



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 804th meeting (Chamber B)

Held at Headquarters, New York, on Wednesday, 1 August 2007, at 3 p.m.

Chairperson: Ms. Dairiam (Rapporteur)

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Seventh periodic report of Norway (continued)

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In the absence of the Chairperson, Ms. Dairiam, Rapporteur, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Seventh periodic report of Norway (continued)
(CEDAW/C/NOR/7; CEDAW/C/NOR/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Norway took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Hole** (Norway), recalling the questions raised at the previous meeting (CEDAW/C/803(B)) about assessing the protection given to victims of domestic violence and handling those accused of such violence, said that the Government had not yet conducted an overall evaluation of measures to protect victims but had undertaken more limited evaluations.

3. The operation of the police domestic violence coordinator programme and mobile violence alarms had already been examined. The accessibility and effectiveness of treatment for perpetrators of domestic violence, particularly by the NGO "Alternative to Violence", which had accumulated 20 years of experience in that field, would be evaluated by the special resource centre for studies on violence and traumatic stress (NKVTS). The new action plan to combat domestic violence and violence against next-of-kin, due to be presented soon by the Government, would include initiatives for a broad evaluation of existing measures.

4. Regarding details of the representation of women in the judiciary, she said that, 30 per cent of judges in the court system as a whole were women.

Articles 10 to 14 (continued)

5. **Ms. Hole** (Norway) said that the Government found it difficult to explain women's failure to be as prominent in teaching and research in colleges and universities as they were in undergraduate places in the same institutions. However, it was taking steps to investigate and address the problem by amending the University Act in order to oblige all State-run higher-

education facilities to put in place a gender-equality action plan and by establishing an innovative committee. The committee advised the Government and the Research Council of Norway and examined the gender perspective in medicine, social sciences, environmental science and other scientific disciplines.

6. The Ministry of Education and Research had incorporated into its new five-year strategy for education from early childhood to age 19 an examination of teaching on gender equality, careers guidance and gender balance in all fields of education. Compliance with targets would be evaluated every year. In 2008, a white paper would be issued on male roles, masculinity and gender equality.

7. The courses of study chosen by students had not changed since the most recent survey on that matter, which dated from 1995; in fact, more female students than male students chose non-traditional subjects. The Ministry of Education and Research continued to monitor statistics from year to year, and considered significant the conclusions of the Danish authorities that school career advisers must be monitored and encouraged to attend training, as they often took an old-fashioned and insufficiently interactive approach to their jobs.

8. While the labour market was imperfect, it was by nature a market. With its liberal and democratic traditions, Norwegian society would not allow the Government to dictate how that market should operate. However, the Government was not without influence and encouraged improvements, mainly through the Labour and Welfare Service.

9. While women workers paid by the hour earned 16 per cent less than their male counterparts, no such gender gap had been found in equivalent executive-level jobs. Overall, the pay gap was neither growing nor narrowing and matched the European Union average. As Norway was a signatory to the 1951 International Labour Organization Equal Remuneration Convention, management and employees were aware of, and regularly discussed, the gender pay gap. While the Government was not involved in wage-setting, all levels of Government, including municipalities, influenced working conditions.

10. The Equal Pay Commission, established in 2006, was due to submit its recommendations to the Government in 2008. The Anti-Discrimination and Equality Ombud ensured that the Gender Equality Act

was complied with in terms of equal pay for work of equal value. Alleged violations were examined by mediation, employment tribunals and, ultimately, the courts, which could oblige employers to correct wage disparities. The same Act covered sexual harassment in the workplace, for which no statistics were available.

11. Some women chose freely to work part time as a means of reconciling work and family life. As in the case of other labour-market issues, the Government could not dictate policy, but it could raise awareness of the problems of part-time work, such as reduced pension income. The Government expected that, once full day-care coverage for children was introduced, more women would want to work full time. Having noted that the health-care sector in small municipalities imposed part-time employment on its largely female workforce, the Government had amended the Working Environment Act to ensure that existing part-time staff were given the opportunity to expand their working hours before attempts were made to recruit new staff. In a pilot project in the town of Kristiansand, 500 women who worked part time had been asked if they preferred to work full time. Having helped the one fifth of the group who had expressed a preference for full-time work to establish themselves in full-time positions, the municipality found that women workers' interest in full-time employment increased.

