

ADDENDUM 2017 CEDAW SHADOW REPORT BY COALITION OF NORWEGIAN CIVIL SOCIETY ORGANIZATIONS

As there has been issues of importance/recent changes to issues concerning women`s rights that has taken place since the submission of the shadow report we would like to update our report. We know this is at a very late stage, but the Norwegian National Budget was presented by the government October 12th.

Article 2: Legislation to Eliminate Discrimination - (b) and (c)

The Norwegian government must ensure that women have access to legal aid.

CEDAW entails a duty for the state party to ensure that women do not suffer gender based discrimination. To fulfill this duty, the Norwegian government must provide women with legal aid, so that they are able to enforce their law-given rights.

Norwegian free legal aid organizations experience that legal provisions affect men and women differently. In most cases, the provisions themselves are gender neutral. However, due to societal structures, women are often unable to invoke their rights to same extent as men.

Despite the severity of the issue, the Norwegian government has proposed to cut Legal Advice for Women`s (JURK) budget by one-third. Overall, the grants to legal aid organizations in Norway have been reduced by 15 million NOK combined. We are deeply concerned that this will affect already marginalized groups in a negative manner, prohibiting them from obtaining their legal rights.

JURK is concerned that our clients have no other ways to enforce their law-given rights that to turn to organizations which provide legal aid. Dramatically reducing our budgets will mean that these women suffer massive loss of rights.

JURK is the only organization to provide free legal aid exclusively to women, and is thus a crucial actor in combatting discrimination against women. Amongst other things, we handle cases concerning work-related discrimination against women, sexual harassment and domestic violence. The cuts will also affect the organizations` outreach activities, for example providing legal aid to incarcerated women, which is a vulnerable group with meager prospects of enforcing their rights.

The outreach activities does also include delivering lectures on legal topics with the objective of making women aware of their rights, as well as prevent violence against women.

The Gender Equality and Anti-Discrimination Ombud (LDO) and the new Equality and Anti-discrimination Tribunal are tasked with ensuring that the legal provisions against discrimination, for example by the grounds of gender, are enforced.

They are prohibited from handling cases concerning sexual harassment. This means that these women are referred to the courts, but they are not eligible for free legal aid. As a result, several women prefer not to try their case. JURK has experience that women who have been sexually harassed at their workplace prefer to quit rather than seeking justice.

The coalition of Norwegian NGOs want to give our support to the addendum submitted by The Norwegian Women`s Lobby

Recommendation:

The State is requested to evaluate the impact of the new legislation on discrimination in light of the State's obligation to ensure effective measures to eliminate individual and structural discriminations are in place.

The Government is requested to reinstate the statutory duty of private and public employers to report on their activities in the field of gender discrimination.

Article 3: Women`s Human Rights and Elimination of Men`s Violence against Women

Reverse domestic violence alarms – the legal status is unclear

-The Norwegian Supreme Court ruled a verdict in September 2017. In the judgment, the Supreme Court stated that the legislation must be clarified by the legislature.

Recommendation:

- The legislator must clarify the legal situation so that more assailants are sentenced to wear reverse domestic violence alarms.

Cuts in legal aid measures in the shelters

The government has proposed a cut of 15 million in various legal aid measures. Legal aid in the shelters has been proposed cut from 2.259.000 kroner to 1.281.000 kroner, i.e. 43 percent.

The offer has aided the victims of violence in a difficult situation. Staff at the shelters have stated that this is an important offer that is very valuable for users and employees at the centers. A cut in the legal aid offer do not safeguard the legal certainty of the victims.

These cases are often so complicated that it is not possible to refer to one of the other legal aid measures in Norway. It will also be extra difficult to refer to these offers since it also has been proposed massive cuts in these offers.

Recommendation:

- Funds for the legal aid in the shelters and other various legal aid measures must be increased, not cut, to ensure vulnerable women equal access to justice.

