

## NORWAY

In 1978, Norway adopted the Gender Equality Act to guarantee that women and men are given equal opportunities in education, employment and cultural and professional advancement.<sup>1</sup> The Act was amended in 2005 to align it with other acts dealing with discrimination based on religion and ethnicity, disability and sexual orientation.<sup>2</sup> As of 1 January 2014 the Gender Equality Act No. 45 was replaced by a new Act (LOV-2013-06-21-59). Norway's national gender equality policy is managed by the Ministry of Children, Equality and Social Inclusion. In November 2011, Norway launched "Likestilling 2014", an action plan for gender equality including 86 new initiatives that fall under the responsibility of a cross section of Ministries.<sup>3</sup>

### 1. Discriminatory family code

The statutory **minimum age of marriage** for women and men is 18 in Norway.<sup>4</sup> Homosexual couples have had the right to register cohabitation since 1993;<sup>5</sup> in 2009 the Common Marriage Act was approved, enabling same-sex couples to marry on the same terms as heterosexuals.<sup>6</sup>

According to the 2006 report submitted to Committee for the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), there is some evidence of forced marriages being practiced in Norway within immigrant communities. Norway has been taking measures to address this issue, such as provisions included in the Immigration Act.<sup>7</sup> In 2002 Norway presented 30 new measures to combat forced marriage, concentrating on crisis assistance for young people, awareness-raising, strengthening regulations and inter-institutional efficacy.<sup>8</sup>

The Children Act No.7 (1981) provides women and men with equal decision-making **parental authority** over children during marriage.<sup>9</sup> Women and men have equal decision-making authority over children after separation.<sup>10</sup> Also, Article 31 established that the child's point of view will also be taken into consideration. Parents who separate or **divorce** may agree to have joint parental responsibility or that one of them shall have sole parental responsibility. Until an agreement or decision on parental responsibility has been made, the parents have joint responsibility.<sup>11</sup> Despite relatively equal parental roles in Norway, most children live with their mother in the case of separation.<sup>12</sup>

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<sup>1</sup> [http://www.gender.no/Topics/11/sub\\_topics?path=5/964](http://www.gender.no/Topics/11/sub_topics?path=5/964)

<sup>2</sup> The Act relating to gender equality, Prop. L 88 (2012-2013)

<sup>3</sup> Ministry of Children, Equality and Social Inclusion

<sup>4</sup> UN Statistics Division (2013)

<sup>5</sup> <http://www.gender.no/Topics/13>

<sup>6</sup> Ministry of Children, Equality and Social Inclusion

<sup>7</sup> CEDAW (2006) p.18

<sup>8</sup> CEDAW (2006) p.99

<sup>9</sup> Art. 34 sec. 1, Children Act no. 7 (1981)

<sup>10</sup> Art. 34, Children Act (1981)

<sup>11</sup> Art. 34 Children Act, sec. 2

<sup>12</sup> Kalil et al.,(2010)

The 1972 Inheritance Act established equal rights for men and women in terms of **inheritance**. Daughters already benefitted from the same rights as sons since 1854, with the exception of inheritance rights related to farms and land rights (farms/land rights were inherited by primogeniture until the 1974 law).<sup>13</sup>

### **More**

The **right to divorce** by consent was first established in 1909. Sections 20 through 24 of the Marriage Act (1991) provide women and men equal rights to initiate divorce after applying to the county governor for separation and after being separated for at least one year.<sup>14</sup> If neither spouse applied for separation to the county governor, they must wait two years to be formally divorced. Moreover, mediation is mandatory for spouses with children younger than 16. The idea behind mediation is to aid parents in finding a suitable written agreement in terms of residence and access according to the children's best interests. Other services available for free are parental cooperation, therapy and peer support groups.<sup>15</sup>

Although men today do more housework than in the past, the unequal division of **unpaid care work** remains an issue. According to 2010 data, women aged 16-74 spend on average more than 200 minutes per day on domestic activities; men spend around 300 minutes on income earning work per day.<sup>16</sup>

