



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

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**Committee on the Elimination of Discrimination  
against Women**

**Twenty-eighth session**

**Summary record of the 598th meeting**

Held at Headquarters, New York, on Monday, 20 January 2003, at 3 p.m.

*Chairperson:* Ms. Açar

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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)*

*Fifth and Sixth periodic reports of Norway (continued)* (CEDAW/C/NOR/5 and 6, CEDAW/PSWG/2003/I/CRP.1/Add.5 and CRP.2/Add.2)

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

2. **The Chairperson** invited the delegation to resume its replies to questions raised at the previous meeting.

*Articles 6 to 8 of the Convention (continued)*

3. **Mr. Wille** (Norway), referring to the status of the Convention under Norwegian law, said that recent Supreme Court decisions had moved away from a confusing earlier Court position to the effect that where there is a conflict, a domestic law might prevail over the Convention. All doubt had been dispelled by section 3 of the new Human Rights Act, which stipulated clearly that any international treaty incorporated into the law would take precedence over national legislation. Since the explicit purpose of that Act had been to strengthen the human rights provisions in Norwegian legislation, the Government had reviewed all its laws for compliance with the Convention.

4. **Ms. Hole** (Norway), recalling that changes had been made in the Penal Code to prohibit persons under the age of 18 from engaging in prostitution and to prohibit access to child pornography on the Internet or for payment, said that the Government had debated adopting a blanket prohibition of prostitution in Norway but that proposal had not garnered a majority in Parliament.

5. To assist children at risk, action had recently been taken to collect data on incest and to establish psychiatric and trauma clinics for children and a National Centre on Trauma and Violence. The Centre's work encompassed children, and an Internet-based help network for children was being operated in cooperation with the Baltic States. Provision had also been made for children in the centres for battered women and rape

victims. The recently established Commission on Violence Against Women would also be addressing that issue.

6. The Government had strengthened the Gender Equality Act in amended section 3A to include protection of pregnant women, especially in the workplace. Complaints of discrimination against pregnant women in the workplace, which was against the law, could be brought to the Gender Equality Ombudsman. In addition, to help disabled women, the Government, after an assessment of the 50 shelters for battered women in the country, was asking them to accommodate disabled women and to expand their expertise in that area. In any criminal case of violence, the victimization of a disabled woman was, of course, an aggravating circumstance.

7. One way to measure the enforcement of equal rights was by the number of cases heard by the Gender Equality Ombudsman in the past year — over 400 — and the fact that they were featured in the media, resulting in many visits to the Ombudsman's web site. In her opinion, the presence of women on corporate boards was another equal rights issue.

8. The work of the Centre for Gender Equality did not really overlap with that of the Office of the Gender Equality Ombudsman. In fact, the Government had asked an independent research organization to evaluate how they complemented each other. Both bodies enjoyed high standing in the public view and were well known. Although they shared the same ministerial premises, they were separate entities, independent by law, and had separate budgets approved by Parliament, thus guaranteeing their independence.

9. Victims could apply to the Gender Equality Board of Appeals without charge and obtain free legal aid in criminal cases and, for low-income clients, in civil cases as well.

10. It seemed likely that, once it had assessed how effective the mobile alarms geared to the global positioning system had been in alerting the police, the Government would distribute them to all citizens after the year-long trial.

11. Less progress had been made in sensitizing courts and judges with regard to gender issues and violence against women than in raising the awareness of police and health workers, but the Commission on Violence Against Women would work to remedy the situation.

There were indeed too few female judges, only 27 per cent. She recalled that women serving on corporate boards were elected by the corporate boards themselves and the Government could not directly impose a quota, although a pending bill setting a 40 per cent target for the representation of women would probably be adopted soon.

12. The Government was considering making it mandatory for shelters to report instances of violence against women to the police, and would decide whether to notify local communities about known paedophiles in their midst.

#### *Articles 7 to 9*

13. **Ms. Achmad**, referring to question 17 of the list of issues (CEDAW/PSWG/2003/1/CRP.1/Add.5), said that in measuring impact, it would be useful to know to which committees, boards or councils the requirement for 40 per cent gender representation applied. The Government should begin to collect the necessary statistics. She noted that the amended Gender Equality Act would now require reports on practical effects. She asked how involved the Gender Equality Ombudsman was in monitoring the impact of the system, to what extent proportional representation was applied at the local level, and whether the proportional system was an open or closed one, subject to vote or decided within the political parties. Since the sixth report indicated, in relation to the revision of the Elections Act (p. 24), that voter influence on the choice of individual candidates had worked to the disadvantage of women's representation, it was surprising that more women did not vote. Were women not ready to engage in the political process or not attracted to it, and had the Government done anything to prepare women for political participation and to prepare the public to accept the idea of women in office? It would also be interesting to know why the number of women both in political parties and in women's organizations doubled after 45 years of age. That fact seemed to indicate that family responsibilities earlier in life were not shared by men.

