



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-first session**

Summary record of the 1025th meeting

Held at the Palais des Nations, Geneva, on Thursday, 16 February 2012, at 3 p.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 3.05 p.m.

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

Eighth periodic report of Norway (continued)

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

Articles 5 to 6 (continued)

2. **Mr. Lysbakken** (Norway) said that, in May 2009, the Ministry of Justice had sponsored a legislative amendment to authorize the use of electronic surveillance of the perpetrators of violent offences banned from having any contact with their victims. Such surveillance could be ordered only as part of a sentence and was based on the principle that abusers should bear the brunt of their actions and not the victims. Authorities hoped to enact the amendment and begin a pilot using real perpetrators in the course of 2012.

3. The Spousal Assault Risk Assessment Guide – Police Version (SARA-PV) was a tool that would be tested at two police stations in two police districts. The use of the tool would be evaluated at the end of the trial period. If the results were positive, the tool would eventually be implemented in all police districts.

Articles 7 to 9

4. **Ms. Rasekh** said that the Government had achieved laudable results in implementing article 7 of the Convention with regard to the legislative and executive branches. The same could not be said for the judiciary, however, where there appeared to be a low number of female judges and other female professionals. Similarly, there appeared to be few women in decision-making positions in the public sector, such as female mayors, or in executive branch positions other than those at the cabinet level. She asked how the Government planned to rectify that situation so as to replicate the results obtained in the Parliament, where women's representation was at parity with that of men.

5. It was clear from both the periodic report and the reports of NGOs that minority and immigrant women, including Roma and non-Western immigrant women, were not fairly represented in the Norwegian public and political spheres. She asked what level of visibility ethnic minorities had in the political system and whether any legislative or other measures aimed at promoting diversity were envisaged. She wondered whether the Government might consider introducing a quota system to increase the representation of minority and immigrant women and take steps to address the dearth of statistics on their participation in Norwegian political life.

6. She had received information to the effect that less than 30 per cent of high-level diplomatic positions, such as ambassadorships, were filled by women. She asked how the Ministry of Foreign Affairs planned to increase that number so as to achieve the goal of parity, which had been attained in other sectors of the public administration.

7. The Norwegian Government had been one of the first to launch an action plan for the implementation of United Nations Security Council resolution No. 1325 (2000) on women and peace and security. Yet, despite its allocation of sizeable funding for the promotion and implementation of the resolution in conflict areas, there was no clear way to measure the impact of the action plan. In her own country, Afghanistan, several countries including Norway had promoted Security Council resolution No. 1325 (2000), but when important meetings had been organized on peace negotiations or reconstruction, Norway, among others, had failed to demand women's participation in the meetings. So far, in

Afghanistan, women had not participated in any of the major meetings on peace, reconstruction and negotiation with the warring parties or in high-level talks on peace and security.

8. As an admirer of Norway for its consistent championing of women's rights, she had been surprised to learn that Norway still had women's rights issues. She wished to know how the Government envisaged changing its strategy so as to ensure the full implementation of Security Council resolution No. 1325 (2000) and requested additional information on Government funding of civil society organizations that supported and followed up on the implementation of the resolution.

9. **Mr. Lysbakken** (Norway) said that it was certainly not the case that Norway had resolved all women's rights issues, in fact, it had to avoid becoming complacent because many structural and cultural changes still needed to be made if the goal of full equality for women was to be achieved. As far as the judiciary was concerned, the number of women judges had increased substantially since 2007: according to the latest figures available, there were 42 women judges in the Supreme Court and 35 in the courts in general.

10. The visibility of ethnic minorities in Norwegian politics was an important issue, and improvements had been made in the way in which political parties integrated persons from those groups and in their participation in elections. Nevertheless, Norway still had a long way to go in reducing the gap between their participation and that of the rest of the population.

11. There were broad differences between political parties, some of which had more elected representatives than others – a fact that also affected the overall statistics on political participation. The elimination of discrimination in political life had to be given priority by all political parties if the Government was to substantially increase the number of elected representatives with a minority background in local councils.

12. In terms of local elections, the number of voters with an immigrant background had increased in 2011, accounting for a level of participation approaching that of the overall population. That development was attributable, in part, to Government funding of various initiatives aimed at mobilizing such voters.