## **2. Restricted physical integrity**

The Criminal Code was amended in December 2005 to include a new provision regarding **domestic violence**.<sup>17</sup> According to the Criminal Code, domestic violence is defined as "maltreatment", through threats, duress, deprivation of liberty and violence by one's current or former spouse, kin, spouse's kin or any other person in the shared household. Psychological and economic violence are not specifically mentioned in the law. Penalties include up to four years in prison,<sup>18</sup> although aggravated circumstances, such as the crime leading to death, or significant harm to the victim's health can result in a higher penalty. Under section 23 of the Marriage Act, a spouse has the right to file for divorce if the other spouse has deliberately attempted to kill him or her or their children or wilfully exposed them to severe abuse. In this case, divorce can be filed by judicial decree without previous separation or breakup of the relationship and mediation is not mandatory.<sup>19</sup>

From 2004 to 2007, the Norwegian government put in place action plans to combat domestic violence. This included strengthening treatment programmes for perpetrators and improving services for children who witness violence.<sup>20</sup> The Alternative to violence (ATV) services were put in place to provide treatment to violent offenders in close relationships. The ATV work closely with other centres, such as the regional resource centres on violence, traumatic stress and suicide prevention (RVTS), the child welfare services and the specialist health services.<sup>21</sup> Since January 2010,

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<sup>13</sup> Kvinners rettigheter i Norge fra 1814 til 1913, [http://snl.no/Kvinner\\_rettigheter\\_i\\_Norge\\_fra\\_1814\\_til\\_1913](http://snl.no/Kvinner_rettigheter_i_Norge_fra_1814_til_1913) (in Norwegian)

<sup>14</sup> Commission on European Family Law (CEFL); Ministry of Children, Equality and Social Inclusion

<sup>15</sup> Ministry of Children, Equality and Social Inclusion

<sup>16</sup> <http://www.gender.no/Topics/13/1301> (accessed 05/03/2014)

<sup>17</sup> [http://www.gender.no/Topics/15/sub\\_topics?path=5/964](http://www.gender.no/Topics/15/sub_topics?path=5/964)

<sup>18</sup> Penal Code, ch. 2-13 (*Lovdata, 20de Kapitel. Forbrydelser med Hensyn til Familieforhold*)

<sup>19</sup> Ministry of Children, Equality and Social Inclusion

<sup>20</sup> CEDAW (2006), p.29

<sup>21</sup> Ministry of Children, Equality and Social Inclusion, "Violence in close relationships"

maintaining shelter services was made compulsory for the local authorities.<sup>22</sup> There was also a new National strategy against domestic violence (2012-2013). The strategy includes improved protection of children from violence and abuse, improved prevention mechanisms, and better cooperation with NGOs.<sup>23</sup>

The use of physical force and violence in intimate relationships is still present in Norway. According to the 2005 National Survey, more than 25% of women and more than 20% of men have experienced that their partners have used physical force against them since they were 15 years old.<sup>24</sup> During 2009, 77% of the victims of domestic violence were women.<sup>25</sup> Of the 2,118 offenses deemed Crime concerning intimate relationships 2010, 360 were brought to court. Of these, 200 were dropped or not completed.<sup>26</sup> Following the 2008-2011 Governmental action plan, the Norwegian Centre for Violence and Traumatic Stress Studies was responsible for conducting a prevalence study of violence in Norway. The results, published in a 2014 report, reveal that the prevalence of lifetime rape was 9.4% in women and 1.1% in men and 33.6% of women and 11.3% of men reported some form of sexual abuse or assault in their lifetime.<sup>27</sup>

The Criminal Code of Norway addresses the question of sexual violence, including **rape**.<sup>28</sup> A person that has engaged in sexual activity through the use of violence or threats, or with a person that is unconscious, shall be punished by up to 10 years of imprisonment. If the crime is aggravated, involves a minor (less than 14 years old), involves more than two aggressors, or conducted in a particularly painful way, or leads to death or significant injury, the perpetrator can face up to 21 years of prison. Although the definition of rape does not specifically include marital/spousal rape, it has been punished since the 1970s. The first conviction for rape in marriage in Norway took place in 1974 in the Norwegian Supreme Court.<sup>29</sup>

Rape victims are able to receive advice, support and counselling at the 50 crisis centres located in each county or at the two DIXI resource centres for rape victims.<sup>30</sup> While the law establishes that each county must have at least one centre, Amnesty International (2008) reports that some counties lack a centre because of closure linked to financial issues.<sup>31</sup> Victims are legally entitled to state-funded, court-appointed legal counsel, as established under Chapter 9 of the Criminal Procedure Act.

