



Equality and  
Anti-Discrimination Ombud

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## **Submission from the Norwegian Equality and Anti-Discrimination Ombud to the UN Committee on the Elimination of Discrimination against Women - 84<sup>th</sup> session March 2023**

The Norwegian Equality and Anti-Discrimination Ombud (the Ombud) hereby submits our input to the Committee in relation to the hearing of Norway's 10<sup>th</sup> periodic report at the 84<sup>th</sup> session in February 2023.

The Equality and Anti-Discrimination Ombud was established by an act of Parliament, the 1. January 2006. The Ombud is an independent public administrative agency administratively subordinate to the King and the Ministry. Neither the King nor the Ministry may give instructions to the Ombud regarding the way in which individual cases are to be dealt with or regarding any other aspects of the Ombud's professional activities. The Ombud's mandate and independent role are stipulated under the Norwegian Anti-Discrimination Ombud Act.

The Ombud shall work to promote genuine equality and prevent discrimination in all sectors of society on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression or age. The Ombud shall also work to promote equal treatment in the context of employment, irrespective of political views and labour-organisation membership.

The Ombud shall also provide guidance in discrimination in individual cases.

In addition, the Ombud has a legal mandate to monitor that Norwegian law and administrative practice are in accordance with Norway's obligations pursuant to the following conventions: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on Racial Discrimination (CERD); and Convention on Rights of Persons with Disabilities (CRPD).

The Ombud shall supervise the activity duty, as well as the duty to report on equality and non-discrimination pursuant to the Equality and Anti-Discrimination Act and the Accounting Act.

This report contains the Ombud's prioritized issues of concern.  
For further information, please feel free to contact us at [tk@ldo.no](mailto:tk@ldo.no).

Best regards,

Bjørn Erik Thon  
Equality and Anti-Discrimination Ombud

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This document is approved electronically and is valid without signature.

Attachment:

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## 1. Women's access to justice

*With reference to concluding observations (CO) 18*

In Norway, victims of discrimination have a right to access to justice. The Norwegian Equality and Anti-Discrimination Act of 2017 prohibits gender discrimination in all areas of society.<sup>1</sup> This act is enforced either by ordinary courts of law or by the Norwegian Equality and Anti-Discrimination Tribunal, which was established through the reform of the enforcement system in 2017. The majority of victims of discrimination do not receive free legal aid, because discrimination cases are not a prioritised case area<sup>2</sup>.

The Equality and Anti-Discrimination Tribunal is intended to be a simpler, faster and cheaper alternative to court proceedings. Few discrimination cases are dealt with by the ordinary courts of law, partly because court proceedings involve a large financial risk. The Tribunal is therefore important to achieve real access to justice.

The Equality and Anti-discrimination Tribunal's competence is limited. The Tribunal can not, for example, deal with cases of conflict between the Equality and Anti-Discrimination Act and other legislation.<sup>3</sup> Furthermore, the Tribunal can award compensation for non-economic losses (redress) only in the field of employment, and its competence to award compensation for economic losses is limited.<sup>4</sup> The Tribunal rarely uses its competence to impose obligations on the responsible party to stop breaches of discrimination legislation and prevent further discrimination.<sup>5</sup> The Tribunal's limited competence to deal with cases and the lack of sanctioning of violations, may significantly weaken victims' de facto access to justice.

Furthermore, most violations are not followed up in the current enforcement system. In cases where the Tribunal concludes that there has been a violation of the law, no authority is responsible for contacting the parties afterwards to urge the defendant to

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<sup>1</sup> Equality and Anti-Discrimination Act Section 2, cf. § 6.

<sup>2</sup> Act relating to Free Legal Aid (Legal Aid Act).

<sup>3</sup> Equality and Anti-Discrimination Ombud Act Section 1 fifth paragraph.

<sup>4</sup> Equality and Anti-Discrimination Ombud Act Section 12 first and second paragraph.

<sup>5</sup> Equality and Anti-Discrimination Ombud Act Section 11 second paragraph.

rectify the situation.<sup>6</sup> The proceedings of the Tribunal are conducted in writing. This can reduce de facto access to justice for plaintiffs who struggle to argue their case in writing, and for plaintiffs who need oral guidance on how to write a complaint.

The Equality and Anti-Discrimination Tribunal dealt with 396 cases in 2022.<sup>7</sup> Of these, 272 cases were, for various reasons, not dealt with on their merits. The Ombud is concerned that this high number may partly be due to plaintiffs not receiving sufficient guidance in formulating a complaint, or sufficient help during the complaint process. Some of these cases may have been dealt with on their merits had the plaintiffs received more help and guidance. The Ombud therefore believes that this should be further investigated.

