

# TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 39<sup>TH</sup> SESSION (NEW YORK, 23 JUL – 10 AUG 2007) NORWAY (7<sup>TH</sup> PERIODIC REPORT)

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### Information Submitted to the Committee

On 1 August 2007, Norway submitted its 7<sup>th</sup> periodic report<sup>1</sup> under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses to the list of issues and questions raised by the Committee on the Elimination of Discrimination against Women (the Committee). Ms. Arni Hole, Director General of the Royal Ministry of Children and Equality, led the Norwegian delegation.

Norway ratified the Convention in 1981, and the Optional Protocol in 2002, without reservation.<sup>2</sup> As Norwegian national law is bound by the international instruments to which the country is party, the provisions of the Convention are fully incorporated into domestic law. In June 2005, the Convention and its Optional Protocol were incorporated into the Gender Equality Act.

The State report details that Norway efforts have been exemplary in promoting gender equality both domestically and internationally. Innovative domestic programs promote gender equality in the areas of health, education, employment, as well as combating violence against women. Women comprise a

<sup>1</sup> <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

<sup>2</sup> <http://www.ohchr.org/english/law/cedaw.htm>.

significant percentage of political actors and private sector leaders. In regards to international action, the Government identifies gender equality as one of the four main pillars of development cooperation policy.

Norway's 7<sup>th</sup> periodic report details the progress and challenges in gender equality during the years 2002-2005. The first section outlines the legislative and institutional framework for gender equality and covers Articles 2–6 of the Convention. The second section covers Articles 7–16 and focuses on political participation, nationality, education, employment, health, rural areas, and civil matters related to marriage and the family.

Two shadow reports accompanied the State report. The first shadow report<sup>3</sup> is a collaborative project of several women's organisations in Norway. The first sections focus on legislative concerns, the national gender equality machinery, gender budgeting, and the assessment of gender implications in public administration. The following sections describe gender stereotyping, violence against women, unequal representation in elected bodies, educational and professional imbalances, childcare, and forced marriages. The report stresses a critical need for gender equality perspectives in peace operations abroad, international forums, and development aid programs.

The second shadow report,<sup>4</sup> submitted by the Norwegian Centre for Human Rights of the University of Oslo, focuses specifically on a legislative concern. The report stresses the important impacts of the incorporation of the Convention into the *Human Rights Act* of 1999. This critical legal step would mean that the Convention takes precedence over Norwegian legislation.

While members of the Norwegian Centre for Human Rights presented their findings to the Committee, non-governmental representatives were absent. Committee expert Ms. Šimonović stressed the importance of participation by non-governmental organisations (NGOs) in the constructive dialogue and encouraged the Government to provide support for their involvement in the future.

Norway is party to a number of international instruments and treaties, including the *Convention on the Prevention and Punishment of the Crime of Genocide*, the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *International Covenant on Economic, Social, and Cultural Rights*, the *International Covenant on Civil and Political Rights*, the *Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, and the *Convention on the Rights of the Child*.<sup>5</sup>

## Themes and Issues<sup>6</sup>

### **National Machinery for Gender Equality**

Among the many issues discussed during the dialogue, Committee experts notably focused on the incorporation of the Convention into Norway's *Human Rights Act*, which is given special precedence over other Norwegian statutes in the event of conflict with them. When the Government considered the incorporation of the Convention into domestic law, many governmental and non-governmental bodies indicated that the *Human Rights Act* was the appropriate legislative destination for the Convention, as it would ensure that the Convention has equal precedence with other international human rights agreements. Nonetheless, the Government incorporated the Convention into the *Gender Equality Act* for the assumed purpose of keeping gender issues together. As a consequence, although it is incorporated into Norwegian

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<sup>3</sup> [http://www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm).

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<sup>5</sup> <http://www.ohchr.org/english/law/index.htm>.

<sup>6</sup> For a detailed report of dialogue with the Committee, please see the press release at <http://www.un.org/News/Press/docs/2007/wom1648.doc.htm>.

legislation in this manner, the Convention does not enjoy the same 'special strength' as the treaties incorporated into the Human Rights Act. Upon taking power in 2005, the Labour Party, the Socialist Left, and the Centre Party pledged to incorporate the Convention into the *Human Rights Act*, a pledge that remains unfulfilled.