13. As far as elected representatives to local government were concerned, in 2011, almost 40 per cent had been women. Although the Government had been disappointed by the lower-than-expected increase in that figure between 2007 and 2011, it was nevertheless noteworthy that the gender balance (i.e. 50 per cent male and 49 per cent female) among candidates with a minority or immigrant background was more evenly distributed than that corresponding to all candidates. Those results were due to the particular attention paid by the Government and several political parties to women in efforts to mobilize overall minority participation.

14. With regard to the establishment of a quota system for women's representation in elected positions, a public debate was under way about whether to regulate the gender representation of candidates in local council elections, given that in the most recent elections the majority of candidates had been men. Something clearly needed to be done, and the Government was investigating ways of improving the situation. The political parties bore a large share of the responsibility inasmuch as some parties had internal rules requiring a certain number of women or a percentage representation of each gender, whereas others did not. Gender statistics could therefore change depending on the election results obtained by each party.

15. With regard to women's participation in the Foreign Service, the majority of directors-general in the Ministry of Foreign Affairs were women, and for the first time in history, the permanent secretary was a woman. The Ministry was engaged in ongoing

efforts to increase the number of female ambassadors, in keeping with the notion that Norway should practise what it preached and send women to represent the country abroad.

16. The Government had drawn up an action plan in 2006 aimed at implementing Security Council resolution No. 1325 (2000) at the national and international levels. The Government also funded various NGO projects and initiatives whose objective was the implementation of the resolution, details of which would be furnished to the Committee in due course.

17. **Ms. Rasekh** asked how the Government planned to measure the impact of Security Council resolution No. 1325 (2000) in conflict zones where Norway promoted its implementation. In particular, she enquired how it encouraged stakeholders or international agencies to implement the resolution. Women placed hope in countries that sponsored large human rights projects but were disappointed when those countries failed to apply pressure on recipient governments to expand the role of women in peacekeeping and peacebuilding measures. As it currently stood, Security Council resolution No. 1325 (2000) was merely a document whose objectives had not been realized. She would appreciate the delegation's comments in that regard.

18. She requested specific examples of improvements in the participation of ethnic minorities and immigrants in political life in Norway, asking whether such improvements related to legislation, regulations, policy or the internal rules of political parties. Norwegian political parties were apparently free to refuse to allow women candidates — especially minority and immigrant women — to run for office. She asked whether the Government had taken any measures to develop the potential of the reportedly large number of highly educated minority and immigrant women in Norway, for instance through the development of capacity-building programmes.

19. Highlighting the importance of close cooperation between the Government and civil society in the implementation and follow-up of Security Council resolution No. 1325 (2000), she asked for clarification regarding the way in which the Government funded civil society organizations. The staff of such organizations were reportedly confused about how to obtain Government funding in order to pursue those objectives.

20. **Mr. Lysbakken** (Norway) said that the Government's aim in all post-conflict peacebuilding initiatives was to encourage the parties to include women in the decision-making processes. When initiatives did not include women, the chances of obtaining good results for the population as a whole were substantially reduced. The gender perspective should be incorporated in the planning, fulfilment and evaluation of all international operations in which Norway was involved, and personnel taking part in such operations should be trained in Security Council resolution No. 1325 (2000) and other resolutions relating to women, peace and security.

21. **Mr. Kongstad** (Norway) said that his Government considered the participation of women to be necessary for achieving peace, reconciliation and reconstruction; it therefore encouraged their participation in peace talks with the parties to a conflict. However, there were limits to what the Government could do alone; it did its utmost to support women's groups, organizations and networks in their efforts to enhance their participation and make their voices heard. In the case of Afghanistan, for example, it had been very active, but that was only one country among several and was certainly not the largest.

