



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org) – [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

REFERENCE: YH/follow-up/51/Norway/59

16 December 2014

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the eighth periodic report of Norway at the Committee's fifty-first session, held in February-March 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/NOR/CO/8). You may recall that in the concluding observations, the Committee requested Norway to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 24 and in paragraph 30 of the concluding observations.

The Committee welcomes the follow-up report received in July 2014 (CEDAW/C/NOR/CO/8/Add.1) under the CEDAW follow-up procedure, although it was received with a five-month delay. At its fifty-ninth session, held in October-November 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 24** of the concluding observations that the State party “give high priority to the enactment of comprehensive specific legislation on domestic violence”: The Committee considers that the State party failed to adopt and enact a specific law on domestic violence. It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “put in place comprehensive measures to prevent and address violence against women and girls, including marital rape, to ensure that perpetrators are prosecuted and punished commensurate with the gravity of their crimes, in accordance with the Committee's general recommendation No. 19 (1992) on violence against women and to raise awareness among women that marital rape is criminalized”: The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

His Excellency  
Mr. Steffen Kongstad  
Permanent Representative of  
the Kingdom of Norway to the United Nations  
Avenue de Budé 35 bis  
P. O. Box: 264  
1211 Geneva 19

E-mail: [mission.geneva@mfa.no](mailto:mission.geneva@mfa.no)

Regarding the recommendation that the State party “adopt a legal definition of rape in the Penal Code so as to place the lack of consent at its centre, in line with the Committee’s general recommendation No. 19, and the Vertido case (communication No. 18/2008)”: The State party indicated that the revision of the current definition of rape in the Penal Code is being considered. It further indicated that the Ministry of Justice and Public Security is currently following up a proposal in this regard. The Committee considers that the State party took a first step towards the adoption of a legal definition of rape in the Penal Code that would place the lack of consent at its centre. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “train lay judges on the subject of violence against women”: The State party indicated that no special trainings regarding violence against women are provided to lay judges. It also mentioned that these services are up to the individual judge and court. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “provide adequate assistance and protection to women victims of violence, including to women with disabilities, by strengthening the capacity of shelters and crisis centres”: The State party mentioned the existence of a monitoring activity to evaluate the municipalities’ implementation of the 2010 Act relating to municipal crisis centres. The State party also mentioned that the results of this evaluation will be published in autumn 2014 and will constitute the basis of an assessment of the need to further develop these services. The Committee considers that the State party took a first step by carrying out an evaluation of the implementation of the Crisis Centre Act at the municipal level. It notes, however, that the State party failed to take concrete actions to strengthen the capacity of shelters and crisis centres to provide adequate assistance and protection to women victims of violence, including women with disabilities. The Committee considers the recommendation **has not been implemented**.

Regarding the recommendation that the State party “ensure that the need to help men victims of violence is addressed without detriment to the needs of women victims of violence”: The Committee considers that that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “set a time frame for ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence”: The Committee notes the measures adopted to ensure the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence. However, the Committee considers that no time frame has been set for ratifying the Convention. It considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 24 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1) Enact comprehensive specific legislation on domestic violence, to put in place comprehensive measures to prevent and address violence against women and girls, including marital rape, to ensure that perpetrators are prosecuted and punished commensurate with the gravity of their crimes, in accordance with the Committee’s general recommendation No. 19 (1992) on violence against women, and to raise awareness among women that marital rape is criminalized;

2) Expedite the adoption of a legal definition of rape in the Penal Code so as to place the lack of consent at its centre, in line with the Committee’s general recommendation No. 19, and the Vertido case (communication No. 18/2008);

- 3) Train lay judges on the subject of violence against women;
- 4) Provide adequate assistance and protection to women victims of violence, including to women with disabilities, by strengthening the capacity of shelters and crisis centres, and ensure that the need to help men victims of violence is addressed without detriment to the needs of women victims of violence; and

5) Set a time frame for ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Regarding the recommendation made in **paragraph 30** of the concluding observations that the State party “implement legislation guaranteeing equal pay for work of equal value, to narrow and close the wage gap between women and men in accordance with the International Labour Organization Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value”: The State party indicated that the wage gap between women and men has on the whole narrowed slightly over the last few years. The Committee considers that the State party failed to provide precise data and information on the progress made with regard to guaranteeing equal pay for work of equal value. Moreover, the Committee notes that, according to Statistics Norway, the average monthly earnings for women as a percentage of average monthly earnings for men decreased from 86.5 percent in the 3rd quarter of 2012 to 85.8 percent in the 3rd quarter of 2013. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “hasten the process of adopting the proposed legislation that will, along with other measures, provide for transparency in wages and mandate information provision from employers whenever discrimination is suspected”: The State party mentioned that Section 22 of the new Gender Equality Act of January 2014 includes measures to improve transparency in wages. The State party further indicated that an employee who suspects discrimination in the setting of pay may demand that the employer provide written confirmation of the pay level and the criteria for the setting of the pay of the person or persons with whom the employee is making a comparison. The Committee considers that the recommendation **has been implemented**.