Committee experts enquired as to the causes for delay in the incorporation of the Convention into the *Human Rights Act*, as well as information regarding the mandate, scope, and impact of national gender equality institutions. Committee expert Ms. Dairiam applauded Norway's role in peacekeeping and requested elaboration on the integration of a gender perspective in Norway's international programmes and initiatives.

Ms. Hole, head of the Norwegian delegation, emphasised the full integration of the Convention in domestic law. She described the incorporation of the Convention into the *Human Rights Act* as a process to occur prior to 2009. Her ministry, the Royal Ministry of Children and Equality, is responsible for the coordination of gender policies, implementation, and gender budgeting. The Equality and Anti-Discrimination Ombud and Tribunal are independent bodies that handle complaints free of charge. The task of addressing gender-based discrimination complaints was recently transferred to the Ombud and allows for a more interdisciplinary approach when dealing with multiple forms of discrimination.

In terms of international involvement, Ms. Hole emphasised the importance of women's empowerment in development assistance programmes. She described a gender perspective as central to Norway's international actions and peace-brokering efforts.

### **Stereotypes and Gender Roles**

Many Committee experts requested elaboration of research programmes and government efforts to promote understanding of gender issues, reduce stereotypes, and challenge traditional gender roles. According to Ms. Hole, the Ministry of Children and Equality works to increase women's media ownership and develop alternative programming in order to challenge the depiction of gender roles in the media.

Institutional discrimination against men, as discussed in the State's report, featured as a prominent concern to the Committee. A newly revised law governing parental rights and alimony requires the assessment of the mother's income as well as the father's. This permits fair and equal treatment of both the father and mother in custody cases. Ms. Hole pointed to child maintenance laws that require both parents to support the child according to their ability. While most parents reach custody agreements privately, the public authorities provide significant assistance in the case of dispute.

Ms. Hole described a new white paper sent to Parliament that addresses the old-fashioned norms guiding men and women's household roles. This paper recommends more attention to educate and sensitise boys and men to gender equality concerns.

### **Gender Based Violence**

Committee member Mr. Flinterman noted Sweden's new legislation criminalising persons who purchase sex and requested information on similar action in Norway. Ms. Hole found the legislation significant, but elucidated that sex work in Sweden is now underground, creating a more convoluted problem to address. The Government awaits a comprehensive evaluation of Sweden's policy. A proposal to amend the Penal Code to prohibit and criminalise the purchase of sex will be sent to Parliament later this year, and includes provisions for social services and education for women. Responding to questions regarding human trafficking, Ms. Hole described Norway's policy of offering asylum to victims, with five people currently granted temporary work permits in Norway as a result.

Among the immigrant population living in Norway, forced marriage is a growing problem and treated as violence within the family. Committee experts were distressed by this trend and asked the delegation to discuss prevention efforts. Ms. Hole described training programs for authorities to identify these cases and assist victims. Child welfare services also receive specific training to care for victims. There is a new focus on educating immigrant communities about the legal requirements of being a good parent in Norway.

### **Political Participation**

Committee experts Ms. Tavares Da Silva and Ms. Belmihoub-Zerdani puzzled over the recent stagnation in rates of electing women and requested further information from the delegation on both the causes of this as well as efforts to improve gender representation in the future. Ms. Hole disputed the use of the word ‘stagnation,’ and noted that 36 per cent of political representatives in both municipalities and the Parliament are women. While quotas in political parties are voluntary, 42 per cent of candidates are women. She pointed to apathy among young people to participation in local government. The Government is discussing ways to politically engage youth by way of school and the media.

### **Education and Employment**

Gender roles continue to shape educational paths and occupational choices. Committee experts sought clarification on government efforts to promote choices free of stereotypes and bias. Committee expert Ms. Halperin-Kaddari specifically critiqued the low percentage of women in university professorships and wondered how the Government would act to address this.