22. **Mr. Lysbakken** (Norway) said that, although Norway implemented several capacity-building programmes, they were not specifically oriented to increasing political participation. Rather, they centred on language learning and job skills, in keeping with the belief that the first step towards taking part in Norwegian society was to enter the labour market. In similar fashion, the Government operated programmes called "New Chance", which were intended for women re-entering the job market after having been at home with

children or outside the labour market for many years. The thinking was that once immigrants had successfully entered the labour market, they were better placed to participate in other aspects of society. Capacity-building programmes to encourage political participation posed an interesting challenge in that regard. It was worth noting that there was a higher percentage of young people who were first or second-generation immigrants enrolled in higher education in Norway than the corresponding figure for the rest of the population. The Government had high hopes and was counting on a strong generation of young people with an immigrant background to occupy many key positions in Norwegian society in the years to come.

Articles 10 to 14

23. **Ms. Acar** noted that, according to paragraph 7 of the State party's report, there was relatively little evidence of development work on gender equality in school and day-care facilities. She asked why that was and what impact that might have on efforts to change stereotypical gender roles.

24. She wished to know how gender equality issues and violence against women as a form of discrimination were included in school curricula at all levels, including in private or religious schools. It would also be interesting to learn whether relevant developments in international human rights law and women's rights were included in the curricula of law schools.

25. While it was encouraging to see that women were well represented in higher education, the same was not true at the highest levels; only 18 per cent of full professors were women, and that figure was even lower in science and technology fields. Given that the State party had emphasized mentorship in its report, she wondered how it would overcome the lack of women in a position to serve as mentors.

26. **Mr. Bruun** said that in 2010 the Government had submitted a white paper on equal pay to Parliament, but wondered why there had been no discussion of the report adopted in 2008 to reduce the pay gap and whether that report had been fully implemented. It would be useful if the delegation could give some idea of the relevant legislative measures to be undertaken in 2013. He wished to know whether the Government planned to implement the recommendation of the Equality and Anti-Discrimination Ombud to make greater use of work assessment tools and establish an equal pay fund.

27. He noted that a large percentage of the women working part time would like full-time positions. He asked whether the Government had considered giving preference to part-time employees whenever full-time positions became available. According to information available to the Committee, pregnant employees still suffered from discrimination in practice despite the protection offered by legislation, and he wondered whether the Government planned to address that issue.

28. He was surprised that the country's 2011 strategy on migrant workers was gender neutral and wondered how the Government would address the problems specific to female migrant workers. He also asked whether Norway intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

29. Lastly, given the Government's commitment to increase the number of persons with disabilities in paid employment, he wished to know how it would address the specific needs of women with disabilities in that context.

30. **Ms. Schulz** asked whether a gender assessment had been conducted and whether it was planned to carry out an evaluation of the recent reforms made to the pension scheme, whereby pensions were calculated on the basis of individuals' last 40 years of employment

rather than on their best 20 years, as had previously been the case. She wished to know how the current system took into account the differences between men and women with regard to their education levels, fields of employment, wages and other factors. She wondered whether the option of retiring before reaching 67 years of age was a real choice or only a pseudo choice for individuals with no pensions, many of whom were women, and whether it might involve multiple discrimination on the grounds of both gender and class.

31. She wished to know whether the new compulsory pension scheme included safeguards against indirect discrimination, and whether the Government would consider splitting the pension points of both partners in the case of couples — regardless of whether they were married, separated or divorced — if the scheme was shown to be discriminatory.

32. The Public Procurement Act might serve as a useful instrument to fight structural gender discrimination if Norway required companies seeking Government contracts to respect the principle of equal pay for work of equal value and to show that they had implemented affirmative action measures.

33. **Ms. Arocha Domínguez** said that she wished to know to what extent treatment for serious health problems often affecting older persons was covered by social security, noting that in some developed countries such coverage was more limited for women than for men as a result of their lower contributions to the social security system.

34. The State party's report recognized that the Sami were in poorer health than other Norwegians, and that Sami women who lived outside the defined Sami area were most severely affected. She enquired about the primary health problems affecting the Sami and whether they were required to live in Sami areas in order to receive quality health care.

35. Paragraph 119 of the State party's report seemed to indicate that genital examinations were mandatory for girls and women with a background from areas with a high incidence of female genital mutilation. If that was indeed the case, such examinations could constitute a form of discrimination and she would be grateful for additional information.

36. **Ms. Bareiro-Bobadilla** said that she welcomed the participation of the Sami Parliament and NGOs in the preparation of the State party's report and in the lead-up to the dialogue. Given the persistent inequalities in landownership between men and women, particularly in rural areas, she requested further information on women in rural areas in general and on the results of the 2007 programme on gender equality in agriculture in particular.

