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Input from Norway's NHRI to CEDAW in relation to the forthcoming List of Issues Prior to Reporting for Norway, pre-session working group in July 2020

The Norwegian National Human Rights Institution hereby provides its input to the Committee in preparing its List of Issues to Norway prior to the State submitting its 10th report to CEDAW.

The Norwegian National Human Rights Institution (hereinafter: NIM) was established 1 July 2015 as an independent institution under new legislation adopted by Parliament. NIM has a specific mandate to protect and promote human rights in Norway, as well as to monitor how the authorities respect Norway's international human rights obligations. Submitting supplementary reports to international human rights monitoring bodies is an essential tool for a NHRI to fulfil its mandate.

In March 2017, we were granted A-status by GANHRI, thus being recognised as fully compliant with the UN Paris Principles.

In this submission, we refer to the committee's Concluding Observations from 2017 (CEDAW/C/NOR/CO/9) as we provide information on a number of issues of concern.

Please feel free to contact us at info@nhri.no in case of questions.

Yours sincerely

On behalf of the Norwegian National Human Rights Institution

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Areas of concern

1. Follow-up of international recommendations (CO 11)

Norway's reporting to various monitoring bodies in the period 2017 – 2020 has identified a number of cross-cutting issues raised by various committees.

In Norway the primary responsibility for reporting and follow-up of core human rights treaties rests with four different ministries. Implementation of recommendations is undertaken as part of the daily work and political priorities of each respective ministry.

To ensure effective implementation of the recommendations, NIM sees the need to improve coordinated follow-up among different ministries and relevant governmental agencies, particularly at the municipal and regional level.

2. Equality and Anti-Discrimination Tribunal, the Ombud, sexual harassment and free legal aid (CO 19)

We refer to the submission from the Equality and Anti-Discrimination Ombud regarding information on the transition process and its challenges. We note that the Tribunal's mandate was extended to deal with cases of sexual harassment as of 1 January 2020.

Current free legal aid practice in civil court cases is not sufficiently operationalized so as to ensure effective access to court. A governmental initiative to strengthen legal aid in civil cases is underway. The official report (white paper) from a commission tasked to undertake a comprehensive review of free legal aid was recently sent on a public hearing.¹

3. Violence against women – Police investigation of sexual violence (CO 25)

Official reports indicate challenges in the quality of police investigation of domestic violence and rape. Challenges pertain to the use of police investigation methods, restraining orders in cases of rape and obtaining evidence in general.

The Prosecutor General has recently published the results of a new study on the quality of police investigation of violence and rape.² The study identifies some improvements since 2016 and some remaining challenges. The study is a measure under the government's Action Plan against rape 2019-2022.

¹ [NOU 2020:5 Rettshjelpsutvalgets utredning.](#)

² [Betre kvalitet på etterforskning og påtalearbeid i valdtektsaker](#), 12.06.2020.

4. Violence against vulnerable groups – Sami women (CO 25)

Various reports indicate existing weaknesses in the prevention, protection and redress for women in general and vulnerable groups of women such as Sami and elderly.

Studies show that Sami women and children are more exposed to domestic violence than the population at large. Abused individuals from these communities, experience special challenges and barriers in their interaction both with the police and social and health services. This includes lack of cultural and linguistic understanding. The issue received national attention when child abuse cases in the small Sami community of Tysfjord was subject to police investigation in 2016.

The government is working on a new Action Plan on domestic violence which will include a specific segment on violence in Sami communities. The plan was scheduled for spring 2020 but has not yet been presented.

5. Violence against vulnerable groups – elderly women (CO 25)

A national study of incidents of violence and abuse against older persons was published for the first time in 2017. It indicated that approximately 60 000 of those living at home had been victims of violence or abuse after reaching 65 years of age, a group that is seldom mentioned in municipal action plans against domestic violence.³

Elderly in municipal residential care homes are also exposed to domestic violence. A review of incidence reports from all care homes found that 13 000 incidents (avvik) of violence had been reported in 2018. Due to the sensitivity of this topic and the lack of tools and guidance to identify such cases there is reason to expect underreporting.

It is at present unclear if and how violence against elderly will be addressed in the new Action Plan. The Committee is encouraged to raise the issue both for older persons living at home and for those in residential care.

6. Hate speech and hate crimes (CO 23)

In 2016 the Government launched a strategy against hate speech (2016-2020) with the intention to implement a set of comprehensive measures, including statistics and reporting as well as strengthening the investigative capacity of the police. LGBTI-persons, ethnic minorities and other minorities are more exposed to hate speech than the general population.

The Government has implemented many measures including research which has increased our knowledge base. The level of implementation and effects in terms of

³ «Vold og overgrep mot eldre personer. En nasjonal forekomststudie», NKVTS, Rapport 9/2017.

strengthening police investigative capacity and to ensuring comprehensive, reliable and standardized statistical data is unclear.

7. Citizenship/ statelessness for vulnerable women (CO 33)

Foreign women who divorced/were divorced before three years of stay in Norway could risk de facto statelessness if they had given up their original citizenship to become Norwegian citizens. A report from the UNHCR on statelessness in Norway (2015) concluded that there were gaps in the actual implementation of the international treaties relevant to the prevention and reduction of statelessness. The Norwegian Act on Nationality has now been amended to allow for dual citizenship as of 1 January 2020. It should be clarified to what extent this resolves the challenge for this group of women.

8. Education and drop-out rates (CO 35)

Research shows that young people make educational and occupational choices that align with established gender preferences. Women tend to become teachers and nurses while men tend to become engineers. The public sector is dominated by women and the private sector by men. There are fewer women in leading positions in academia and in private business. Also, more boys than girls drop out of upper secondary education before completion and more women than men work part-time. The committee might want to explore why this remains the overall situation in spite of government efforts to reduce these differences.

9. Pay gap in employment (CO 37)

Norway has a gender-segregated work force which corresponds to the education segregation already noted. Statistics show that women's hourly pay on average is 88% that of men. Research indicates that one of the main reasons for this difference is a gender-segregated work market as well as the effect of family life on women. The Committee might want to inquire which measures have been implemented to encourage more equal participation of both parents in family life and the effect of such measures.

10. Women in prison (CO 47)

Several recent reports indicate that female inmates have less favourable conditions when serving their sentences compared to males. Despite governmental efforts to improve prison conditions for women, concerns remain in terms of physical activities,

vocational training and rehabilitation of substance abuse. Furthermore, women risk serving in prisons with a higher level of security than their cases indicate due to limited female prison capacity. The Committee might want to request updated status and effect of any measures implemented to address the unequal conditions documented for women in Norwegian prisons.

11. Women in poverty (new)

Statistics Norway issued a report on economy and living conditions for low-income groups in Norway in October 2019. The report states that single parents, couples with children and persons with reduced ability to work are among the most rapid growing group of low-income population in recent years. Most of these children have immigrant background and/or come from single-parent households.

Adding to that are studies indicating that persons with immigrant background face multiple discrimination in various spheres of life, including housing and employment. The Committee is encouraged to raise this issue and ask for information to understand the scope and complexity of challenges faced by this group.