The current enforcement system was implemented five years ago and should be evaluated to establish to what extent it succeeds in ensuring sufficient access to justice for victims of discrimination.<sup>8</sup>

### **Recommendations**

- Evaluate the reform of the enforcement system as regards discrimination cases
- Assess the need for free legal aid in discrimination cases following the reform

## **2. Women in prison**

*With reference to CO 46*

In line with the United Nations Minimum Rules for the Treatment of Prisoners<sup>9</sup>, the principle of normalisation<sup>10</sup> is to form the basis for the treatment of inmates

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<sup>6</sup> The Tribunal does contact the defendant in cases where it has imposed obligations on the responsible party.

<sup>7</sup> <https://www.diskrimineringsnemnda.no/klagesaker-og-statistikk/s%C3%B8kstatistikk>.

<sup>8</sup> The Ombud has already urged the authorities to evaluate the enforcement system, see letter from the Ombud to the Ministry of Culture and Equality dated December 20<sup>th</sup>, 2022.

<sup>9</sup> White paper (2004-2005) chap. 2.3. <https://www.regjeringen.no/no/dokumenter/stmeld-nr-27-2004-2005-/id407448/?ch=2>

in Norwegian prisons. However, a consistent, structural problem is that prison life for women is very far from this basis.<sup>11</sup> We will highlight two problems which cause risk of discrimination of female inmates:

1) Insufficient access to basic health services.<sup>12</sup>

There is an extensive and increasing scale of psychological challenges among female inmates, as well as an increase in female inmates with more extensive psychosocial impairments<sup>13,14</sup>. Female inmates experience that incidents of self-harm or acting out, is met with static control tactics, including restraint beds and isolation.<sup>15</sup> In percentage terms, restraint beds are used more often for female than for male inmates.<sup>16</sup> Also, female inmates with extensive psychosocial impairments experience being bounced

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<sup>10</sup> The principle of normalisation in prison: Generally speaking, normalisation refers to shaping life in prison in resemblance to life outside prison, ref. United Nations Minimum rules. Adopted in 2015, the 122 rules of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

<sup>11</sup> See for instance: The University of Oslo (2021) p. 94 [www.ido.no/globalassets/\\_Ido\\_2019/\\_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf](http://www.ido.no/globalassets/_Ido_2019/_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf), The Norwegian Anti-Discrimination Tribunal (2019) case number 19/114. <https://www.diskrimineringsnemnda.no/showcase/2019000114>

<sup>12</sup> The Office of the Auditor General of Norway (2022) p. 20.

<https://www.riksrevisjonen.no/globalassets/rapporter/NO-2022-2023/helse-opplarings-og-velferdstjenester-til-innsatte-i-fengsel.pdf>, Centre for care research (2022) p. 18

[https://omsorgsforskning.brage.unit.no/omsorgsforskning-xmlui/bitstream/handle/11250/2992945/Kartlegging\\_innsatte.pdf?sequence=1](https://omsorgsforskning.brage.unit.no/omsorgsforskning-xmlui/bitstream/handle/11250/2992945/Kartlegging_innsatte.pdf?sequence=1)

<sup>13</sup> The terms extensive psychosocial impairment is used here in line with development of human rights law and terminology such as the Convention on the Rights of Persons with Disabilities.

<sup>14</sup> There is an extensive scale of mental health challenges among women in prison. Several of the women have also been exposed to violence and sexual assault, which has led to trauma, see for instance: White paper (2020-2021) chap. 3.3.2. <https://www.regjeringen.no/no/dokumenter/meld.-st.-39-20202021/id2861926/?ch=3#kap3-3-2>, The University of Oslo (2021) p. 37-38, p. 76 [https://www.ido.no/globalassets/\\_Ido\\_2019/\\_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf](https://www.ido.no/globalassets/_Ido_2019/_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf), Centre for care research (2022) p. 15 [https://omsorgsforskning.brage.unit.no/omsorgsforskning-xmlui/bitstream/handle/11250/2992945/Kartlegging\\_innsatte.pdf?sequence=1](https://omsorgsforskning.brage.unit.no/omsorgsforskning-xmlui/bitstream/handle/11250/2992945/Kartlegging_innsatte.pdf?sequence=1), The Office of the Auditor General of Norway (2022) p. 20. <https://www.riksrevisjonen.no/globalassets/rapporter/NO-2022-2023/helse-opplarings-og-velferdstjenester-til-innsatte-i-fengsel.pdf>

<sup>15</sup> The University of Oslo (2021) p. 156, [www.ido.no/globalassets/\\_Ido\\_2019/\\_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf](http://www.ido.no/globalassets/_Ido_2019/_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf)

<sup>16</sup> The Parliamentary Ombud (2020) p. 22 <https://www.sivilombudet.no/wp-content/uploads/2020/05/Temaraapport-NORSK-sikkerhetsseng-i-fengsler.pdf>

around in the system.<sup>17</sup> Many female inmates have extensive trauma and experiences of sexual assault, which demand adapted health care.<sup>18</sup> The establishment by the Government of a resource team at Bredtveit Detention and Security Prison, dedicated to helping inmates who isolate themselves, is a positive development. At present however, the team is lacking in numbers, and do not have access to necessary facilities. Hence, this offer is not equal to the level of support that male inmates with similar health problems receive at Ila Detention and Security Prison.<sup>19</sup>

2) Major challenges associated with the building stock in the prisons where women serve time The Anti-Discrimination Tribunal ruled in 2020 that the prison conditions for women in Tromsø prison constituted gender discrimination in breach of the Equality and Anti-Discrimination Act, as prison structures led to placement at a stricter security level, thus more isolation, than necessary.<sup>20</sup> So far, the Government's response to the ruling has mainly been to send high security female inmates from the north, further south in the country. This approach is problematic because it fails to comply with the proximity principle.