12. Since 1997, parents had been given the option to take cash benefits in lieu of a State-subsidized kindergarten place for their children. The option, which was particularly popular among low-income and immigrant parents, was likely to be phased out as full kindergarten coverage was achieved through State subsidies covering 80 per cent of the cost of operating a kindergarten, whether in the public or private sector. That policy also generated jobs and tax revenue.

13. **Ms. Coker-Appiah** said that Norway obviously considered HIV/AIDS to be a significant issue, as it had put in place strategies to combat it. However, the periodic report lacked statistics on the prevalence of HIV/AIDS and other sexually transmitted diseases. She would like further details of the number of women living with the disease. Aware that women's biological characteristics made them more vulnerable to infection, she wished to know if social and economic factors also contributed to that vulnerability. She asked whether anti-retroviral drugs were available widely and free of charge, and what treatment was provided for sex workers and migrant women in particular.

14. **The Chairperson**, speaking as a member of the Committee, said that she welcomed the Strategy for Women's Health covering the 10-year period from 2003 to 2013 and the close Government monitoring which had revealed a lack of gender-specific knowledge of health matters. However, she wondered whether the strategy had made use of the Committee's General Recommendation No. 24 on women and health.

15. **Ms. Tan** said that, although the Committee had acknowledged the importance of allodial rights for rural women, the Allodial Act in its current form placed women born or adopted before 1965 at a disadvantage. She wondered why that age group constituted an exception, and whether there were plans to revise the Act. Noting that the working group established by the Ministry of Agriculture and Food in 2006 to consider gender equality in industry and agriculture was due to report its findings in 2007, she asked about its current status and proposals. Noting also the intention to revise the Reindeer Husbandry Act, she asked if that process had been concluded, what amendments had been made, and what effect they would have on rural women.

16. Recalling that a working group had been established in 2005 to formulate a plan of action to increase the proportion of women in Norway's substantial fishery and aquaculture industry, where they were poorly represented, she asked what action had been taken and whether women's presence had increased. Recalling also that the Ministry of Petroleum and Energy had begun a project in 2005 to investigate the representation and influence of women and men in the petroleum and energy industry, she wished to know the results of the project.

17. **Ms. Hole** (Norway) said that her Government's responses to the questions about HIV/AIDS had been sent to the Committee in a letter dated 25 May 2007. Very few women were infected while living in Norway, and most of the people infected before arrival to Norway were women, primarily from the conflict areas of Central and East Africa, while the majority of Asians diagnosed with HIV/AIDS were women who had come to the country to live with a Norwegian husband. Networks for HIV-positive women had been established, and immigrants and asylum-seekers received health care at reception centres upon arrival. Greater efforts to reach out to all immigrant women and to increase awareness of the role played by men

were needed. The prevalence of HIV/AIDS among Norway's approximately 2,500 women and men sex workers was estimated at 2 per cent.

18. A new strategic plan for equality in the agricultural and forestry sectors and the food processing industry had been submitted two weeks previously and was a major step forward in those traditionally male-dominated and conservative sectors. Targets had been set for women's participation in production, management and other areas over the next 10 years. The Allodial Act, which was the last of its kind in the world, was considered important in ensuring gender equality in the agricultural sector.

19. The new Reindeer Husbandry Act ensured gender equality with regard to conditions and rights in that sector. Of the 481 reindeer units in Norway, 71 units were owned by women; 30 per cent were owned by both spouses.

20. A draft strategic plan for Norway's fishery and aquaculture industry would be presented to the Ministry of Fisheries and Coastal Affairs and the Ministry of Children and Equality in August 2007. The plan contained recommendations aimed at increasing the number of women working as managers, owners and operators in that very traditional, yet modern and expanding, sector. Progress would be measured annually by the stakeholders and relevant ministries.

21. The Ministry of Petroleum and Energy had initiated a project that would investigate women's representation in that sector, but no conclusions had been reached as yet. The Ministry no longer requested exemptions from paragraph 21 of the Gender Equality Act, which stated that 40 per cent of the members of publicly appointed committees must be women.

