

## Norway

By the Storting (Norwegian parliament) Decision of 13 May 2014, the Constitution of Norway was supplemented with a number of human rights provisions (Government of Norway, 2016 (a)). The principles of equality and non-discrimination were incorporated into Article 98 of the Constitution, mandating all individuals' equal rights under the law and prohibition of discrimination. Since June 2009, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol have been incorporated into the Norwegian Human Rights Act and given precedence when in conflict with domestic law (Government of Norway, 2016 (a)).

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The Marriage Act provides women and men with equal rights to enter into marriage (Marriage Act, 1991).

Informal relationships remain largely unregulated by statute and there are no specific legislative provisions for regulating the financial consequences of the termination of cohabitation (Commission of European Family Law, 2015).

The Marriage Act establishes that any person who has been declared to be without legal capacity must obtain the consent of his or her guardian to contract a marriage (Marriage Act, 1991). If the consent is refused by the guardian or provisional guardian, the county governor may nevertheless give permission in case there is no reasonable ground for such refusal (Marriage Act, 1991).

Under Norwegian legislation, it is a punishable offence to force someone into marriage (Penal Code, 1902, as amended). The person who forces someone to marry risks imprisonment for up to six years (Penal Code, 1902, as amended). This applies even if the marriage is contracted abroad (Penal Code, 1902, as amended).

There is no information to suggest that harmful practices against widows is an issue in Norway.

#### b) Child marriage

The legal age of marriage is 18 for both women and men, although under exceptional circumstances, marriage can be contracted at 16 with the consent of the persons having parental responsibility and the approval of the County Governor (Marriage Act, 1991). Under the General Civil Penal Code, it is a punishable offence to marry someone, or to aid and abet another person to enter into marriage with a person who is under 16 years of age (Penal Code, 1902, as amended).

Preventive, awareness raising and protective measures to combat forced marriage are outlined in a National Action Plan Against Negative Social Control, Forced Marriage and Female Genital Mutilation (2017-2020). This Plan foresees public measures to generate social support for the enforcement of

the prohibition of forced marriage, including amongst communities where child and forced marriage is known to take place (National Action Plan, 2017). Budgetary allocations have also been with a view to support research on negative social control, forced marriage and FGM (Government of Norway, 2016 (b)).

With regard to immigrants and asylum seekers, the Government of Norway reports that if a marriage is contracted abroad and neither of the parties has ties to Norway, the validity of the marriage is in principle determined by the law in the country where the marriage was entered into in line with the provisions of the Norwegian Marriage Act (Government of Norway, 2016 (b)). Nonetheless, in the context of an increase of asylum seekers in Norway, a directive issued in 2015 clarified the responsibility of the Norwegian Directorate of Immigration (UDI) to inform asylum seekers that have been subject to forced and/or child marriage and FGM about their rights in Norway, assess their need for support during the asylum procedures and ensure that the victim has access to safe housing and other necessary arrangements in Norway (Norwegian Directorate of Immigration, 2015.)

### **c) Household responsibilities**

Women have the same rights as men to be recognised as heads of household. The law does not require women to obey their husbands. The Children Act establishes that parents who are married shall have joint parental responsibility for children of the relationship (Children Act, 1981). Similarly, cohabiting parents have joint parental responsibility for children of the relationship according to the Act (Children Act, 1981).

Parents are free to reach their own agreements with respect to parental responsibilities, custody and access (Government of Norway, 2016 (b)). The law does not lay down any recommendations concerning custody or access arrangements (Government of Norway, 2016 (b)).

There are no restrictions for married and unmarried women alike to choose their place of residency.

There is no information suggesting that there are customary, religious or traditional practices or laws that discriminate against women's right to be head of household or to be the legal guardian of her children. There are no reports to indicate that women's right to freely choose where to live is restricted in Norway.

### **d) Divorce**

The Marriage Act provides women with the same rights as men to initiate and finalise divorce (Marriage Act, 1991). The Act also recognises the spouses' right to dissolve the marriage on the grounds of abuse for which special provisions apply (Marriage Act, 1991).