The Government's report fails to respond satisfactorily to the problems described above, and to the Committee's recommendations.<sup>21</sup> If women unjustly experience poorer prison conditions than men, this will also constitute a breach of the Equality and Anti-Discrimination Act.<sup>22</sup> If measures are not taken for female inmates with extensive psychosocial impairments, there is also a risk that inmates will be exposed to inhumane and degrading treatment in prison.<sup>23</sup>

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<sup>17</sup> The Office of the Auditor General of Norway (2022) p. 21. , The University of Oslo (2021) p. 126, [www.ido.no/globalassets/\\_Ido\\_2019/\\_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf](http://www.ido.no/globalassets/_Ido_2019/_bilder-til-nye-nettsider/rapporter/lengst-inne-i-fengselet.pdf)

<sup>18</sup> White paper (2020-2021) chap. 3.3.2. <https://www.regjeringen.no/no/dokumenter/meld.-st.-39-20202021/id2861926/?ch=3#kap3-3-2> and footnote 14

<sup>19</sup> Tenth periodic report submitted by Norway (2021) para. 165

<sup>20</sup> The Norwegian Anti-Discrimination Tribunal (2019), case number 19/114. <https://www.diskrimineringsnemnda.no/showcase/2019000114>

<sup>21</sup> Tenth periodic report submitted by Norway (2021) para. 161, 162, 164, 165

<sup>22</sup> The Equality and Anti-Discrimination Act section 6 cf. 9.

<sup>23</sup> The Ombud is aware that the government has recently decided to set up a committee to investigate how to look after inmates who have serious mental disorders or development disabilities that make it difficult for them to integrate into activities and communities in prison. As far as we know, the committee will

## Recommendations

- The Strategy for Women in Detention and the Execution of Sentences [Women in Prison] (2017–2020) must be updated and continued.
- The Government must ensure that female inmates with psychosocial impairments have access to qualified health support, including the establishment of a reinforced common unit to provide care for female inmates with the most severe problems.
- To ensure equal prison conditions for women, the Government must survey and, when necessary to prevent discrimination of female inmates, upgrade older building stock.

## 3. Gender-based violence

*With reference to CO 22, 24, 26*

### 3.1 Domestic Violence

Domestic violence is still a serious and persistent gender-equality issue in Norway. In the latest survey, 8.2 percent of women and 1.9 percent of men state that they have been exposed to serious physical violence from their partner.<sup>24</sup> In the period 2015 to 2021, an average of 3,400 cases of domestic violence were reported annually.

Women made up 91 percent of the victims.<sup>25</sup> Between 2010 and 2020, there were a total of 81 intimate partner homicides. 84 percent of the victims were

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assess both conditions during the custody period and after release. The committee's mandate is unclear as of 8 December. See [https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2022-2023/refs-202223-12-06?utm\\_campaign=Saksvarselet+ditt&utm\\_content=Link&utm\\_medium=email&utm\\_source=Mailjet&m=6T](https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2022-2023/refs-202223-12-06?utm_campaign=Saksvarselet+ditt&utm_content=Link&utm_medium=email&utm_source=Mailjet&m=6T) The Parliamentary Ombud points out that the use of restraint beds in prison entails a risk of violation of the total prohibition against inhuman or degrading treatment in ECHR article 3, see <https://www.sivilombudet.no/uttalelser/kontroll-med-bruk-av-mekaniske-tvangsmidler-i-psykisk-helsevern-rapport-fra-undersokelse-av-eget-tiltak/#sammendrag>. In 2020, the state also recognized a breach of this prohibition, since a female inmate had been in a restraint bed in prison for 42 **hours continuously**.

<sup>24</sup> NKVTS (2014) p. 17. [https://www.nkvts.no/content/uploads/2015/11/vold\\_og\\_voldtekt\\_i\\_norge.pdf](https://www.nkvts.no/content/uploads/2015/11/vold_og_voldtekt_i_norge.pdf)

<sup>25</sup> In cases involving persons over 18 years of age. The Office of the Auditor General of Norway (2022) p. 50. <https://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf>



women.<sup>26</sup> Some women may be particularly at risk, including women with ethnic or national minority background, women with disabilities and women with substance abuse problems.<sup>27</sup> In June 2022, the Office of the Auditor General of Norway concluded that there are still serious weaknesses in the authorities' efforts to prevent domestic violence.<sup>28</sup>

Municipalities have a statutory responsibility to prevent and deter domestic violence.<sup>29</sup> However, recent reports points to significant weaknesses in the municipal support services.<sup>30</sup> In our previous report, the Ombud found that the support services in several

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<sup>26</sup> Bufdir (2021)

[https://www.bufdir.no/Statistikk\\_og\\_analyse/Kjonnsligestilling/Vold\\_og\\_kjonn/Utsatthet\\_for\\_vold/](https://www.bufdir.no/Statistikk_og_analyse/Kjonnsligestilling/Vold_og_kjonn/Utsatthet_for_vold/)

<sup>27</sup> The Equality and anti-discrimination Ombud (2018) p. 38-40.