Ms. Hole drew attention to the much wider range of academic disciplines that women tend to study than men. More women are entering traditionally male-dominated fields and the Government plans to focus on improving women’s participation in mathematics, science, and technology. Ms. Hole emphasised how advice shapes academic and career decisions. A study in Denmark of secondary school advisers indicated prevalent old-fashioned attitudes and gender-biased perspectives. The Ministry of Children and Equality plans to formulate measures to improve advice provided to youth about the wide range of educational and professional possibilities.

Ms. Hole described herself as similarly perplexed by the low percentage of women in professorships, especially as more women than men complete higher education. Of particular interest to the Committee was a judgement by the European Free Trade Association Court, which found earmarked funding for female professors in violation of the *European Economic Area Agreement*. Following this decision, radical affirmative action was not permitted in Norway. Higher education institutions no longer reserve professorships for women, although moderate affirmative action is permitted.

Committee experts also critiqued the persistent pay gap between men and women as well as the skewed distribution of women and men in part-time versus full-time employment. For professional and high-level government jobs, Ms. Hole responded, there is no pay gap. The Equal Pay Commission measures salaries in the private sector and an Ombud handles complaints about equal pay.

Ms. Hole recognized that more women than men participate in part-time employment (42 per cent of women and 12 per cent of men). The demands of the labour market are great and the Government works to promote training, empowerment, and entrepreneurship among women in order to encourage full-time employment. However, the Government also recognizes part-time employment as a free choice and will not take that option away. Various programmes focus on informing workers about the potentially negative implications of part-time work for career choices, pay rates, and pension benefits.

Committee expert Ms. Tan stressed the poor representation of women in fishery and agriculture. She noted a working group established by the Ministry of Agriculture and Food to address these concerns and requested

insight on barriers preventing women's involvement. Ms. Hole highlighted a new comprehensive plan for gender equality in the agriculture and food industry. Norway, she underscored, is the only country in the world that still maintains an *Allodial Act*, requiring equal treatment of men and women.

## Health

Committee expert Ms. Coker-Appiah expressed her disappointment with the lack of information regarding HIV/AIDS in the State report. She asked the delegation to describe the situation of HIV/AIDS in their country, particularly related to migrant women and sex workers. Ms. Hole drew attention to low infection rates within the borders of Norway. Most HIV-positive women arrive in Norway as immigrants from Africa. The Government maintains health centres to provide for HIV-positive immigrants and asylum-seekers. While Norway dedicates considerable effort to combat the spread of HIV/AIDS and care for those infected, Ms. Hole noted that the challenges created by the pandemic remain grave.

## Conclusion

The Committee commended Norway's significant progress in gender equality, but expressed concern in areas where careful attention and diligent efforts are still necessary. A prominent concern surrounded the inclusion of the Convention into the *Human Rights Act*, where it would receive special precedence over Norwegian law. The delegation aspired to achieve incorporation prior to 2009. The Committee concluded by congratulating Norway as the first country to deliver a 7<sup>th</sup> periodic report. Committee experts recognized the country's dedicated implementation of the provisions of the Convention and expressed gratitude for its strong gender equality perspective both in Norway and abroad.

In the Concluding Comments,<sup>7</sup> the Committee expressed appreciation for Norway's recent initiatives concerning migrant women and girls, human trafficking, domestic violence, gender budgeting, and development cooperation. The Committee reiterated the need for incorporation of the Convention and its Optional Protocol into the *Human Rights Act*. Noting the broad mandate of the Anti-Discrimination and Equality Ombud, the Committee expressed worry regarding insufficient attention to discrimination against women. Recommendations by the Committee included steps to eliminate traditional stereotypical attitudes and gender inequalities in education, labour market involvement, and public and political participation. For future reports, the Committee requested more comprehensive disaggregated and statistical data and analysis, especially in the areas of violence against women, human trafficking, and HIV/AIDS. Finally, the Committee called for wide dissemination of its concluding comments and the State party's rigorous attention to addressing its concerns and recommendations prior to Norway's next periodic report in 2010.

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<sup>7</sup> <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>

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