In divorce proceedings, questions concerning maintenance and custody of children may also be dealt with by the Court (Children Act, 1981). When decisions are taken regarding custody or access, an individual assessment of the best interest of the child is required (Government of Norway, 2016 (b)).

Research published in 2017 suggest that there is a need for measures in Norway to fulfil Muslim minority women's right to protection against discrimination at the dissolution of marriage, in a variety of arenas that range from informal dispute resolution mechanisms, via public administrative practice, to theoretical developments within both national and private international law ([Wærstad, 2017](#)).

Studies have shown that immigrant women in Norway have experienced being taken back to their country of origin under false pretences while the true intention of their husbands is to divorce them (Wærstad, 2016). As such, women who have immigrated to Norway on the basis of family reunification are later taken back to their country of origin and left there against their will when marital life has become difficult (Wærstad, 2016).

The starting point in Norwegian law is that foreign divorces are recognised as per the Foreign Divorce Act (Wærstad, 2016). In this regard, it has been observed that Norwegian authorities have not paid sufficient information to these cases when deciding on cases of the recognition of foreign divorces (Wærstad, 2016). Immigrant women have also been reported to be threatened by their partners or husbands that if they divorce, they will lose custody of their children (Alexander, 2011). There is, however, no information to suggest that immigrant women loose custody of their children if they do divorce.

#### **e) Inheritance**

The Inheritance Act guarantees equal inheritance rights for women as men, both as wives and daughters (Inheritance Act, 1972). Women also have the same rights as men to write a will (Inheritance Act, 1972). A testator may dispose of everything he or she wishes by will, with the important exception that the testator may not disinherit his or her spouse or children (Inheritance Act, 1972).

In 2008, the Norwegian Parliament enacted a law which gave unmarried cohabitants who have children together a right to either inherit approximately EUR 40 000 (Euros) or to postpone the settlement and keep part of the deceased's estate undivided (Inheritance Act, 1972, as amended).

There is no information suggesting that property dispossession / grabbing is practiced or that there are discriminatory inheritance practices against women and girls in Norway.

#### **More**

In April 2016, the government tabled 40 amendments to the Immigration Law to restrict access to asylum (Amnesty International, 2017). The proposals included granting police at the border – rather than the Immigration Directorate and the Immigration Appeal Board – the power to assess whether a person is in need of international protection and entailed severe restrictions on the right to family reunification and the rights of asylum-seeking children (Amnesty International, 2017). The package was approved by Parliament in June 2016 and is implemented as of August the same year (Amnesty International, 2017).

## 2. Restricted Physical integrity

### a) Violence against women

Norway signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 7 July 2011. At the time of writing, the Convention has not yet been ratified although some measures have been taken to facilitate ratification, including by an amendment on 1 July 2016 to the General Civil Penal Code to fulfil the criminalization obligations of the Istanbul Convention, including in relation to forced marriage (Government of Norway, 2016 (b)).

There is no stand-alone law addressing violence against women in Norway, although acts of violence against women, including honour-related violence, can be prosecuted under several provisions of the General Civil Penal Code. Legal provisions and related policies that address violence are gender-neutral – a neutrality that continues to generate concern on the part of international and national human rights monitoring bodies (CEDAW Committee, 2012; Norwegian Equality and Anti-Discrimination Ombud, 2016). While honour-crimes are not expressly covered by the Penal Code, its provisions that regulate physical and emotional violence can also apply to honour related violence (Directorate of Integration and Diversity, 2008).

There is no information indicating that there are traditional, religious and customary practices that reduce penalties for violence against women in Norway.

### b) Domestic violence

Domestic violence is a punishable offense under the General Civil Penal Code. The Code contains special provisions on violence in close relationships (Penal Code, 1902, as amended).