Amnesty International reports (2008) that police are not properly trained to deal with rape cases, despite the progress since 2005.<sup>32</sup> According to the national report to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), conviction rates are low.<sup>33</sup> Amnesty international also reports that rapists are seldom convicted, that 84% of all rape cases

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<sup>22</sup> Ministry of Children, Equality and Social Inclusion

<sup>23</sup> <http://www.regjeringen.no/nb/dokumentarkiv/stoltenberg-ii/jd-2/nyheter-og-pressemeldinger/pressemeldinger/2013/nasjonal-strategi-mot-vold-i-nare-relasj.html?id=716897>

<sup>24</sup> <http://www.gender.no/Topics/15>

<sup>25</sup> <http://www.gender.no/Topics/15>

<sup>26</sup> WAVE (2012)

<sup>27</sup> Norwegian Centre for Violence and Traumatic Stress Studies (2014), Vold og voldtekt i Norge En nasjonal forekomststudie av vold i et livsløpsperspektiv

<sup>28</sup> Section 192

<sup>29</sup> Alsaker, K. Et al, (2011)

<sup>30</sup> CEDAW (2006) pp.31-32

<sup>31</sup> Amnesty International (2008), p.138

<sup>32</sup> Amnesty International (2008), p.128 and 134

<sup>33</sup> CEDAW (2006) p.39

reported to the police never reach the courts and that about 36% of all rape trials end with acquittal in 2008.<sup>34</sup> According to 2010 data, 85% of the victims of sexual crimes were women.<sup>35</sup>

There is still a widespread myth that a woman is partly responsible for putting herself in the situation of being exposed to rape if she behaves “immorally”. The 2007 survey on men’s attitudes to violence against women conducted by Amnesty International revealed that, while most men declare that they condemn violence against women, half the men considered that a woman is partly or wholly responsible of being raped if she was openly flirting, and one third of the men considered that she is partly or wholly responsible if she was intoxicated or dressed inappropriately.<sup>36</sup> In 2011, 34.5% of rape cases of young women happened during a night out by a person that the victim knew; rapes where the perpetrator was a stranger and the rape occurred in a public place made up 19.1% of the total number of rapes reported in 2011.<sup>37</sup>

Section 8a of the Gender Equality Act No. 45 defines “gender-based” **sexual harassment** as “unwanted sexual attention that is troublesome to the person receiving the attention”.<sup>38</sup> In 2005 the Gender Equality Act was amended to include sexual harassment within and outside of the workplace. This Act is not enforced by the Equality and Anti-Discrimination Ombudsmen and individuals would have to take their complaint to court.<sup>39</sup> The 2005 amendment required employers and managers of organisations and educational institutions to avert and seek to prevent the occurrence of sexual harassment.<sup>40</sup> The same duty appears in Section 2-3 of the Norwegian 2012 Working Environment Act. Employers who violate this law are subject to fines or prison sentences of up to two years, depending on the seriousness of the offense.

Sexual harassment is the only form of harassment that the Ombudsman and Ombudsman’s office are not authorised to handle or to take a decision on individual complaints. Therefore a person who has been victim of sexual harassment must seek help through the court system.<sup>41</sup> The Ombudsman can verify whether employers follow their obligations to prevent sexual harassment.<sup>42</sup> According to surveys, sexual harassment in the workplace affects in particular young working women and in particular service personnel in hotels and restaurants, as well as nursing/care workers.<sup>43</sup>

In addition to Norway’s international efforts to combat **female genital mutilation (FGM)**, from 2002 to 2005, a national plan was put in place at the national level to protect women in refugee communities.<sup>44</sup> In 2004, the law banning FGM<sup>45</sup> was modified to add a provision that holds professional groups and employees of certain enterprises accountable for the prevention of FGM. This provision applies to workers and employees in day care centres, child welfare services, health and social services, schools, day care facilities for schoolchildren, religious communities and for the heads and leaders of religious communities. FGM is also punishable when practiced overseas if it is