[www.ido.no/globalassets/\\_Ido\\_2019/03\\_ombudet-og-samfunnet/rapporter/rapporter-til-fn/ldos-rapport-til-fns-rasediskrimineringskomite-cerd-2018-norsk.pdf](http://www.ido.no/globalassets/_Ido_2019/03_ombudet-og-samfunnet/rapporter/rapporter-til-fn/ldos-rapport-til-fns-rasediskrimineringskomite-cerd-2018-norsk.pdf), Justis- og beredskapsdepartementet (2021) p. 60.

<https://www.regjeringen.no/contentassets/9c4fb648c66c4c1eb2e58f645eb870b8/209755-jd-frihetfravold-web.pdf>, NOU 2020: 17 chap. 4.4. <https://www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522/?ch=3#kap4> Justis- og beredskapsdepartementet (2021) p. 60

<https://www.regjeringen.no/contentassets/9c4fb648c66c4c1eb2e58f645eb870b8/209755-jd-frihetfravold-web.pdf>

<sup>28</sup> The Office of the Auditor General of Norway (2022) p. 8

<https://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf>

<sup>29</sup> Act relating to municipal health and care services § 3-3 a, the Crisis centre Act section 2, the Equality and Anti-Discrimination Act Section 24. Also, the Equality and Anti-Discrimination Act Section 24 states that public authorities have a duty to inter alia prevent gender-based violence. However, the Ombud's experience is that this obligation is little known among the authorities. Nor is it possible to sanction violations of the provision.

TryggEst is an example of a municipal collaborative model that has worked well, but so far only 17 municipalities out of 365 (2022) have implemented it (<https://ny.bufdir.no/vold/tryggest/>). Furthermore, the Alternative to Violence Foundation (ATV) provides treatment to perpetrators of violence. However, only municipalities with an agreement with an ATV office can provide this service to its residents.

<sup>30</sup> NKVTS (2021) p. 4. [https://www.ido.no/globalassets/\\_Ido\\_2019/03\\_ombudet-og-samfunnet/rapporter/vold-i-nare-relasjoner/kommunenes-helhetlige-arbeid-mot-vold-mot-kvinner-og-vold-i-nare-relasjoner/rapport-om-kommunenes-helhetlige-arbeid-med-vold-mot-kvinner-og-vold-i-nare-relasjoner.pdf](https://www.ido.no/globalassets/_Ido_2019/03_ombudet-og-samfunnet/rapporter/vold-i-nare-relasjoner/kommunenes-helhetlige-arbeid-mot-vold-mot-kvinner-og-vold-i-nare-relasjoner/rapport-om-kommunenes-helhetlige-arbeid-med-vold-mot-kvinner-og-vold-i-nare-relasjoner.pdf) The Office of the Auditor General of Norway (2022) p. 10.

<https://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf> The fact that the perpetrator or victim in almost eight out of ten intimate partner

municipalities are poorly coordinated, and there is insufficient cooperation between relevant stakeholders. Several municipalities have no action plan against domestic violence, and fail to follow-up and coordinate support services for persons who have stayed at a crisis centre during the re-establishment phase.<sup>31</sup> Furthermore, there is a lack of knowledge about the right and duty to share information<sup>32</sup> Studies show insufficient knowledge in the support system about factors that might increase the risk of being exposed to domestic violence. Also, there is insufficient access to information about rights, particularly among newly arrived immigrant women and Sami women.<sup>33</sup>

Under the Crisis Shelter Act, municipalities are obliged to provide victims of violence with equivalent and effective crisis shelter services adapted to the needs of the individual. There are however great variations in how the obligations are followed up, and how well the services are funded.<sup>34</sup> Several shelters lack resources to

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homicides was in contact with the support system before the murder, also indicates that the support system is not sufficiently able to prevent and impede acts of violence.