Survivors of domestic violence are entitled to assistance that covers all needs and aspects of the case (Government of Norway, 2016 (a)). This protection also extends to the person's children and the perpetrator of the violence (Government of Norway, 2016 (a)). The Act relating to municipal crisis centres entered into force on 1 January 2010 (Crisis Centre Act, 2010). This Act orders municipalities to ensure that women, men and children who are subject to domestic violence or threats of violence are provided with a general crisis centre service and that these be located within a reasonable distance (Crisis Centre Act, 2010).

At the end of 2015, there were 47 crisis service centres in the country (Government of Norway, 2017). The Crisis Centre Act also contains requirements relating daytime services and a 24-hour phone helpline (Crisis Centre Act, 2010). According to Government reporting to the CEDAW Committee, only a minority of Norwegian municipalities have prepared municipal or inter-municipal action plans to combat domestic violence (Government of Norway, 2016 (a)). Recently, an online guide was launched with the view to assist municipalities to develop action plans (Government of Norway, 2016 (a)).

The police have a range of measures to protect persons subjected to domestic violence, including a mobile violence alarm, bans on visits or contact, and address shielding (Government of Norway,

2016 (a)). In addition, the SARA (*Spousal assault risk assessment guide*) risk assessment tool has been introduced in every police district in Norway to structure the police's threat assessment work by means of a checklist of 15 risk factors for intimate partner violence (Government of Norway, 2016 (a)). An important measure to combat domestic violence has been the establishment of family violence coordinators in all police districts in Norway, whose task is to maintain an overview of the police district's overall efforts in the field of family violence (Government of Norway, 2016 (a)). Several districts also have dedicated teams that operate on a cross-district basis in domestic violence investigations and cases of sexual abuse (Government of Norway, 2016 (a)).

In 2014, the Ministry of Justice and Public Security launched a five-year research programme to produce knowledge as to the causes, extent and consequences of domestic violence and public and NGO efforts, and allocated a total of NOK 50 million to this end (Government of Norway, 2016 (a)). Also in 2014, the same Ministry established a new funding scheme for measures to prevent and combat domestic violence (Government of Norway, 2016 (a)). In 2016, funding totalled NOK 11.6 million and was distributed on the basis of applications to NGOs and other non-profit organizations, private actors and crisis centres (Government of Norway, 2016 (a)).

A proposal for a renewed national action plan on violence and abuse (2017-2021) was adopted in November 2016 (Government of Norway, 2017). The action plan suggests a range of preventative, capacity-building/awareness-raising- and service provision measures to combat domestic violence and abuse and requires a specific budget line to support the work of the key actors involved in the implementation of the plan (National Action Plan, 2017). There is no separate national mechanism to monitor and review the implementation of the plan, although four key line ministries (Ministry of Children and Equality, Ministry of Health and Care Services, Ministry of Justice and Public Security and the Ministry of Education and Research) will report annually on measures taken to give the plan practical effect (National Action Plan, 2017). An independent evaluation of the implementation of the plan is also foreseen at the end of 2021 (National Action Plan, 2017).

According to reporting by the Government and the Sami Parliament of Norway, Sami indigenous women are more likely to be victims of domestic abuse and sexual violence than non-Sami women in Norway (Government of Norway, 2016 (a)). The Sami Parliament and the Ministry of Justice and Public Security are currently co-funding a project to identify the factors in Sami communities that affect the incidence and commission of domestic violence, and determine how exposure of such violence, preventive measures and assistance can best be adapted to the Sami population (Government of Norway, 2016 (a)).

In 2017, the Norwegian Equality and Anti-Discrimination Ombudsman noted that despite several national policy documents seeking to combat domestic violence, preventive measures are not given sufficient priority, and measures in place are not targeted and effective enough (Norwegian Equality and Anti-Discrimination Ombudsman, 2016). The Ombudsman also expressed concern that police intervention usually takes place at a late stage, that the SARA system is inadequately implemented in all police districts and that not all domestic violence coordinators are employed on a full-time basis (Norwegian Equality and Anti-Discrimination Ombudsman, 2016).