Regarding the recommendation that the State party “take effective measures to prevent discrimination against women on account of pregnancy and childbirth, and ensure that all women and men in public and private sectors are guaranteed paid parental leave”: The State party indicated that Section 20 of the Gender Equality Act, introduced in 2012, provides rights to employees who are or have been on parental leave. The State party also indicated that, according to the parental benefit scheme, as of 1 July 2013, each of the parents has been assigned an equally long period after the childbirth. In addition, as of 1 January 2014, women have been entitled to be paid by their employer for up to one hour off to breastfeed on days with agreed working hours of seven hours or more, this right applying during the child’s first year. Moreover, the State party mentioned that the parental benefit period is 49 weeks of full pay compensation or 59 weeks of 80 percent pay compensation. It added that women who are not entitled to parental benefit are entitled to a lump-sum maternity grant which in 2014 equals NOK 38,750. The Committee considers that the State party took significant steps to prevent discrimination against women on account of pregnancy and childbirth. It considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party “implement policies targeted at women, including the adoption of temporary special measures to curb women’s unemployment and involuntary part-time employment, to create more opportunities for women to extend their working hours including by mandating reduction of the scope of part-time posts especially in the governmental and public service, to gain priority access to full-time employment and guarantee all women employees with the right to choose full-time work and to strengthen its measures to promote women’s entry into growth sectors of the economy”: The State party indicated that

women's unemployment rate has been lower than men's over the past two decades. For this reason, no unemployment measures are aimed especially at women. However, the State party

mentioned that, in 2013, 40 per cent of women worked part-time. To this regard, it indicated that three new provisions of the Working Environment Act entered into force on 1 January 2014 to combat involuntary part-time work, and added that 30-40 municipalities are working on local projects to increase the percentage of full-time employees. The Committee considers that the State party took significant measures to curb women's involuntary part-time employment. It considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party "adopt more vigorous measures to accelerate the eradication of pay discrimination against women, including job evaluations across market sectors, the collection of data, the organization of a nationwide equal pay campaign and the provision of increased assistance to social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women": The State party mentioned recent measures taken to eradicate pay discrimination against women, such as the parental benefit scheme, the time off for breastfeeding with pay system, and the tripartite collaboration on equality in working life. The Committee considers that the State party took some steps towards the eradication of pay discrimination against women. However, the Committee considers that the State party failed to carry out job evaluations across market sectors, collect data and organize a nationwide equal pay campaign. Moreover, the Committee considers that the State party failed to indicate whether it provided increased assistance to social partners in collective wage bargaining. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party "re-evaluate the new pension reform both under the state pension system and the employer-related pension system, with a view to identifying its potential disparate impact on women and men and rectify any disparities to ensure an equal impact on women and men": The State party indicated that the Ministry of Labour and Social Affairs has assigned the Research Council of Norway the task of assessing the Pension Reform, including its possible effects on gender equality. The evaluation will take place until 2018. The Committee considers that the State party has taken some steps towards the evaluation of the pension reform. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party "improve the access and participation of women from a minority background in the labour market by providing adequate information and training": The State party mentioned the introduction of the Job Chance permanent scheme, which is to lead to better qualifications for taking part in working life, better proficiency in Norwegian and better insight into the Norwegian society, as a measure to improve access and participation of women from a minority background in the labour market. The Committee welcomes the introduction of the Job Chance permanent scheme. However, the Committee considers that the State party failed to provide details on adequate information and training offered by the scheme, as well as on its impact on improving access and participation of women from a minority background in the labour market. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party "improve the access and participation of women from a minority background in the labour market by facilitating the accreditation and approval of prior education and work experience": The State party indicated that, in 2013, systems were implemented to provide general recognition for applicants who have no veritable documentation of their foreign education. The Committee considers that the State party took significant steps to facilitate the accreditation and approval of prior education. The Committee notes, however, the lack of information received on measures taken to facilitate accreditation and approval of prior work experience. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “improve the access and participation of women from a minority background in the labour market by conducting research on the impact of institutional regulations that limit women, in particular migrant women of ethnic and minority communities, on the basis of their way of dressing, such as wearing a headscarf, with a view to ensure their full enjoyment of rights enshrined under the Convention”: The State party indicated that it has not initiated any research into the effect of prohibiting religious headgear on the access and participation of women from a minority background in the labour market. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “ensure that the implementation of a gender-equality policy, including pay equity guarantees and the use of special temporary measures, when necessary, constitutes a legal requirement for granting public procurement contracts”: The State party indicated that there are no specific measures in the procurement area to promote equality between the sexes and that, in its opinion, this aim has no link with the Act’s objective of ensuring the efficient use of resources. The Committee considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 30 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Implement legislation guaranteeing equal pay for work of equal value, to narrow and close the wage gap between women and men in accordance with the International Labour Organization Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
- 2) Adopt more vigorous measures to accelerate the eradication of pay discrimination against women, including job evaluations across market sectors, the collection of data, the organization of a nationwide equal pay campaign and the provision of increased assistance to social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women;
- 3) Improve the access and participation of women from a minority background in the labour market by facilitating the accreditation and approval of prior work experience, as well as by conducting research on the impact of institutional regulations that limit women, in particular migrant women of ethnic and minority communities, on the basis of their way of dressing, such as wearing a headscarf, with a view to ensure their full enjoyment of rights enshrined under the Convention; and
- 4) Ensure that the implementation of a gender-equality policy, including pay equity guarantees and the use of special temporary measures, when necessary, constitutes a legal requirement for granting public procurement contracts.

The Committee also recommends that the State party provide, in its next periodic report, further details on the impact of information and training offered by the Job Chance permanent scheme on improving access and participation of women from a minority background in the labour market.



The Committee looks forward to pursuing its constructive dialogue with the authorities of Norway on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink that reads "Barbara Bailey". The signature is written in a cursive style and is placed on a light-colored, textured background.

Barbara Bailey  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women