14. **Ms. Belmihoub-Zerdani** asked whether domestic legislation conflicting with the Convention was automatically abrogated. Regarding citizenship problems, she asked if *ius sanguinis* or *ius solis*, or both, applied to a child born of a female alien residing in Norway.

15. It was obvious from the reports that women were well represented in the Government and that quotas had been applied to that end. Yet the sixth report indicated (p. 22) that the Elections Act did not contain any stipulation as to gender representation and that some political parties did not have quota regulations. It was not clear why the Government did not oblige all parties by law to use affirmative quotas. Also, she would appreciate an explanation of why women were more successful in politics than in economic life, and would like to know if there were any statistics indicating the gender breakdown for the possession of wealth in Norway.

16. **The Chairperson**, speaking in her personal capacity, observed that while admittedly the number of women in government in Norway was high by international standards, the figures given in the sixth report (p. 22) showed that there had been a decline in recent years. She asked what the Government was doing to reverse that trend and whether the people were aware of the decline.

17. **Ms. Hole** (Norway) said that women were represented proportionately on committees at both the national and local levels, but that their party affiliations determined the proportion, not any specific regulations in the Elections Act. All but one political party actually did apply the 40 per cent quotas. Commenting on measures to better prepare women to participate in politics, she noted that it was an unfortunate development that political party membership had declined sharply of late among young people, both men and women. To counter that trend, the Ministry of the Interior had started a campaign to send politicians to the secondary schools to talk to students about involvement in local politics. There was no simple answer to explain why women did better in politics than in the economic sphere; there was, however, a big research project being conducted on the distribution of power in the country, and it would be addressing that specific question.

18. **Mr. Wille** (Norway), recalling that the Convention was incorporated in Norwegian law, asked whether there was any demand for repeal of relevant domestic legislation — nor was repeal desirable because domestic legislation was more detailed and had a wider scope than the Convention.

19. The nationality of a child born in Norway to an immigrant mother was determined by *ius sanguinis*,

but it was relatively easy to acquire Norwegian citizenship; the general requirement was seven years of residence, although there were exceptions, including marriage to a Norwegian citizen.

20. **Ms. Hole** (Norway) said that she did not have statistics on women's ownership of capital and property available at the moment, but that her delegation would provide it as soon as possible.

21. It was true that the representation of women in government and in the Parliament had declined between 1997 and 2001. The public was aware of the figures, as their publication had been announced in the media, and politicians had been asked questions about them. The main problem was keeping young people interested in political life.

22. **Ms. Morvai** said that in dealing with the right to work, the choice of words had an important symbolic effect. The portion of the sixth periodic report devoted to that issue referred only to "work". It would be better to say "paid work". Addition of that word would be a linguistic milestone, as it would encourage people to think about the significance of what women traditionally did in the home, which was in fact unpaid work. Men would be less inclined to say that their wives "stayed" at home, and would perhaps say instead that their wives "worked" at home, thus raising the profile of work in the household to the degree that men might be more attracted to it, and would promote efforts to monitor and quantify such work. The issue was one of gender sensitivity rather than of political correctness.

23. **Ms. Khan** said that the sixth periodic report had stated that only one in 20 senior managers were women although women at that level had better academic qualifications than their male counterparts, despite the country's exemplary parental leave, childcare and cash benefit provisions. She asked whether that imbalance was due to lack of opportunities or to a "glass ceiling" preventing career progress. She asked if any studies had investigated the reasons for the scarcity of women managers.

24. She inquired about the impact of the Norwegian Fund for Commerce and Regional Development in terms of increasing the number of women entrepreneurs, as the report had described the Fund, but not the results achieved. She wondered what motivated 43 per cent of women employees to work part time, and why they tended not to remain in employment:

possible reasons were the difficulty of reconciling work with child care, or lack of opportunities for full-time work.

25. The Gender Equality Act stipulated that governing boards, councils and committees required at least 40 per cent of each gender to operate within the law. Since many boards were still male-dominated, she asked if that meant that they were violating the Act. Another disparity in employment was in women's representation in trade associations. She asked why it was that although around 40 per cent of employees overall, whether men or women, were trade-union members, more men than women were members of business and professional organizations.

26. She wished to know how women were treated by the pension system, especially in the private sector, since their life expectancy was higher than that of men. She asked if, in the light of their longevity, women could expect their pension contributions to entitle them to the same pension as men, and whether the retirement age for men and women was the same. She asked about the age pattern of women in Norway and what had been done to take account of the increasing number of older women.