### **c) Rape**

Sexual violence is a criminal offense under the General Civil Penal Code which provides a maximum sentence of 10 years' imprisonment (Penal Code, 1902, as amended). Increased penalties – a maximum of 21 years' imprisonment – may be applied for aggravated forms of sexual violence, including if the rape has been committed by two persons jointly or in a particularly painful or offensive manner (Penal Code, 1902, as amended).

The wording of the current penal provision relating to rape specifies the different instances of non-consensual sexual activity (Government of Norway, 2016 (a)). The provision applies both to any person who engages in sexual activity by means of violence or threats and to any person who engages in sexual activity with someone who is unconscious or incapable for any other reason of resisting the act (Government of Norway, 2016 (a)). Under the provision, use of force is not a requirement for sexual activity to be seen as involuntary (Government of Norway, 2016 (a)).

The general definition of rape pursuant to the General Penal Code includes marital rape (Government of Norway, 2016 (a)).

The Government's national action plan on violence and abuse (2017-2021) also includes measures to combat sexual violence and provide services and support to victims of sexual violence (National Action Plan, 2017). The Plan also suggests a range of capacity-building and awareness-raising-measures and requires a specific budget line to support the work of the key actors involved in the implementation of the plan (National Action Plan, 2017).

There is no information to suggest that there are discriminatory practices that reduce sentences or escaping punishment for perpetrators of sexual violence if they marry the victim.

In 2016, the Norwegian Equality and Anti-discrimination Ombud expressed concern over the prevalence of stereotypes and gender norms relating to what constitutes rape which may lead to rape offences not being reported to the police (Norwegian Equality and Anti-discrimination Ombud, 2016). The Ombud also noted that cases that are reported are not adequately followed up by the police and the justice system (Norwegian Equality and Anti-discrimination Ombud, 2016). The National Police Directorate's review of investigations of reported rape cases noted the high number of low quality and low efficiency investigations, in part due to insufficient collection of technical evidence to support convictions of perpetrators (Norwegian Equality and Anti-discrimination Ombud, 2016).

In 2012, the CEDAW Committee recommended that Norway ensure that lay judges undergo training on the subject of violence against women (CEDAW Committee, 2012). In 2016, such training had not yet been carried out (Norwegian Equality and Anti-discrimination Ombud, 2016).

### **d) Sexual harassment**

Sexual harassment is prohibited under the Gender Equality Act (Gender Equality Act, 2013). The Gender Equality Act applies to all areas of society (Gender Equality Act, 2013). The prevention of harassment under discrimination legislation is part of employer's duties in the mandatory systematic



work on health, safety and the environment, and employees are obliged under the Working Environment Act to report harassment (Equality and Anti-Discrimination Ombud, 2016).

Individual complaints regarding gender equality legislation, including sexual harassment, may be brought to the equality and anti-discrimination Ombud (Working Environment Act, 2005). The Ombud provides a statement as to whether or not the provisions have been breached (European Network of Legal Experts, 2016). Those who want to dispute the Ombud's statement may bring the complaint to the Discrimination Tribunal, which will either provide a statement or a legally binding decision (Working Environment Act, 2005). If a party disagrees with the Tribunal's decision, the case may be brought to the Courts for a full trial of the case (European Network of Legal Experts, 2016). Under the Gender Equality Act, victims of discrimination, including sexual harassment, have the right to financial and non-financial compensation for losses incurred as a result of the discrimination (Gender Equality Act, 2013).