37. Women with disabilities constituted the largest group of disadvantaged women in the country; it was therefore imperative for Norway to ratify the Convention on the Rights of Persons with Disabilities. Only 24 of the 50 crisis centres in the country were accessible to women with physical disabilities, even though women with disabilities were five times more likely than other women to suffer from violence. She would appreciate information on how the Government planned to remedy the problems of violence, sexual harassment and barriers to access and to employment faced by women with disabilities. She also requested further information on the situation of Sami women, migrant women and lesbian, transgender and intersex women.

38. The Committee would like to receive a copy of the bill to prohibit discrimination on the grounds of sexual orientation and gender identity, which the delegation had said would be submitted to Parliament in 2013. Lastly, according to information available to the Committee, gender status was currently determined by a doctor, which ran counter to the recommendations of the Council of Europe Commissioner for Human Rights. She asked whether the Government intended to remedy that situation.

39. **Mr. Lysbakken** (Norway) said the Government recognized that the pay gap was not decreasing fast enough, and that the purpose of the white paper on equal pay was to summarize its responses to the 2008 report on the subject and to ask Parliament to discuss measures to be adopted. New regulations would require companies over a certain size to make pay statistics available to all employees, disaggregated by sex and position. Employers would also be required to provide information on individual salaries if there was suspicion of discrimination among colleagues. The Government wished to include in the Gender Equality Act measures to strengthen the rights of workers who took parental leave. It saw a strong link between lack of equality in family responsibilities and lack of equality in the labour market, and would therefore introduce measures such as increased parental leave for fathers and paid leave for breastfeeding mothers.

40. The right to work part time was important for many women, as it meant that they could participate in the labour market. However, there was concern that too many women were in part-time work because that was all they were offered, which prevented them from achieving economic independence. Nevertheless, the number of women working part time involuntarily had decreased, in line with the Government's goal.

41. The Government placed great emphasis on preventing pregnancy-related discrimination and had recently strengthened legislation to prohibit asking whether a candidate was pregnant or about her pregnancy intentions during job interviews. Women were also encouraged to complain to the Ombud if they experienced discrimination of that nature.

42. The Government's efforts to combat gender stereotyping extended to establishing day-care centres and a school system that helped change traditional ways of thinking. The gender perspective was included in all staff training and recruitment drives focused on hiring more men to achieve a better gender balance, as currently 90 per cent of employees in day-care centres were female. Private schools did not contribute to gender discrimination because the few that existed in Norway were closely monitored and regulated.

43. The percentage of women in academic positions was a great paradox because more women were entering higher education, but very few occupied high-level posts. There would be structural changes in the near future, as the number of women completing higher education would in time be reflected in top academic staff; however, more political action was needed to speed up the process.

44. The national social security and pension system was a complex issue and had been a subject of public debate for several years. The current system had its origins in a 2005 reform adopted by Parliament and some groups of women were better off under the old system, while others were not. It would be a number of years before the precise impact of the new system on women was known.

45. Every person living in Norway had the right to equal access to quality health care irrespective of his or her economic or social status, although to achieve that in populations where Norwegian was not the mother tongue often required the use of interpreters and translated information. Studies indicated that Sami-speaking women who resided outside the administrative area of the Sami language suffered poor health but sought less help than the Sami women who had Norwegian as their mother tongue, which could be linked to communication problems during consultations with doctors. Adequate communication posed a major challenge to guaranteeing equal access to health-care services and the Ministry of Health had overall responsibility for ensuring that the linguistic or cultural background of patients did not prevent them from receiving appropriate help.

46. All forms of female genital mutilation were illegal in Norway. The Government had launched a four-year action plan to combat the problem in 2008 that included carrying out

voluntary clinical examinations. It was a controversial issue and the possible effects were currently under review, with an overall revision of the action plan due in 2012.