27. **Ms. Šimonović** said that according to the sixth periodic report, the Parliament had received an evaluation report on the cash benefit scheme in the spring of 2001. She asked what the results of the evaluation had been, and whether the scheme had had an effect on job security and the number of workers taking advantage of parental leave.

28. **Ms. Kuenyehia** requested details of the incidence of HIV/AIDS and sexually transmitted diseases. The fifth and sixth periodic reports had no information about them, and although the list of issues and questions from the pre-session working group had asked for clarification, none had been provided in the responses from Norway. She wished to know if that was because the diseases were not a problem. If they were, however, she wondered what percentage of women was affected, and what prevention and treatment policies existed.

29. **Ms. Achmad** said that the sixth periodic report had concluded that women were still grossly underrepresented in the sciences. She asked what action had followed the presentation of the June 1999 white paper on research and development to the Parliament inasmuch as it had covered gender equality.

She wished to know the outcome of the report on equality in the research sector delivered by the National Research Council to the Ministry of Education and Research in the spring of 2002.

30. She also wished to know the results of the project to recruit girls into information technology sciences, which had started as long ago as 1998. That was a particular concern, as access to information technology was essential to bridge cultural and technological divides affecting women.

31. She asked how women's NGOs and women scientists would be involved in the forthcoming World Summit on the Information Society to be held in Geneva in 2003 and in Tunis in 2005.

32. **Ms. Hole** (Norway), commenting on the usefulness of the phrase "paid work" to contrast with work that was not remunerated, said that the matter had indeed arisen in Norway, where there was active discussion on how to earn pension points before retirement. Since 1993, individuals caring for children or elderly people had been able to earn such points. The cash benefits scheme also recognized caring for children and the elderly as work, and the popular perception of those activities had improved. The perception of remaining at home had also been altered by the changeover from voluntary paternity leave to mandatory paternity leave of four weeks at 80 per cent pay, to encourage men to take a more active role in the family. Men had not usually taken paternity leave until it had become compulsory.

33. The Government had supplied statistics on the cash benefits scheme to the Parliament and to seven research institutes. Eighty per cent of those with children up to one year old, and 70 per cent of those with children between one and two years old took advantage of the scheme.

34. After having children, mothers had been found to have reduced their work time outside the home by one and a half hours per week, while fathers had made no reduction in their working hours. That was linked to the availability of day care facilities, which fell short of what was needed. The Government and Parliament had made a commitment to provide the 32,000 extra places needed for the youngest children by January 2006.

35. The Government believed that the best way to increase the presence of women in top positions was to

set goals and targets. Ten years earlier, ministries had had few women directors-general, but by setting goals and targets, three successive Governments had succeeded in achieving 30 per cent representation for women. If the private sector took the same approach, and looked for talented recruits outside the "old boys' network", the results would probably be similar.

36. Statistics were available on the progress of women as entrepreneurs from the Ministry of Trade and Industry and the Fund for Commerce and Regional Development and would be forwarded to the Committee.

37. In common with its Nordic neighbours, Norway's labour market was segmented into full- and part-time work. Many chose to work part time because childcare facilities were good, but that was not always a choice: the health-care sector, for example, had a marked preference for part-time employees. A committee was being set up to examine legislative measures to prevent employers from denying their employees access to full-time work.

38. A bill was before the Parliament to enforce 40 per cent representation of each gender on company boards, as was already the case for public-sector boards and committees. If it was passed, and enacted as planned on 1 January 2006, the national company register would examine the situation and report annually to the Government and Parliament. Companies which failed to comply would be deemed to be in breach of the law.

39. The retirement age was 67 (70 in the public sector), and was gender neutral. A national pensions commission appointed in 2002 would deliver its findings in October 2003. The Government had warned that women's greater longevity should be taken into account in the public pension scheme.

40. **Mr. Melander** said that he was concerned to read in the sixth periodic report of marriages which were not just forced marriages, but also involved very young people. That was not an issue only for the countries of origin of migrants and refugees. Two solutions were available to the Norwegian Government. Firstly, it could enact legislation banning marriage under a particular age. Secondly, it could declare certain marriages entered into abroad to be null and void in Norway.

41. **Ms. Kuenyehia**, referring to the question in the list of issues and questions regarding the gender

imbalance in the justice sector, asked whether there had been any increase in the number of women judges since the negotiation of an agreement with the courts in 1999.

42. She wished to know whether the amendments to the Marriage Act had ensured that marriage did not produce an economic disadvantage for one partner in terms of property rights. She also asked for clarification of the method of distributing assets after a divorce.

*Articles 13 to 16*

43. **Ms. Gnancadja** said she had found very little information on the implementation of article 15: the sixth periodic report referred to earlier reports, but the fifth report contained no information at all. She would like information on the legal capacity of women, in particular their right to own property, and their ability to open businesses of their own. Were their rights the same as those of men?