The Norwegian Equality and Anti-Discrimination Ombud reports that different forms of gender and sexual cultures among young people appear to promote sexual harassment, such as in connection with upper secondary graduation celebrations (known as 'russetiden' in Norwegian), buddy systems for new students and closed internet forums for men, and noted that there is little knowledge about what is causing this development and how it affects perceptions of gender and sexuality and relations between boys and girls (Equality and Anti-Discrimination Ombud, 2016). Despite the potentially negative consequences of these sexual cultures, sex education in primary and secondary school does not seem to sufficiently reflect the challenges posed by these cultures (Equality and Anti-Discrimination Ombud, 2016). In its reporting to the Committee on Elimination of Discrimination against Women, the Ombud also raised concerns over the lack of initiative to establish a low-threshold service for sexual harassment cases and the absence of plans to compensate for the lack of a low-threshold service with, for example, an extended right to free legal aid (Equality and Anti-Discrimination Ombud, 2016).

Sexual harassment is partly addressed by the Government's National Action Plan on violence and abuse (2017-2021) which foresees awareness-raising measures to address sexual harassment, including harassment that takes place on the internet (National Action Plan, 2016).

#### **e) Female genital mutilation**

Female genital mutilation (FGM) is an offense under the General Civil Penal Code and is punishable for up to six years' imprisonment (Penal Code, 1902, as amended). Cases of grievous FGM carries a maximum sentence of 15 years' imprisonment (Penal Code, 1902, as amended). These penalties also apply in cases where the victim has consented to the act (Penal Code, 1902, as amended). The provisions on FGM in the Penal Code establish a positive obligation on the part of employees of child-care services, schools and religious communities to report instances of possible cases of FGM (Penal Code, 1902, as amended).

According to reporting by the Norwegian Government, some diaspora communities in Norway originate from countries among those with the highest prevalence of FGM (Government of Norway, 2016 (a)). To gain more knowledge about the justice system and FGM, the Government is funding

ongoing research about the police and FGM cases (Government of Norway, 2016 (b)). As of 2016, there were no legal convictions concerning FGM (Government of Norway, 2016 (b)).

The Government's 2017-2020 national action plan on negative social control, forced marriages and genital mutilation foresees several interventions to combat FGM, including intensified efforts to raise awareness in communities with high prevalence rates of FGM about FGM, its impacts and penalties under Norwegian law, as well as capacity-building for key actors, including health care and social service providers (Government of Norway, 2017 (b)). The implementation of the action plan is overseen by an inter-ministerial working group (Government of Norway, 2017(b)).

#### **f) Abortion**

Under the Act Relating to the Termination of Pregnancy abortion is legal on request up until the 12<sup>th</sup> week of pregnancy (Termination of Pregnancy Act, 1975). Abortions between the twelfth and the eighteenth week of the pregnancy may be granted under certain circumstances. These include the mother's health or her social situation; if the baby is in great danger of severe medical complications; or if the woman has become pregnant while under-age, or after sexual abuse (Termination of Pregnancy Act, 1975).

#### **More**

Under the Immigration Act, foreign nationals holding temporary residence permits because they are in a relationship with a person holding Norwegian citizenship or a settlement permit in Norway will lose their residence permit if the relationship ends before the foreign national has been granted permanent residence (Immigration Act, 2008). An independent residence permit can be granted after three years, but an exception to the rule applies to, among others, victims of domestic violence (Immigration Act, 2008). According to the The Norwegian Equality and Anti-Discrimination Ombud, the exception to the residence rule has not been exercised in line with the intentions behind it and the provision is often interpreted more narrowly by the immigration authorities than the wording indicates, in particular with regard to the interpretation and application of the term abuse, in that it is made a requirement that the incidents must have caused injuries or reduced the applicant's quality of life (Equality and Anti-Discrimination Ombud, 2016). The cases are thereby not considered on the basis of the violent act(s) themselves (Equality and Anti-Discrimination Ombud, 2016).