47. The Government's position on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had not changed. Having already ratified all key human rights instruments and the International Labour Organization's core conventions on workers' rights, which also applied to foreign nationals resident in Norway, it had decided not to ratify the Convention in 2002. Moreover, the wording of the Convention was considered to be too vague on a number of points. However, the Government was committed to improving labour standards, which were crucial in ensuring migrants' rights and gender equality. To that end it was introducing a number of measures, including addressing the underpayment of migrant workers and strengthening the rights of both foreign and Norwegian workers. The Government intended to ratify the Convention on the Rights of Persons with Disabilities pending the adoption of one piece of legislation to ensure full compliance with the Convention.

48. **Ms. Ameline** enquired whether studies currently being carried out by the Norwegian Government included assessing the impact of measures introduced to improve women's employment prospects, in particular by imposing a quota on the boards of public and public limited companies. The Norwegian economy was faring better than some other European countries during the global economic crisis and she wondered what advice the State party might be able to offer to help them promote the argument that ensuring equality in the workforce could have a positive effect on economic dynamics.

49. **Ms. Rasekh** asked whether legislation had been passed prohibiting women who wore the hijab (Muslim headscarf) from working in the judicial system or police force, or whether it was simply a discriminatory practice. What measures were envisaged to allow women who wore the hijab to participate equally in the labour force?

50. **Ms. Jahan** asked for more information on the programmes introduced by the State party to increase the participation of minority women in the labour market and whether they were being monitored to assess their real impact. What steps were being taken to break the cycle of women receiving training under social welfare schemes and subsequently being exploited as cheap labour?

51. She enquired what measures had been adopted to prevent discrimination in the labour market based on a person's name, as information available had highlighted that persons with a non-Norwegian name were 25 per cent less likely to be called for a job interview.

52. **Ms. Schulz** asked whether an ex ante gender impact assessment had been carried out or whether other measures had been adopted to ensure that compulsory pension schemes set up by employers were not discriminatory. She also wished to know whether a debate had taken place on splitting pension points.

53. **Ms. Halperin-Kaddari** said that while carrying out job evaluations and ensuring transparency in salaries were important steps, they would not be enough to close pay gaps resulting from the gendered structuring of the workforce in Norway. She wondered what other measures were envisaged to address the problem.

54. She sought clarification on the direction the State party might take in its revision of the clinical examination programme relating to female genital mutilation. The recommendation of the international community was to empower the communities involved to handle the problem so as to try to prevent stigmatization.

55. **Mr. Lysbakken** (Norway) said that there were challenges in providing employment for women in rural areas, where industries such as agriculture, fishing and tourism were the

key sectors, with the result that women with higher education tended to move to the cities to seek work. The Government was attempting to reverse that trend through the Action Plan to Increase Entrepreneurship among Women. It should also be noted that a gender gap persisted with regard to landownership: only 25 per cent of landowners were women.

56. It was too early to assess the effects of the legislation requiring that 40 per cent of the boards of certain types of companies must be women, although a proper assessment would be made in time. In addition to the equality argument, there was an economic argument for the legislation, given that recruiting exclusively among the male population gave businesses access to only half of the nation's talent, whereas including women and recruiting from the whole population ensured that businesses could recruit the best. Despite the fact that the legislation provided for the possibility of dissolving a company that failed to meet the required quota, that had never occurred, which demonstrated the success of the policy. Moreover, it had shown that heightening awareness of women's potential could bring about a change in business culture, which was why the Government was considering extending the legislation to more companies.

57. The wearing of the hijab was a controversial issue in Norway, although the matter was not currently regulated by law. Both the police and the judiciary had regulations governing professional dress and uniforms and neither allowed the hijab to be worn. However, women in the armed and customs services were allowed to wear it.

58. Minority women enjoyed the same rights as all other women under Norwegian law. Programmes and projects for refugees and persons who had come to Norway under family reunification rules included language training to prepare them for education and work. Participants were closely monitored to track the programmes' results, which had revealed that there was a substantial difference between the sexes in the numbers going on to work and education. While the global economic situation had impacted on the programmes' results, difficulties in achieving the same results for women as for men made it clear that a gender-sensitive approach was required.

59. Studies had shown that job applicants with non-Norwegian names were far less likely to get interviews than equally qualified persons with Norwegian names, leaving minority women facing double discrimination, since they also encountered the pay gap that existed between men and women. Detailed information on women and the pension system would be submitted to the Committee in due course.