Women with disabilities – special concerns

The Government in its report to the CEDAW Committee states the following – *“60. The Rights Commission, which was appointed by the King in Council in autumn 2015, will analyse and assess the changes that are necessary to ensure the fulfilment of fundamental rights for persons with disabilities. The Committee is to submit its report in June 2016.”*

Civil society questions what Commission the Government refers to. There is a White Paper NOU 2016:17 – På like vilkår (On equal terms), but this only refers to persons with mental disabilities.

In 2016 The Higher Prosecuting Authorities – (The Director of Public Prosecutions and the Regional Public Prosecution Offices,) PPO, carried out an evaluation of investigation and prosecution in cases of sexual violence and rape. But this evaluation did not include evaluation of the special provision on exploiting some ones cognitive and psychosocial disability.

We would like to express our concern about police work on sexual violence against women with cognitive and psychosocial disabilities. There are good reasons to fear decriminalization of rape. These women are almost never believed to be victims of rape. Instead the special provision on exploiting some ones cognitive and psychosocial disabilities seems to be applied.

Recommendation:

There should be an evaluation of investigation and prosecution of such cases.

Article 6: The Trade in Women and the Exploitation of Women in Prostitution

Extra information regarding Concluding observation of the Committee on the Elimination of Discrimination against Women, 2 March 2012, page 6, Trafficking and Exploitation of Prostitution # 25 - #26 and Norwegian Shadow Report on the Convention to Eliminate all Forms of Discrimination against Women 2017, page 22-23, Article 6: The Trade in Women and the Exploitation of Women in Prostitution.

The extra information is taken from The National Coordinating Unit for Victims of Human Trafficking (KOM), *Report 2016* (August 2017), (**bold as in the report**).

From the **Summary KOM**

Most important KOM sees the need for a **strengthened coordination** of the work against trafficking and a **more effective organising** of the support to possible victims of trafficking. Central recommendations to the authorities to remedy the present challenges are to make sure

- the work against trafficking should be stronger **linked** and **prioritized** in all parts of the agencies and organizations,
- the **knowledge** about human trafficking in Norway should be strengthened and that the agencies who meet victims of human trafficking are given increased **competence** about the issue/field,
- a more **coordinated and holistic service to assumed victims** must be developed,
- **rules for basis/grounds for residency** and **rights** to assumed victims for human trafficking should be reviewed, to obtain a more holistic set of rules and simpler proceedings.

Central findings 2016

The majority of registered victims are still **women** over 18 years old, 75 % of the total amount.

- **Prostitution or other forms of sexual exploitation** are still the form of exploitation that are the most frequently occurring. It makes up 72 % of all types of exploitation in 2016.
- In 2016 there were registered 46 **reports** for human trafficking. Of which 76% of the reports are about exploitation to prostitution or other sexual purposes. 9 out of 12 police districts have registered reports.
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Statistics from the Report:

The number of victims of trafficking is constantly decreasing since 2012 (349), 2013 (300), 2014 (324), 2015 (301), 2016 (262)

The Report, page 17, stress that Help services and NGOs have since 2015 reported that the police have conducted inadequate identifications and given inadequate support to possible victims of trafficking, both when controlling foreigners and when deporting out of the country due to illegal residence in Norway.

A new report published in September 2017 on internet as an arena for prostitution¹ interviews a number of persons in prostitution using the internet and ads to promote their services. 95 % of those mapped were women.

Very few of the respondents said they had been victims of violence, harassment or discrimination. In the instances where this was reported the abusers were usually customers². When asked where they would go or go if something happens to them the majority answer police, the Pro Center or other actors. In general, the respondents said they trust Norwegian police.

Recommendations:

- Re-trafficking must be prevented and counteracted.

- The return of victims of human trafficking under the Dublin Regulation must be stopped. Norway must process each asylum case.

- More women exposed to human trafficking must be allowed to stay in Norway. The children of the women exposed to human trafficking must be safeguarded.

The situation of minority women – relevant to numerous CEDAW articles

We are deeply concerned with the recent developments within the state apparatus where issues of gender equality related to racialized minority women are gradually transferred and defined under the Ministry of Immigration. There are also a number of proposals (some of them already approved by the Parliament) to change the immigration policies which will have severe consequences for immigrant and refugee women's future integration. For example, from September 1st 2017 the requirements for family reunification have been tightened in a way which will affect women with low level of income. In addition to higher income requirements, one must have had employment for the past couple of years to qualify for family reunion. Another important change is the definition of family affiliation for the refugees while applying for family reunion. If the Department of immigration decides that the family can live in safety in the Third country, the family reunion could be denied to the person living in Norway.