Norway is a destination and, to a lesser extent, transit and source country for women and girls subjected to sex trafficking, and for men and women subjected to forced labor in domestic service, nursing, car washing, and construction (US Department of State, 2016). Trafficking victims identified in Norway primarily originate from Eastern Europe and Africa—particularly Albania, Bulgaria, Lithuania, Nigeria, and Romania (US Department of State, 2016). Increasing numbers of Syrians are subjected to trafficking in Norway (US Department of State, 2016). Foreign au pairs, including those from the Philippines, are vulnerable to trafficking in Norway (US Department of State, 2016). The government continued to offer victims a range of assistance through municipal centers and NGOs (US Department of State, 2016). Authorities devoted more resources to addressing labour exploitation, although the government continued to dedicate the bulk of resources and attention to sexual exploitation (US Department of State, 2016). Norway's national action plan against trafficking



expired in 2014 and has yet to be replaced (US Department of State, 2016). In 2016, the level of law enforcement efforts remained low relative to the number of victims identified (US Department of State, 2016).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

There are no restrictions for women to own, use, make decisions about and use property and other non-land assets as collateral.

In the absence of a nuptial agreement, the default marital property regime is one of community property under which spouses have the same rights and responsibilities (Marriage Act, 1991). In the event of a separation or divorce, the Marriage Act establishes limitations for both spouses on the right of disposal of marital property until a decision has been made as to what is to be done with each individual property or right in the settlement between the spouses (Marriage Act, 1991).

With regards to the Sami indigenous people and Sami women's right to property as an indigenous people, Norway was the first country in the world to ratify ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (1989), which it did in 1991. Notwithstanding, land rights for the Sami indigenous people remain largely unaddressed in the legal system and only parts of the Sami territory are covered for land registration measures under the Finnmark Act of 2005 (Finnmark Act, 2005). There are still no legal frameworks or specialized mechanisms in place to identify and secure Sami land and resource rights outside of Finnmark County which in the face of State-driven exploitation in these areas may be seen as a major threat to future recognition of Sami claims to their lands and resources (UN Special Rapporteur, 2016).

There is no reports suggesting that there are religious, traditional or customary practices or laws that discriminate against women's legal right to own, use, make decisions about and use land and non-land assets as collateral.

#### **b) Secure access to formal financial resources**

There are no restrictions for women to access formal financial resources, including access to credit and opening a bank account. Discrimination on the basis of sex in access to goods and services is prohibited under the Gender Equality Act (Gender Equality Act, 2013).

There is no information suggesting that there are religious, customary or traditional laws or practices that discriminate against women's legal rights to obtain credit or to open a a/bank account.

#### **c) Workplace rights**

Norway has ratified ILO Conventions 100 (equal remuneration), 111 (discrimination in employment and occupation), 156 (workers with family responsibilities). In 2015, Norway also ratified ILO Convention 183 (revised maternity protection). Norway has not signed or ratified ILO Convention 189 (domestic workers).

Discrimination on the basis of sex in employment is prohibited under the Gender Equality Act (Gender Equality Act, 2013). The prohibition of discrimination extends to job advertisements; hiring, repositioning, and promotion; trainings and other competency-building activities; salary and employment conditions; and termination of employment (Gender Equality Act, 2013). The principle of equal pay for equal work or work of equal value is implemented in the Gender Equality Act and in the the Working Environment Act (Gender Equality Act, 2013; Working Environment Act, 2005). There are no restrictions for women to enter the legal professions of their choice, or to work the same night hours as men.

There are no separate provisions on maternity leave, and pregnant women have the right to a share of parental leave before and after birth (Brandth and Kvande, 2015). Parental benefit is granted on the basis of labour force participation in the months preceding the commencement of parental leave (Government of Norway, 2016 (a)). Both women and men can earn parental benefit rights (Government of Norway, 2016 (a)). In cases where only the father is entitled to parental benefit, he may only receive it if the mother is employed or engaged in studies or similar activities (Government of Norway, 2016 (a)). As of 2016, parental benefit is paid for 49 weeks (Government of Norway, 2016 (a)); Government of Norway, 2016 (b)). Women who are not entitled to parental benefit receive a lump-sum grant after giving birth (Government of Norway, 2016 (b)). In addition to sharing in the parental leave, fathers are entitled to two weeks of paternity leave (Brandth and Kvande, 2015).