60. The Government was reviewing the pay gap with regard to individual discrimination and to pay gaps among groups of earners. Overall, women's hourly wages were approximately 80 per cent of men's wages, mostly due to the fact that men and women had different types of jobs that had different wage systems. Nonetheless, professions dominated by women, such as childcare, tended to have lower wages than professions dominated by men.

61. There was not one single solution to the problem and various strategies would have to be devised. Factors to be considered included that women were more likely than men to work part time and that educational and professional choices often divided along gender lines from a young age. Women's wages in the State sector had recently increased thanks to the prioritization of equal pay during collective bargaining, but further improvements could be made. Finally, it was important to achieve gender equality in the home, since without it there could be no equality in the labour market.

Articles 15 and 16

62. **Ms. Halperin-Kaddari** asked whether, in the event of divorce, each spouse retained the assets that he or she had brought to the marriage. Noting that under Norwegian law all tangible property acquired during the marriage was divided equally, she requested

information about arrangements for intangible property, such as work-related benefits. Given the greater relevance of intangible benefits to most modern couples, contemporary practice was to consider the different earning potentials of each member of the couple and to balance that difference during divorce proceedings. Appropriate division of intangible property was viewed as a right of the person who undertook the bulk of the care work in the partnership, rather than as “compensation” for that work, as referred to in paragraph 30 of the periodic report.

63. Welcoming the Norwegian Government’s awareness of issues of equality in the home, she expressed surprise that domestic legislation on de facto unions was so outdated. Almost half of all children in Norway were born to cohabiting couples, yet there was no law according rights within de facto unions. Moreover, the regime governing such unions was one of separate property; a system that might appear equal, but in fact ignored the socio-economic reality of women in Norway. She wondered whether women, in choosing cohabitation instead of marriage, were aware of the lack of protection for their economic welfare should the partnership come to an end, for whatever reason.

64. Turning to custody issues, she said that there was growing awareness of the negative developmental effects of forcing children whose parents had separated to remain in contact with a parent, often the father, who had a history of violence towards either the children or the other parent. While Norwegian law favoured shared custody and stressed that access to the non-custodial parent should be maintained, she was concerned that there were inadequate safeguards to protect children in situations of domestic violence. She also enquired whether there were safeguards against the use of compulsory mediation for couples when it was suspected that domestic violence had occurred.

65. **Mr. Lysbakken** (Norway) said that under Norwegian law individuals retained ownership of whatever property they had brought to the marriage in the event of separation or divorce. It was possible to claim compensation, which was how the legislation was worded, with regard to intangible property. Improvements could be made and provisions were being considered to take account of situations in which women typically took on more of the care work involved in a partnership and therefore earned less during their working life and had lower pension entitlements than their partners.

66. Although couples in de facto unions currently had the option of signing a contract to regulate their affairs, it was not compulsory, but discussion was under way on introducing appropriate legislation. The regulation of cohabitation rights was a controversial issue, since many couples chose to cohabit because they did not wish to formalize their partnership through marriage. Clearer information and guidance on the division of the estate of de facto unions would be useful to women, many of whom were not fully aware of the possible consequences of choosing cohabitation.

67. The Government was aware of international research showing the dangers of insisting that children should retain contact with violent fathers, but was nonetheless alert to the need to ensure that children and fathers were able to meet following proceedings that granted custody to the mother. The question of safeguards was currently under consideration and the Government would address it as a matter of high priority.

68. The family counselling services were designed to assist families and women that had experienced domestic violence with resolving their problems or ending their relationships in an orderly fashion. The service was being reviewed and strengthened; thus the Committee’s concerns would be given due consideration.

69. Thanking the Committee for an interesting dialogue, he underlined the importance Norway attached to the process which afforded an opportunity to learn and improve. There was still much to be done and achievements in the sphere of gender equality would inspire

further work, including the introduction of measures in response to the Committee's questions and concluding observations.

70. **The Chairperson** thanked the delegation of Norway for an interesting and constructive dialogue. Commending the State party on its efforts to eliminate discrimination against women, she encouraged Norway to address the Committee's comments and concerns.

The meeting rose at 5.05 p.m.