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<sup>34</sup> Amnesty International (2008), p.118

<sup>35</sup> [www.gender.no/Topics/15](http://www.gender.no/Topics/15)

<sup>36</sup> Amnesty International (2008), p. 124-125

<sup>37</sup> Norwegian Ministry of Children, Equality and Social Inclusion (2012), p. 47

<sup>38</sup> The Act relating to gender equality

<sup>39</sup> Structure for Equality, Official Norwegian Report NOU (2011), p.18

<sup>40</sup> CEDAW/C/NOR/7 (2006), p.8

<sup>41</sup> Gender Balance n Research – Norway (2012)

<sup>42</sup> Gender Balance n Research – Norway (2012)

<sup>43</sup> Policy for Equality, Official Norwegian Report (NOU) (2012), p.15

<sup>44</sup> CEDAW (2006), p. 18 and 20

<sup>45</sup> Act of 15 December 1995 No. 4

carried out by a Norwegian national or a person resident in Norway.<sup>46</sup> In a 2008 survey, 15 cases of FGM were reported in 2006 and 10 cases in 2007.<sup>47</sup>

### **More**

Since 1978, **abortion** has been legal during the first 12 weeks of gestation. After this time limit, approval by two physicians is required. For women younger than 16, parental consent is required. To be able to undergo abortion after week 12, certain social or health criteria need to be fulfilled.<sup>48</sup>

## **3. Son bias**

The male/female **sex ratio** for the working age population is 1.02 while the sex ratio at birth is 1.05.<sup>49</sup> There is no evidence to suggest that Norway is a country of concern in relation to **missing women**.

Based on 2011 data, there is virtually no gender gap in terms of school enrolment in regards to primary and secondary education in Norway.<sup>50</sup> According to a 2010 time use survey, girls do more housework than boys.<sup>51</sup>

## **4. Restricted resources and assets**

Women and men enjoy secure **access to land and non-land property** as established by Article 107 of the Constitution, which addresses allodial rights. Article 31 of the Marriage Act provides equal property rights to married men and women.<sup>52</sup> All norms regarding property relationships between spouses apply likewise to registered partnerships under section 95 of the Norwegian Marriage Act.<sup>53</sup>

The Allodial Rights Act of 1821 was amended in 1974 to include women in the provision that establishes that the eldest child shall have relative preference with respect to farm property inheritance. According to information from the Ministry of Children, Equality and Social Inclusion, research indicates that boys are encouraged by the parents much more often than girls to exercise their allodial rights and take over the farm. It is a challenge for agricultural policies to motivate girls to make conscious choices and utilize their allodial rights.<sup>54</sup>

Little information was found regarding women's **access to financial services**. In Norway, microfinance appears to be a tool for social inclusion in the labour market. So far, microfinance has largely targeted ethnic minorities (immigrants) and women.<sup>55</sup>

The Norwegian Women Network Bank (kvinnebanken Norgesnett) is an alternative bank providing microcredit opportunities to women. The group has received support from the Departments of Fisheries, Agriculture, Local Administration and Labour. All of their 200 clients are female

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<sup>46</sup> CEDAW (2006), p.93

<sup>47</sup> Lindén, H. and Bentzen, T. (2008)

<sup>48</sup> The Act dated 13 June 1975 no. 50 concerning Termination of Pregnancy, with Amendments in the Act dated 16 June 1978 no. 5, <http://www.ub.uio.no/ujur/ulovdata/lov-19750613-050-eng.pdf>

<sup>49</sup> CIA World Fact Book

<sup>50</sup> World Bank Development Indicators Database

<sup>51</sup> Statistics Norway (2012)

<sup>52</sup> World Bank's Women, Business and the Law Database

<sup>53</sup> CEFL

<sup>54</sup> Ministry of Children, Equality and Social Inclusion

<sup>55</sup> European Microfinance Network. <http://www.european-microfinance.org/index.php?rub=microfinance-in-europe&pg=microfinance-by-country&cpg=34> (accessed 05/03/2014)

entrepreneurs, including marginal groups such as, women in rural areas, immigrants and Sami women.<sup>56</sup>

## 5. Restricted civil liberties

**Freedom of movement** is granted under Article 99 of the Norwegian Constitution. All citizens are granted the right to collective action and expression under the Constitutional Article 100. There is no evidence of discrimination based on gender regarding the exercise of these rights.