22. **Ms. Halperin-Kaddari** said that she would like more information on the proposal to recruit 30 women professors and on the Court of the European Free Trade Association decision that to do so would discriminate against male applicants. Norway was bound by the provisions of the Convention and the proposal was clearly in line with article 4 on temporary special measures.

23. **Ms. Belmihoub-Zerdani** welcomed the significant increase in the proportion of women who held high-level posts in the Ministry of Agriculture and Food. She too wondered why the Allodial Act did not apply to persons born or adopted before 1965.

24. **Mr. Flinterman** asked whether the delegation's mention of "forced part-time work" was equivalent to the term "undesired part-time work" used in the report. Women who worked part-time had been informed that they would receive a lower pension; he wondered whether they had also been informed that part-time work could have a negative impact on their career. He also wished to know whether the fact that there were more women than men working part-time meant that women took their role as caregivers more seriously, whether that was also one of the reasons for the lower number of female professors, and whether the pilot project referred to had had a positive impact on the career potential of the women concerned.

25. **Ms. Arocha Domínguez** said that she welcomed the high percentage of Norwegian women in the labour force and was interested to know to what extent and in what capacity they were employed.

26. While part-time work might be a means of increasing women's presence in the labour force, its value should not be overestimated. In many Latin American and Caribbean countries, many women justified the discriminatory conditions of their work in the *maquila* industry on the grounds that it was preferable to unemployment, but it was important to ensure that the market functioned democratically for both men and women. The labour market was of course subject to market laws, but the State had a responsibility under article 11 of the Convention to ensure that the labour law did not discriminate against women and that women were well informed, including with respect to the possible loss of pension rights, as a consequence of part-time employment.

27. **Ms. Hole** (Norway) said that Norway conducted gender assessments of the labour market and had established a wage negotiating system. The Labour and Welfare Service offered many prequalification, information and training programmes for women and girls, including immigrants. There were also national and regional entrepreneurship programmes targeted at women. A new national action plan for female entrepreneurship would be launched in the coming months, and many small businesses were being set up in rural areas.

28. The State did not and could not dictate to the labour market, but the provisions of the Work Environment Act for part-time work had contributed significantly to women entering the labour market. In

fact, the European Union was looking to Norway as an example of how to encourage more women and young people to work. In particular, the pilot project was very exciting as it would increase women's career possibilities.

29. Despite the impact of a long period of part-time work on pension entitlements, career opportunities and remuneration, young men and women often preferred to opt for a lighter workload for a few years after the birth of a child and they should not be deprived of that opportunity. On the other hand, men and women living in small communities in Norway often had no choice but to take part-time work since there were not enough full-time jobs. "Forced part-time work" was another way of saying "undesired part-time work".

30. The EFTA court decision against affirmative action for women professors meant that Norway had lost its case, as Sweden had done some time before. In connection with the Allodial Act, persons born prior to 1965 had been excluded because the equal treatment provision had been introduced in that year and there was a constitutional prohibition against retroactive acts that deprived a person of their existing rights. The Allodial Act otherwise ensured equal treatment.

31. The numbers of women working full time would surely increase when there was full coverage for their day-care needs. The strong labour demand that had brought 30,000 Poles to Norway in just one month in 2007 was also creating part-time work for women. The Norwegian Labour and Welfare Organization had been asked specifically to look into those issues, which was an achievement in itself. She was very optimistic about the future because young girls were showing at least as much ambition as boys. The drop-out rate was lower for girls than for boys, and fewer young women, especially in rural areas, were engaged in low-paid unskilled work.

Articles 15 and 16

32. **Ms. Halperin-Kaddari** said that the report contained little information relating to article 16 of the Convention. She would like to know more about maintenance and child support after marital breakdown. There had been a reference to the need to treat women as economically independent individuals, as in the legal regulations for child support whereby awards were split and custody was often shared between the two parents. She asked whether there had

been any research in other countries about that contradictory situation, as there were still wage gaps in Norway and work opportunities were far from equal. She wondered whether the courts took such factors into account when making decisions on support payments and custody. Women should not have to bear a double burden as had often happened in other countries.

33. In relation to custody, she asked whether shared custody was the first preference or whether custody was awarded to the primary caregiver. In the latter case, she wondered whether women were then at a disadvantage in having to show evidence of the hours spent with the children. It would be interesting to know how Norway was dealing with those dilemmas.