<sup>31</sup> NKVTS (2021) p. 4. [https://www.ido.no/globalassets/\\_ldo\\_2019/03\\_ombudet-og-samfunnet/rapporter/vold-i-nare-relasjoner/kommunenes-helhetlige-arbeid-mot-vold-mot-kvinner-og-vold-i-nare-relasjoner/rapport-om-kommunenes-helhetlige-arbeid-med-vold-mot-kvinner-og-vold-i-nare-relasjoner.pdf](https://www.ido.no/globalassets/_ldo_2019/03_ombudet-og-samfunnet/rapporter/vold-i-nare-relasjoner/kommunenes-helhetlige-arbeid-mot-vold-mot-kvinner-og-vold-i-nare-relasjoner/rapport-om-kommunenes-helhetlige-arbeid-med-vold-mot-kvinner-og-vold-i-nare-relasjoner.pdf)

<sup>32</sup> NOU 2020: 17 chap. 14.2.3: <https://www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522/?ch=5#kap14-2-1>

<sup>33</sup> NOU 2020: 17 chap. 14.2: <https://www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522/?ch=5#kap14-2-1>, GREVIO (2022) p. 34: <https://rm.coe.int/grevio-inf-2022-30-report-norway-eng-pour-publication/1680a923f8>

<sup>34</sup> The Office of the Auditor General of Norway (2022) p. 12. [www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf](http://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf)

accommodate for the needs to women particularly exposed to violence.<sup>35</sup> Moreover, for many women, long distances to the nearest centre represent an additional challenge.<sup>36</sup>

As regards prevention, there are challenges within the police and the prosecuting authority. The time involved for the police to process cases is drawn out, and there has been an increase in the number of cases dropped. In 2021, 86 percent of criminal offenses relating to domestic abuse prosecuted were dropped.<sup>37</sup> Research shows insufficient use of both risk assessment tools<sup>38</sup> and protective measures, such as restraining orders and reverse violence alarms.<sup>39</sup>

Domestic violence and intimate partner homicides continue to be serious gender-equality issues that threaten women's basic human rights to life, liberty, and security. The Ombud believes that the Government is still not fully meeting its national and international obligations<sup>40</sup>.

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<sup>35</sup> Among others; women with a substance abuse, women with physical or psychosocial impairments and women with an ethnic or national minority background. NKVTS (2021) p. 4.

[https://www.ido.no/globalassets/\\_Ido\\_2019/03\\_ombudet-og-samfunnet/rapporter/vold-i-nare-relasjoner/kommunen-es-helhetlige-arbeid-mot-vold-mot-kvinner-og-vold-i-nare-relasjoner/rapport-om-kommunen-es-helhetlige-arbeid-med-vold-mot-kvinner-og-vold-i-nare-relasjoner.pdf](https://www.ido.no/globalassets/_Ido_2019/03_ombudet-og-samfunnet/rapporter/vold-i-nare-relasjoner/kommunen-es-helhetlige-arbeid-mot-vold-mot-kvinner-og-vold-i-nare-relasjoner/rapport-om-kommunen-es-helhetlige-arbeid-med-vold-mot-kvinner-og-vold-i-nare-relasjoner.pdf)

<sup>36</sup> The Office of the Auditor General of Norway (2022) p. 12.

[www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf](http://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf)

<sup>37</sup> The Office of the Auditor General of Norway (2022) p. 14, 58.

[www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf](http://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf)

<sup>38</sup> Both SARA (Spousal Assault Risk Assessment Guide) and PATRIARK (risk mapping of honour-related violence)

<sup>39</sup> The Office of the Auditor General of Norway (2022) p. 14

[www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf](http://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf), SIFER (2021) p. 72. <https://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf> s 72. The Office of the Auditor General of Norway (2022) p. 58, 72: Number of reported cases of abuse in close relationships between 2015-2021: 3,400, Number of cases registered as family violence cases by the police in 2021: 6700. In 2021, reverse violence alarms were claimed in 45 cases, and 22 were sentenced to reverse violence alarms.

<sup>40</sup> CEDAW Article 3, the Committee's recommendation no. 19, the CEDAW Committee's recommendations to Norway no. 47 a, b, h and i from 2017.

The Ombud is particularly concerned that the weaknesses in the municipal support services, both in terms of legislation and practice, make it more difficult to detect and prevent domestic violence.<sup>41</sup> The municipalities' failure to comply with their obligations in the Crisis Shelter Act also limits the ability to provide adequate protection. The authorities' efforts to protect particularly vulnerable groups of women must be strengthened.<sup>42</sup> Finally, too few proactive and protective measures have been implemented to strengthen the capacity and knowledge of the police and Prosecuting Authority.

### **Recommendations**

- Secure national standards for multidisciplinary and inter-agency cooperation in the municipalities to identify, prevent and follow up cases of domestic violence.
- Ensure that an upcoming commission on intimate partner homicides becomes a permanent system with sufficient funding.
- Review the Crisis Shelter Act and the funding model to ensure effective, accessible and adapted crisis shelter services throughout the country, adapted to also accommodate ethnic minority women, women with disabilities and/or substance abuse problems.
- Strengthen the capacity and knowledge about violence and factors that might increase the risk of being exposed to violence within the support systems, the police and with the Prosecuting Authority. The police need to increase their knowledge of risk mapping tools and protective measures.
- Expand the system with reverse violence alarm, including authorising the right to impose a reverse violence alarm in the event of a breach of a restraining order.
- Strengthen measures targeting particularly vulnerable groups.