In December 2012, the Storting amended the Gender Equality Act to clarify employee rights with regard to parental leave (Government of Norway, 2016 (a); Gender Equality Act, 2013). The amendment came into force in January 2013 (Government of Norway, 2016 (a); Gender Equality Act, 2013). It specified that a worker who is or has been on parental leave is entitled to return to the same, or corresponding position; benefit from improvements in working conditions to which the worker would otherwise have been entitled during the absence, and make pay claims and, in pay negotiations, be assessed in the same way as other workers in the undertaking (Government of Norway, 2016 (a); Gender Equality Act, 2013).

The Working Environment Act provides protections for employees from the beginning of the pregnancy until the end of the maternity leave under (Working Environment Act, 2005). The Act allows for a dismissal only in very exceptional cases, such as if the employer can show that it is highly probable that the dismissal during pregnancy is grounded on general terms (Working Environment Act, 2005).

The Gender Equality Act prohibits prospective employers from inquiring about the woman's intention to have children (Gender Equality Act, 2013).

The law does not require women to have permission from their husband or legal guardian to choose a legal profession or work, or to register a business.

There are no legal requirements for companies to report on how they pay women and men. However, under the Gender Equality Act, an employee who suspects wage discrimination may require the employer to provide written information about wage levels and about the criteria used to determine wages for comparable employees (Gender Equality Act, 2013).

Individual complaints regarding gender equality legislation, including with regards to employment, may be brought to the equality and anti-discrimination Ombud (Working Environment Act, 2005). The Ombud provides a statement as to whether or not the provisions have been breached (Working Environment Act, 2005). Those who want to dispute the Ombud's statement may bring the complaint to the Discrimination Tribunal, which will either provide a statement or a legally binding decision (European Network of Legal Experts, 2016). If a party disagrees with the Tribunal's decision, the case may be brought to the Courts for a full trial of the case (European Network of Legal Experts, 2016). Under the Gender Equality Act, victims of discrimination have the right to financial and non-financial compensation for losses incurred as a result of the discrimination (Gender Equality Act, 2013).

To strengthen and improve gender statistics, Statistics Norway has established one unit inside the Division of Social Welfare Statistics that coordinates gender statistics (Government of Norway, undated (b)). The production of statistics is organized in three departments: economic, social, and industry statistics and gender statistics cut across all departments, and where possible, gender statistics are mainstreamed into the regular dissemination of official statistics (Government of Norway, undated (b)).

There is no information that suggests that there are customary, religious or traditional laws or practices that discriminate against women's legal right to enter certain professions, or that require the women to have the permission of their husband or guardian to choose a profession or work, or to register their business.

### *More*

The 2012 Norwegian Report Policy for Equality highlighted traditionally gender-skewed educational choices as a key challenge to equality goals (Government of Norway, 2016 (a)). Traditional gender patterns in education contribute to perpetuating a gender-divided labour market and differences in wage level, working hours and workload (Government of Norway, 2016 (a)).

In Norway, educational institutions are required to have action plans for gender equality (Government of Norway, 2016 (a)). To promote equality in the university and university college sector the Ministry of Education and Research has established the Committee for Gender Balance and Diversity in Research and has defined the percentage of women in top positions as a management indicator in the higher education sector (Government of Norway, 2016 (a)).

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

Under the Norwegian Nationality Act, women have the same rights as men to acquire, change, retain and confer their nationality to their children and their foreign spouse (Nationality Act, 2005). There are no restrictions for women to register the births of their children.

There is no information suggesting that there are customary, traditional or religious customs or laws that discriminate against women's legal rights with regard to nationality.

There are no restrictions for married and unmarried women to apply for passports. If both the father and the mother have parental responsibility, both must consent to the child being issued with a passport and the parent who accompanies the child applicant must bring both proof of identity and the written consent of the parent not present.

There are no reports indicating that there are customary, religious or traditional laws or practices that discriminate against women's right to apply for passports for themselves or for their minor children.