34. **Ms. Tan** noted that the seventh periodic report implied that forced marriage was largely a problem in immigrant communities. She asked whether any figures were available on forced marriages in those communities and how many people had been prosecuted for such marriages. She also wondered whether they were performed under civil or personal law and what would happen in the case of a break-up in the marriage. She was interested to know whether any information was available on specific communities where forced marriage was a problem. Had the police and the judiciary been sensitized to such issues and did they know how to approach women forced into marriage and their families, bearing in mind the possible cultural differences and sensibilities? She requested information on the awareness-raising and education programmes that had been carried out so far in immigrant communities, their method and content, and the progress made to date.

35. Private agreements on child maintenance were becoming increasingly common, and yet the new laws had led to problems with child visiting rights. She asked for more details of those laws and of how maintenance was linked to visiting rights. She wondered what problems were created by the laws and whether there had been any evaluation of child maintenance agreements. Noting that the children of unmarried parents who did not live together were the sole responsibility of the mother, she asked whether the Government had any plans to review the laws surrounding that category of parents and children.

36. **Ms. Belmihoub-Zerdani** observed that, even though the marriage age was set at 18 years, judges could allow a girl to marry at an earlier age in

exceptional circumstances. She asked why that was so and what kind of circumstances were considered exceptional.

37. **Ms. Hole** (Norway) said that, under private law, both parents had the obligation to provide for their children, each according to his or her ability. Divorcing couples were encouraged to enter into private child custody and maintenance agreements instead of resorting to legal measures. Since the amendment of the Children Act four years previously, there had been a 25 per cent increase in the number of such agreements. The Government had also deployed an online calculator to help parents determine the cost of supporting their children and to assess the financial ability of each parent. In cases of court-ordered settlements, support responsibilities were not divided equally between the parents as a matter of course, but rather according to the financial abilities of each parent.

38. In respect of women's access to the labour market and how that affected their ability to support their children, she said that women had the same access as men to the labour market. However, most women, and many men who had primary custody of their children, chose to work part-time in order to allow sufficient time to raise their children.

39. Responding to the question on forced marriage, she said that a plan of action costing 70 million Norwegian krone had been launched on 29 June 2007. The objective of that plan was to provide schools, family counselling offices, child welfare services and police with the necessary training and resources to detect forced marriages and to intervene before damage was done. Guarded shelters had been established at key crisis centres around the country to accommodate children fleeing forced marriages. The Government had also undertaken awareness-raising programmes in schools and had funded efforts by immigrant non-governmental organizations aimed at educating immigrant parents and changing beliefs in respect of marriage.

40. The first comprehensive study on forced marriage had recently been completed and had shown that, because of the extended family structure of many immigrant families and the ties they retained to their home countries, it was difficult to distinguish between arranged and forced marriages. From January 2005 to October 2006, child welfare offices had encountered

63 clearly defined cases where children had been forced to marry. The vast majority of those children had been girls, and half of them had parents who had come from Iraq, Pakistan and Somalia. The Government would continue its efforts to put an end to forced marriages in fulfilment of its obligation under international law to protect every person resident in Norway.

41. **Ms. Halperin-Kaddari** wondered which custody arrangement the courts favoured when ruling in divorce cases. She also wished to know whether the courts took into consideration the economic situation and earning potential of each of the former spouses when dividing joint property.

42. **Ms. Šimonović**, noting that the State party had fully incorporated the Convention into its legal code, and recalling the European Free Trade Association (EFTA) Court judgement of 24 January 2003 in which the Court ruled that the Norwegian practice of earmarking academic posts for women contravened the European Economic Area (EEA) Agreement, wondered whether it was still possible, under the law, to apply temporary legal measures in order to accelerate the advancement of women, as called for by article 4, paragraph 1, of the Convention. She also wished to know whether the Agreement had legal precedence over the Gender Equality Act, the statute by which the Convention had been incorporated into the State party's legislation.

43. **Ms. Belmihoub-Zerdani** said she wished to know the conditions under which a county governor was authorized to marry a person who was less than 18 years old.

44. **Ms. Tan** wondered whether private child maintenance agreements had the same legal importance as a court order and whether the parties to such agreements had the legal right to compel one another to fulfil their respective maintenance obligations. She also wished to know why an unmarried woman not cohabiting with the father of her children was solely responsible for their maintenance.