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<sup>41</sup> NKVTS (2019) p. 128. [https://www.nkvts.no/content/uploads/2019/09/NKVTS\\_Rapport\\_3\\_19\\_kommunale\\_handlingsplaner\\_web.pdf](https://www.nkvts.no/content/uploads/2019/09/NKVTS_Rapport_3_19_kommunale_handlingsplaner_web.pdf)

<sup>42</sup> The Office of the Auditor General of Norway (2022) chap 3.4: <https://www.riksrevisjonen.no/globalassets/rapporter/no-2021-2022/myndighetenes-innsats-mot-vold-i-nare-relasjoner2.pdf>, GREVIO (2022) p. 7, p. 34, p. 39 and 41: <https://rm.coe.int/grevio-inf-2022-30-report-norway-eng-pour-publication/1680a923f8>

### 3.2 Online dissemination of harmful gender stereotypes

Online dissemination of harmful gender stereotypes is pervasive. Targeted online marketing<sup>43</sup> and online pornography represent two major channels for the spreading of such stereotypes<sup>44</sup>.

In our previous report to CEDAW<sup>45</sup>, the Ombud expressed concern about possible connections between the omnipresence of potentially harmful and often sexualised gender stereotypes and harmful sexual practices among adolescent boys. In the past year, similar concerns have been voiced by both the police and sexual assault centres with reference to an increase in cases where adolescent boys sexually assault girls of the same age<sup>46</sup>. It is argued that this development can be linked, among other things, easy access and exposure to online pornography depicting sexual abuse and violence.

The present situation is marked by lack of focus on and knowledge about how the proliferation of sexualised and harmful gender stereotypes may affect adolescents and their perceptions of sexuality, power, sex, and gender relations<sup>4748</sup>, and a subsequent lack of efforts to combat such stereotypes.

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<sup>43</sup> <https://oda.oslomet.no/oda-xmlui/bitstream/handle/20.500.12199/1320/SIFO-rapport%201-2019%20-%20S%c3%b8te%20jenter%20og%20t%c3%b8ffe%20gutter.pdf?sequence=1&isAllowed=y>

<sup>44</sup> <https://www.medietilsynet.no/globalassets/publikasjoner/barn-og-medier-undersokelser/2022/barn-og-medier-2022-porno-desember-2022.pdf>

<sup>45</sup> Få lenke til vår engelske rapport fra 2017

<sup>46</sup> <https://www.facebook.com/profile/100067390472539/search/?q=overgrep%20unge>

<sup>47</sup> A publicly appointed committee mandated to recommend measures to better protect children from harmful online content, especially pornography and other sexualised content, concluded that present knowledge base on how pornography and other sexualised content affect children and adolescents. is too scarce. NOU 2021:3. Barneliv foran, bak og i skjermen (White paper 2021:3. Children's life in front of, behind and on the screen, p. 15.)

<sup>48</sup> A recent survey from 2022, shows that girls are significantly more exposed to certain forms of sexualized online attention than boys. The Norwegian Media Authority. Children and the Media. 2022.

## **Recommendations**

- Allocate resources to research on how online dissemination of sexualised gender stereotypes and pornography affect children and youth
- Collect and analyse experiences made by relevant stakeholders such as the police and assault centres, on adolescent sexual offenders
- Put in place effective measures to protect adolescents from harmful online content

### **3.3 Sexual violence and the Penal Code**

A publicly appointed committee “Straffelovrådet” (The penal Code Council) mandated to review the chapter on sexual offenses in the Penal Code, has assessed the wording of existing provisions and considered an introduction of a consent-based rape provision. Consent as basis for this provision would be in line with the CEDAW committee’s final comments to Norway's 9th report<sup>2</sup>.

The Council has proposed to use other terms than lack of consent as the constitutive elements in the wording. Rather, they have proposed a wording that covers any person who has sexual intercourse with someone who does not want to and expresses this in words or action. The Ombud supports the intention of the Council to strengthen protection of sexual autonomy, while at the same time ensuring necessary foreseeability and clarity. However, whether the proposals made by the Council are sufficient and adequate in relation to such phenomena as for example tonic immobility (the freeze response) needs to be considered and addressed thoroughly in the follow up of the proposals.

### **3.4 National quality survey of rape cases**

The number of reported rapes and convictions are low, and the rate of cases dropped is high. In 2020, the Director of Public Prosecutions conducted a quality survey of the police authority's rape investigations<sup>49</sup>. A similar survey was carried out in 2016.

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<sup>49</sup><https://www.riksadvokaten.no/wp-content/uploads/2020/06/Nasjonal-rapport-Kvalitetsunders.pdf>

The latest report shows positive advances, but it also reveals shortcomings in all investigation phases such as processing time and progression.

Trust in the police is a key element to increase both reporting and convictions in rape cases. Thus, it is crucial to, without delay, put in place measures to counter the weaknesses identified in the 2020 national quality survey.