### **b) Voting**

In Norway, women have the same right as men to vote in public elections and referendums and are equally eligible to run for all publicly elected bodies (Constitution, 1814, as amended; Representation of People Act, 2002).

There is no information suggesting that there are customary, religious or traditional laws or practices that discriminate against women's right to vote.

### **c) Political voice**

The Constitution of Norway and the Representation of the People Act provide women with the same right as men to hold public and political office (Constitution, 1814, as amended; Representation of People Act, 2002).

According to the Norwegian Courts Administration, courts focus on recruiting more women for the posts of judge and chief judge, and a recruitment strategy has been drawn up for this purpose (Government of Norway, 2016 (a)). The gender factor also plays a role in the appointment process in individual courts (Government of Norway, 2016 (a)). In recruiting, balance is considered for the court in question and for Norway as a whole (Government of Norway, 2016 (a)).

There are no national level quotas to ensure women's right to hold political office. Several political parties have adopted voluntary quotas for their electoral lists and first positions.

The Ministry of Local Government and Modernization implemented the Local Election Day project in the run up for the local nomination processes prior to the local elections in Norway in September 2015 (Government of Norway, 2016 (a)). The aim was to recruit more women to local politics and increase the proportion of women candidates at the top of the party lists (Government of Norway, 2016 (a)). A total of 47 municipalities signed up for the project prior to the 2015 elections (Government of Norway, 2016 (a)).

There is no information suggesting that there are customary, religious or traditional laws or practices that discriminate against women's right to run for and hold public office.

### **d) Access to justice**

There are no restrictions for women to exercise their legal capacity on equal terms with men. Women's testimonies carry the same evidentiary weight as men's in all legal proceedings. There is

no information that suggests that women's exercise of their right to sue or their access to justice is an issue in Norway.

There is no legislation or measures in place to protect women from violence in public and political life, or that specifically addresses violence and harassment of human rights defenders.

The law does not include elements to ensure that women can exercise their right to sue. Procedural rules do not take into particular account the interests of women or girls. The legal framework does not provide for the establishment of specialized courts or tribunals to facilitate women's and girls' access to justice

Anti-discrimination and gender equality legislation is enforced both by the ordinary courts and by the Equality and Anti-Discrimination Ombud and the Equality and the Anti-Discrimination Tribunal (Anti-Discrimination Ombud Act, 2007; Government of Norway, 2016 (a)). The Gender Equality and Anti-Discrimination Ombud is responsible for making his or her activities known and available to every part of the Norwegian population and to provide information, support and guidance to individuals in efforts to promote equality and combat discrimination (Government of Norway, 2016 (a)). The mandate of the Ombud encompasses the monitoring of Norwegian law and administrative practice in light of Norway's international human rights obligations, including the UN Convention of the Elimination of Discrimination against Women (Anti-Discrimination Ombud Act, 2007). The Ombud has the power to receive and investigate complaints relating to discrimination, although its decisions are of a non-binding nature (Anti-Discrimination Ombud Act, 2007). Those who want to dispute the Ombud's statement may bring the complaint to the Equality and Anti-Discrimination Tribunal, which will either provide a statement or a legally binding decision (European Network of Legal Experts, 2016). If a party disagrees with the Tribunal's decision, the case may be brought to the Courts for a full trial of the case (European Network of Legal Experts, 2016).

There is no information to suggest that women's legal right to sue, be sued, or to provide testimony is challenged by customary, traditional or religious laws or practices in Norway.

### *More*

Under the Norwegian Public Limited Liability Companies Act, a minimum of 40 per cent of board seats in public limited companies must be held by each gender (Government of Norway, 2016 (a)). According to Government reporting to the Committee on the Elimination of Discrimination in 2016, the introduction of a gender balance requirement for boards of public limited companies and other enterprises has proved effective in increasing the percentage of women on these boards (Government of Norway, 2016 (a)). However, it has not led to an increase of women in executive positions in the business sector (Government of Norway, 2016 (a)).

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