Violence against women

¹ <http://prosentret.no/wp-content/uploads/2017/08/Sexsalg.no-Rapport-om-internett-2017.pdf>

² <http://prosentret.no/wp-content/uploads/2017/08/Sexsalg.no-Rapport-om-internett-2017.pdf> Page 38

Following the statistics more than 800 women and their children in Norway are fleeing as a result of violence in close relationships. These women and their children live with secret personal numbers on secret addresses and lack the opportunity to live in freedom. The racialized minority women who are victims of violence in close relationship face additional structural barriers such as: lack of independent legal status, economic dependency, housing situation, the lack of opportunities in the labour market due to racial and ethnic discrimination, language barriers, low level of education and job experiences as well as lack of social networks. The CEDAW committee has previously criticized the Norwegian state for practicing three years rule. Despite this, the government is currently considering extending the limit for getting independent legal status to five years. In addition to that the government has also made the family reunion and permanent residence permanent conditional to a higher amount of income as mentioned earlier and housing requirements.

Employment and economy:

Racialised minority women have limited access to the labour market and even limited access to upward mobility within the institutions. The state and communal institutions are the largest job providers for women but the representation of racialised minority women within these institutions is also limited. Most of the studies show that if you have a foreign sounding name the chances for being called in for job interview are 25% less. Racialised minority women who use headscarves face direct discrimination at many workplaces both from the colleagues as well as from the administration. According to recent statistics, unemployment among the racialised minorities is three times higher than the majority population, and the situation has been the same for the past 20 years. Racialised minority women experience a number of problems in the labour market. They are, among other things, overrepresented in low paid unskilled jobs mainly within the service sectors. A large number of women are employed in temporary or part time jobs. Many of them lack the knowledge of their rights and thereby easily exploited by the employers.

A large number of unemployed women are sent to various companies to work as apprentices in order to decrease the unemployment rate. However, this scheme has had negative effects as the companies are not offering employment to these apprentices. Many companies are using dozens of apprentices as free labour force while the apprentices, despite full time work are only receiving unemployment allowance from the welfare services. Some of the women have reported to Mira Centre that they have been sent from one company to another company for several years without being offered a paid job.

The consequences of long-term unemployment and temporary part-time low paid jobs are that a large number of racialized minority women are living under minimum subsistence level of income.

This cycle will continue throughout the pension period. The Norwegian pension system underwent a reform in 2011. Previously, the pension was calculated based on the 20 best years of income but in the new system the 40 years of work experience will count equally. A large number of racialised minority women and refugee women who have come to Norway after the age of 25 or 30 would not be able to reach that goal in order to qualify for full pension rights. Most of them therefore will be recipients of minimum pensions. This is also serious given the situation that minorities have difficulties to enter the labour market. The new pension reforms thus involve structural and indirect discrimination against minorities and particularly against minority women.

Recommendations:

- The government must address the structural barriers that exclude racialised minorities, particularly women from entering into the mainstream labour market.
- The apprentice programs must be designed to provide skills, job experience and paid work. The misuse of apprentice programs as free labour force for the companies must be stopped.
- Language learning must be combined with job skills and it must be compatible to the demands of labour market.
- The introduction programs must organise in accordance to the real situation of immigrant and refugee women taking in consideration that many women have care responsibilities in the family, have health issues due to migration particularly from the areas of conflict. The adjustment within a new society always take time.
- The qualifications and work experience from countries of origin should be accepted as a part of women's competence and the new scales must be built based on previous qualifications.
- The state must make an effort to reduce temporary part-time jobs and the wage gap between minorities and majority society. Enforce the right to permanent full-time jobs
- The state must improve minority women's access to working life through strengthening competence building based on individual capabilities of each woman.
- The pension reforms must be revised with the aim of equalising gender and racial differences.