### **Recommendations**

- In the follow up of the proposals by the Penal Code Council, ensure that the wording of the Penal Code with respect to the rape provision, is framed in a manner that fulfils the purpose of strengthening sexual autonomy, while simultaneously securing reasonable clarity and foreseeability.
- Without delay, remedy weaknesses in the police's handling of reported rapes identified in the Director of Public Prosecutions' quality survey of 2020.

### **3.5 Human trafficking**

Sections 257 and 258 of the Penal Code prohibit human trafficking. Possible victims of human trafficking have the right to assistance and protection.<sup>50</sup>

There are no official figures regarding the number of trafficking victims in Norway, and there is likely a significant number of unreported cases. The majority of suspected victims of human trafficking identified in Norway are women who are exploited for prostitution or other sexual purposes.<sup>51</sup>

There is an ongoing refugee situation which is a consequence of the war in Ukraine. The refugees are mainly women and children, and they may be vulnerable to exploitation for human trafficking in Norway.<sup>52</sup>

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<sup>50</sup> KOM (2022) p. 11. <https://www.politiet.no/globalassets/03-rad-og-forebygging/menneskehandel/rapport-fra-koordineringsenheten-for-ofre-for-menneskehandel-2021.pdf>

<sup>51</sup> GRETA (2022) p. 9. <https://rm.coe.int/greta-third-evaluation-report-on-norway/1680a6ce66>

<sup>52</sup> KOM (2022) p. 20. <https://www.politiet.no/globalassets/03-rad-og-forebygging/menneskehandel/rapport-fra-koordineringsenheten-for-ofre-for-menneskehandel-2021.pdf>

Norway has no formal identification body at the national level (*national referral mechanism*). The assistance to victims is fragmented.<sup>53</sup>

The lack of a formal identification body entails a risk that victims are not intercepted and thus do not receive the necessary help and follow-up. Identification of possible victims of human trafficking is a prerequisite for "access to justice", since identification is crucial in order to fulfil the rights associated with this status.<sup>54</sup>

### **Recommendations**

- Create a formal identification body for possible victims of human trafficking and ensure follow-up of identified victims

## **4. Equality in the labour market**

*With reference to CO 36, 37*

### **4.1 Discrimination on the basis of pregnancy and parental leave**

The Equality and Anti-Discrimination Act<sup>55</sup> strictly prohibits unlawful differential treatment on the grounds of pregnancy and leave of absence. Pregnancy and parental leave are the areas where the Equality and Anti-Discrimination Ombud receives the most inquiries as regards discrimination in employment.<sup>56</sup>

The Ombud's extensive survey<sup>57</sup> from 2014 showed that discrimination related to pregnancy and parental leave is widespread in employment.<sup>58</sup> A recent and more

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<sup>53</sup> KOM (2022) p. 17.

<sup>54</sup> GRETA (2022) p. 6.

<sup>55</sup> Act of 16 June 2017 relating to equality and a prohibition against discrimination (Equality and Anti-Discrimination Act).

<sup>56</sup> About 25 per cent of all cases of labour-related guidance are about pregnancy and leave. The bulk of these inquiries concern differential treatment. Internal statistics, LDO (Equality and Anti-Discrimination Ombud).

<sup>57</sup> Conducted by TNS Gallup on behalf of Equality and Anti-Discrimination Ombud.

<sup>58</sup> NS Gallup (2015) p. 15. For example, it appears that one out of four temporary female employees say that they did not get their temporary position extended because they were going to have a child and 21 per cent believe they have missed out on salary negotiations because they have had a child.



comprehensive survey on discrimination of parents at the workplace from 2020/2021,<sup>59</sup> showed that the incidence of unlawful differential treatment among parents has largely remained unchanged since 2014.<sup>60</sup> Negative employment consequences of parental leave, pregnancy and carer responsibilities systematically affect women to a greater extent than men,<sup>61</sup> and a number of studies show persistent gender differences in pay and career advancement across various sectors.<sup>62</sup>

Research shows that the negative consequences for employees who have had children relate only marginally to intentional discrimination by employers. Both employers, employees and trade unions highlight structural and organisational logics as the main cause of negative outcomes for individuals.<sup>63</sup> Many of the differences in men's and women's professional lives are also about persistent gender norms as regards parenting and caregiving.<sup>64</sup> Moreover, research shows that there are clear industry-specific challenges. This suggests that to understand the causes of discrimination, we need to understand the specific employment context in which the negative differential treatment takes place.<sup>65</sup>

## **Recommendations**

- The government should allocate funds through the tripartite cooperation to fund development projects on how to prevent discrimination on the basis of pregnancy and parental leave. Furthermore, ensure that best practices and experiences are distributed appropriately throughout the labour market.

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<sup>59</sup> Conducted by the Work Research Institute (AFI) at Oslo Metropolitan University at the request of the LDO.

<sup>60</sup> AFI report 2021:03, p. 73.