45. **Ms. Hole** (Norway) said that exemptions from the official marriage age were given only for the strongest of reasons; a few exemptions were given every year, mostly to members of the Roma community. In addition, the Marriage Act had been amended recently. As of 1 June 2007, marriages between foreigners and Norwegian residents or persons

with a strong affiliation to Norway that took place outside Norway were not recognized if one of the parties had been less than 18 years old at the time of the marriage.

46. In respect of the parental responsibilities of cohabiting couples, she said that the law had been recently amended to allow unmarried men, whether they lived with the mothers of their children or not, to acknowledge the paternity of a child without first obtaining permission from the mother. A man who acknowledged paternity had the same responsibility as the mother to provide for that child under the law.

47. As for the division of joint property upon the dissolution of a relationship, cohabiting couples were not guaranteed any property rights under the law unless they had signed a cohabitation agreement. Persons who had been married retained the property that they had acquired prior to the marriage and were entitled to take their fair share of jointly acquired property.

48. Turning to the judgement of the EFTA Court, she said that the Court had ruled that radical affirmative action contravened the EEA Agreement. Thus the practice of earmarking academic posts for women had been ended. However, moderate affirmative action, which had not been prohibited by the Court, was allowed under the Gender Equality Act and would continue to be used as a means of achieving equality. She added that the EEA Agreement had precedence over the Gender Equality Act, the statute by which the Convention had been incorporated into the State party's legislation.

49. **Mr. Flinterman** wished to know whether the EFTA Court had taken into account the State party's obligations under the Convention when it had handed down its judgement and why the Court had concluded that the EEA Agreement had precedence over the Convention.

50. On the issue of the acknowledgement of paternity by cohabiting fathers, he noted that some women might object to having a man acknowledge paternity without first having obtained the consent of the woman, particularly if that man was not the biological father of the child.

51. **Ms. Hole** (Norway) said that the EFTA Court had seen the earmarking of posts for women as positive discrimination and something that could not be allowed. The EEA Agreement had precedence over the

Convention because it was a "horizontal" instrument that regulated all aspects of her country's relationship with the European Union (EU).

52. The previous Parliament had decided it was unfair that a cohabiting father needed to obtain the mother's written consent before he could acknowledge the paternity of his child and had amended the relevant law. The mother could challenge the claim and request proof of paternity through DNA testing.

53. **Ms. Šimonović** wondered whether the European Convention for the Protection of Human Rights and Fundamental Freedoms and the EEA Agreement were on the same level under the State party's laws.

54. **Ms. Hole** (Norway) said that the courts had never been required to determine the issue.

55. **The Chairperson** invited the delegation of Norway to make some final remarks.

56. **Ms. Hole** (Norway), after thanking the Committee members for their challenging questions, said that the Committee's concluding remarks would be widely disseminated within the Government and that she looked forward to discussing the implications of implementing the Convention at the local level with the Confederation of Norwegian Municipalities.

57. **The Chairperson** said that the State party's efforts to implement fully the Convention would be hindered unless the Convention was incorporated into the appropriate national legislation. The Committee had been told that domestic law was presumed to be in harmony with the international law, and that those applying the law would, therefore, be obliged to interpret domestic statutes in harmony with the Convention. It had also been assured that the incorporation of the Convention under the Gender Equality Act had not put it on inferior footing in relation to other international instruments. However, that clearly was not the case, as the report had shown.

58. While article 110 (c) of the Norwegian Constitution required the State to respect and ensure human rights, the principle of non-discrimination was not specifically spelled out in the Constitution. It might be argued that incorporation of the Convention with statutory precedence over domestic law would strengthen the principle of non-discrimination and establish it as a fundamental human right. Thus the State party ought to reconsider how best to incorporate the Convention into its national legislation.

59. She commended the State party for its many efforts to implement targeted strategic plans aimed at increasing the number of women in male-dominated fields. However, the Government still needed to make a greater effort to change the social norms and expectations that compelled women to make certain career choices.

60. Finally, she said that the reporting State was the first to present a seventh periodic report and commended the Government for its diligence in that regard.

The meeting rose at 5.10 p.m.