy schemes and introduce workplace requirements so that men take greater responsibility in the family. The Ombud considers it unfortunate that the paternal father quota was reduced and that fathers' independent right to earn parental benefit is still limited. This is despite the fact that the European Court of Justice has concluded that member states cannot adopt legislation that deprives fathers of their right to leave of absence when the mother is not working⁹⁵.

The Government's white paper on gender equality 2015⁹⁶ contains an adequate problem description of the gender equality challenges, but the Ombud considers that it lacks measures on a general basis. In addition, the Government has presented a draft of the new joint Anti-Discrimination Act, where the employers' reporting duty has been removed. This duty is the basis for systematic gender equality work in the workplace, and it is a tool for identifying whether the positive duty is met. No other arrangements are proposed that will ensure fulfilment of the activity duty. CEDAW Article 11.1 (a)-(d) instructs the State to implement measures that are appropriate to eliminating discrimination of women in the labour market. Discrimination is nonetheless widespread, and in important areas such as equal pay and part-time work, there is hardly any development. The Ombud is concerned with how traditional gender patterns still mean that women receive less in return than men for their participation in the labour market, both in terms of pay and career opportunities. In addition, it is worrying that so many women miss out on opportunities in the labour market because they have children. This is despite clear legislation prohibiting precisely such discrimination, and despite the fact that the CEDAW Committee in 2012 called for the State to implement effective measures to prevent this form of discrimination and measures to speed up the work on equal pay. Moreover, the Ombud is concerned with how the part-time culture that prevails in female-dominated industries makes women less capable of providing for themselves than men. The situation is particularly worrying for immigrant women with low levels of formal qualifications and their access to permanent, full-time positions in the regulated labour market. In 2012, the CEDAW Committee pointed out the need for implementing measures to reduce part-time work and promote access to full-time positions. Furthermore, the Ombud is concerned with the lack of knowledge about and documentation of access to work for disabled women, and their working conditions.

6.3. The Ombud's recommendations

The Ombud recommends that the Committee ask the Government to:

1. Ensure that employers are obliged to work systematically on gender equality in the workplace, and to document this work.
2. Enshrine in law an obligation for employers, employee representatives and safety delegates to undergo training in how to promote gender equality and prevent discrimination and harassment in the workplace.
3. Take the initiative for a binding tripartite collaboration, where the State finances development projects and ensures that good results and experience are disseminated to the labour market in an appropriate manner. This includes follow-up of the Storting's resolution on efforts to achieve equal pay in collaboration with the social partners.
4. Ensure that part-time employees have a real opportunity to exercise the preferential right in the Working Environment Act.
5. Obtain knowledge about disabled women and their access to and opportunities in the labour market.
6. Facilitate relevant, work-related language tuition, and competence-raising where necessary, so that immigrant women have an opportunity to get permanent full-time positions.
7. Ensure that it is possible to benefit from participation in the introduction programme in combination with being pregnant and caring for small children. Schemes should be introduced that encourage a more equal division of care responsibilities between parents where one or both of them take part in the introduction programme.
8. Give fathers an independent right to earn parental benefit.

95 ECJ case C-222/14. In a letter of 25 August 2015, the Ombudsman asked the Ministry of Children and Equality for feedback on whether the Ministry maintains that the activity requirement can be upheld in light of the judgment 12/340-28), and was told that the Government had not taken a stand on this issue at the present time.

96 Report No 7 (2015–2016) to the Storting, Likestilling i praksis ('Gender equality in practice' – in Norwegian only).

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