In 2014, women represent approximately 40 % of seats in Norway's parliament.<sup>57</sup> There are no mandatory **quotas** at a national level. Nonetheless, four parties have established Voluntary Political Party Quotas: the Socialist Left Party (since 1975), the Norwegian Labour Party (since 1983), the Centre Party (since 1989) and the Christian People's Party (since 1993).<sup>58</sup>

Section 21 of the Gender Equality Act (1978) requires that each sex is represented by at least 40% of the members of all official committees, boards, councils, delegations, etc. of four members or more. Committees etc. elected by proportional representation are exempted.<sup>59</sup> Moreover, the Local Government Act (2005) established, under sections 37 and 38, that both sexes must be present on official committees at municipal and county levels. County chief administrative officers have been given the authority to enforce the provisions.<sup>60</sup>

### More

Section 5 of the Gender Equality Act (1978) protects women from discrimination in **workplace rights**. It establishes that women and men in the same enterprise shall have equal pay for the same work or work of equal value. Also, women are protected from gender-based discrimination by The Working Environment Act (2005). Despite the fact that women's labour market participation in Norway is among the highest in Europe (73% of women aged 15-64 employed)<sup>61</sup>, unequal pay and discrimination on the ground of pregnancy persist. At present women's income is approximately 86 % of men's income.<sup>62</sup> This difference can be explained by the gender-divided labour market, as well as by women's part-time work due to family obligations and parental leave.<sup>63</sup>

Norway has for many years developed policies for improving the conditions for families with small children. For instance, in 2007 a booklet with the title "The rights of parents of small children" explains the statutory rights of parents in relation to pregnancy, birth and adoption and when the children are small.<sup>64</sup>

The division of **parental leave** (44 to 54 weeks) between the parents can be decided by themselves. However, mothers tend to use most of the leave. In order to strengthen fathers' relationships with their children and to signal the need for fathers to participate in childcare, six weeks of the total allocated period of parental leave are reserved for the father. The weeks reserved for paternity

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<sup>56</sup> Grameen Bank <http://www.grameen-info.org/dialogue/dialogue34/NORWAY.html> (accessed 05/03/2014)

<sup>57</sup> Inter-Parliamentary Union <http://www.ipu.org/wmn-e/classif.htm> (accessed 05/03/2014)

<sup>58</sup> The Quota Project (2013)

<sup>59</sup> [http://www.gender.no/Topics/14/sub\\_topics?path=5/964](http://www.gender.no/Topics/14/sub_topics?path=5/964) (accessed 05/03/2014)

<sup>60</sup> [http://www.gender.no/Legislation/National\\_legislation](http://www.gender.no/Legislation/National_legislation) (accessed 05/03/2014)

<sup>61</sup> OECD (2012)

<sup>62</sup> <http://www.gender.no/Topics/12> (accessed 05/03/2014)

<sup>63</sup> Ministry of Children, Equality and Social Inclusion (2012), p. 38-40

<sup>64</sup> <http://www.gender.no/Topics/13> (accessed 05/03/2014)

leave are non-transferable, and will be lost if they are not utilized by the father.<sup>65</sup> According to Statistics Norway, three out of five fathers entitled to such leave in the first half of 2009 took six weeks of the leave or more.<sup>66</sup>

In 2009, the father's quota for paternity leave was extended from six to ten weeks.<sup>67</sup> Now the paternity leave is 14 weeks long. Out of the mothers' 14 weeks quota, 6 weeks need to be taken immediately after birth for health reasons.<sup>68</sup>

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<sup>65</sup> [http://www.gender.no/Topics/12/sub\\_topics?path=5/964](http://www.gender.no/Topics/12/sub_topics?path=5/964) (accessed 05/03/2014)

<sup>66</sup> Statistics Norway (2010), p.6

<sup>67</sup> Statistics Norway (2014)

<sup>68</sup> Nao.no (2013)

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