<sup>61</sup> AFI report 2021:03, p. 5.

<sup>62</sup> AFI report 2021:03, p. 6.

<sup>63</sup> AFI report 2021:03, p. 66.

<sup>64</sup> AFI report 2021:03, p. 9.

<sup>65</sup> AFI report 2021:03, p. 68. For example, in the legal profession one of the main challenges is career advancement, while in the education sector it is more often about the lack of provision, for example of leave of absence for nursing mothers.

## **4.2 Equal pay - Clarification of the mapping of pay conditions in the activity and reporting obligation**

The pay gap between women and men has been reduced over the past 20 years according to Statistics Norway<sup>66</sup>, but the reduction of the gap is advancing too slowly. A new study shows that there is a significant difference between men's and women's wages in Norway, even where they have the same type of job.<sup>67</sup> The Committee has previously (recommendation paragraph 37a) emphasised that equal pay is an area the Government must work on.

One measure that the Government has introduced is the obligation to map pay conditions for all public and private employers with over 50 employees. This is a structural measure that will help to reduce the pay gap between women and men. Employers are required to map the difference in women's and men's pay conditions for job groups that perform work of equal value. This must be done in collaboration with employee representatives. The report must show wage levels either stated in national currency or as a percentage share. Through this, it must be assessed whether there is a risk of pay discrimination in the company that requires preventive measures. The purpose of mapping pay conditions is also to enable all employees to compare themselves with the average in their job group.

Mapping of pay conditions is part of the enhanced activity and reporting obligation that has been in effect since 1 January 2020.

The Ombud has received a number of inquiries about mapping pay conditions from employers, employee representatives and employees. The inquiries concern the practical implementation of the mapping of pay conditions. At present, it can be challenging for employers to understanding exactly what the obligation involves as far as legal requirements are concerned, and how the obligation is to be implemented.

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<sup>66</sup> <https://www.ssb.no/arbeid-og-lonn/lonn-og-arbeidskraftkostnader/statistikk/lonn/artikler/slik-kan-lonnsforskjellen-mellom-kvinner-og-menn-forklares>

<sup>67</sup> Within-job gender pay inequality in 15 countries, published 24 November 2022 in Nature Human Behaviour

This reduces the impact that the obligation could have on reducing the gender-based pay gap.

### **Recommendations**

The authorities must clarify the requirement of the employers' obligation to conduct a mapping of pay conditions. This could be e.g., a clarification of what the term 'pay conditions' includes and what the composition of groups defined as performing work of equal value may be.

## **5. Climate change**

*With reference to CO 14*

Gender differences and inequalities impact women's role and position in Norwegian climate strategies and policies. For instance, fewer women than men study STEM subjects<sup>68</sup>, the labour force is still relatively gender segregated, and men have greater access to natural resources and governance than women. The number of women in the power industry is less than 21 %<sup>69</sup>, and only 10<sup>70</sup> % of the stock companies within the sector has a female top manager. Furthermore, a recent survey shows that female Norwegian climate scientists are exposed to more harassment than their male colleagues<sup>71</sup>. 46 % of female researchers feel uncomfortable when speaking publicly, compared to 20 % of men. This can have an impact on degree to which women and men participate in developing and implementing climate policy.

Gender perspectives are presently absent or poorly integrated in Norwegian climate policy. A review of public Norwegian policy documents from 2020

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<sup>68</sup> <https://www.stemcoalition.eu/programmes/jenter-og-teknologi-girls-and-technology>

<sup>69</sup> <https://enerwe.no/kraftbransjen-kvinneandel-ssb/kvinner-utgjor-fortsatt-bare-n-av-fem-i-kraftbransjen/399651>

<sup>70</sup> <https://enerwe.no/kraftbransjen-kvinneandel-ssb/kun-1-av-10-aksjeselskaper-i-kraftbransjen-har-kvinnelig-toppsjef/399233>

<sup>71</sup> <https://www.nrk.no/norge/xl/hetsen-mot-klimaforskerne-1.16096140>

shows a lack of gender mainstreaming in climate policies<sup>72</sup>, and information sharing between Nordic stakeholders about links between gender and climate change is lacking<sup>73</sup>.

Absence of gender perspectives in climate change policy can reproduce or further existing gender disparities in Norway. Conversely, by incorporating gender and equality perspectives into all climate and environmental policies, strategies, and programmes, climate policy can strengthen equality between women and men.

### **Recommendations**

- Mainstream a systematise collection of gender-aggregated data to inform policy making and monitor policy implementation.
- Strengthen measures to counteract the persistent underrepresentation of women in STEM subjects. Implement measures to strengthen women's opportunities to influence, develop and implement climate policy, and to increase women's access to new "green" jobs and to natural resources and governance.

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<sup>72</sup> No Need for Gender Perspectives in Norwegian Climate Policy? Eggebø et al. 2020

<sup>73</sup> <https://pub.norden.org/temanord2022-507/#93546>