44. **Ms. Šimonović**, noting the discussion of paternity in paragraph 149 of the fifth periodic report, inquired whether Norway was changing its position on the presumption of fatherhood.

45. **Ms. Belmouhib-Zerdani** inquired what percentage of its gross national product Norway was allocating to developing countries, and for what particular purpose.

46. **Ms. Morvai** asked why fewer than one sixth of top foreign service positions were filled by women. She also wondered why so many rape cases were dismissed by judges. The Government should investigate the files, and determine precisely what had occurred in each of those cases. Finally, she would like to know if Norway planned to conduct training courses for judges on the Convention.

47. **Ms. Hole** (Norway) said that HIV/AIDS was not a major health problem for Norwegian women. In 2001, there had been fewer than 700 women diagnosed with HIV/AIDS, of which only about 140 had developed AIDS. The Government had established a strategy for preventing the transmission of sexually transmitted diseases (STDs), including awareness programmes, which targeted women, youth and children, as well as female prostitutes. It was also engaged in an awareness project with the Baltic

countries and Russia which targeted young people and had been quite successful.

48. There were very few cases of forced marriages and arranged marriages in Norway. The Government was developing legislation that would allow young girls subject to such marriages to raise their cases before the courts. It was also strengthening the relevant provisions in the Penal Code and in the Children's Act. In addition, it was working with foreign embassies in countries where such marriages took place, and requested embassy officers to conduct interviews with young girls before families were reunited. Norway respected national law, however, and did not interfere in legal marriages concluded abroad.

49. The increase in the number of women judges to 27 per cent was an improvement. The Government was aware that more progress was necessary, and was monitoring the participation of women in the judicial sector as a whole.

50. Commenting on property distribution following divorce, she pointed out that couples were expected to agree, at the time of marriage, on separate ownership or common property, and that agreement would determine the later division of property. It was essential for young people to enter into a legally binding agreement: half of the young couples in Norway currently bearing children were unmarried. It was a hot issue in a white paper on family politics that would be presented to Parliament in 2003.

51. Women could of course own their own property.

52. With respect to presumption of fatherhood, she said that the Children's Act had recently been amended to allow DNA testing for all fathers, including the presumed father, the social father, and a third father, as well as for the mother and child.

53. **Ms. Wille** (Norway) said that 90 per cent of the gross national product was spent on development assistance; the goal was to attain 1 per cent by 2005. The number of men and women recruited into the foreign service was now roughly equal; 15 to 16 per cent of top foreign service positions were occupied by women. Few women had applied for such posts in recent years, and the reasons should be examined.

54. Women were often reluctant to report rape, particularly in cases where the rapist and the victim knew each other. That was another reason for the small number of prosecutions.

55. **Ms. Hole** (Norway) said that the Ministry of Children and Family Affairs was preparing to put the matter of older women on the agenda. It was important to consider the particular situation of older women, since women lived longer and had different health patterns. In addition, older women, especially older rural women, had difficulty accessing public transportation. A white paper on health was currently before Parliament with a chapter devoted to women's health focusing on older women. In general, older Norwegian women were not poor; the Government recognized, however, that, as in other countries, there was a gender aspect to poverty in Norway.

56. **Ms. Shin** said she was not satisfied with the State party's reply concerning the prosecution of rape. Norway should conduct research to determine why women rape victims were reluctant to report and to prosecute the crime. There were always reasons for that phenomenon, and measures could be taken to combat it.

57. **Ms. Hole** said she agreed that Norway did not have a satisfactory answer to that question. The Dixie Centres, which were shelters for women in distress run by non-governmental organizations, provided legal advice to women victims of violence, and endeavoured to persuade women to press charges against the perpetrators. In addition, a Norwegian research institute was conducting a large-scale study on violence, including rape. Norway would provide additional information in the next report, including data on the police, health workers and shelters. The Norwegian Research Council was, moreover, examining the files of rape cases to determine the reasons for the high number of dismissed cases.

58. The Government had taken measures to improve the enrolment of women in educational courses about information and communications technology that had had a positive effect on their participation. It was clear that girls were just as capable as boys of handling those skills. She noted that women and information and communications technology was one of the topics to be taken up at the meeting of the Commission on the Status of Women to be held in March 2003.

59. **The Chairperson** congratulated the Government of Norway for ratifying the Optional Protocol to the Convention. She regretted that some of the questions raised in the list of issues had gone unanswered. However, the dialogue had been satisfactory, and she

had been impressed by the array of policies and measures that Norway had established to advance the cause of women. She hoped that the Government would take steps to link family policy and gender policy. In particular, she was concerned by the high number of Norwegian women who worked part time; that matter should be examined from a gender perspective. The Committee applauded the Government of Norway for its policy of providing residency permits to women. In that regard, more information would be welcome on the protection of the rights of immigrant women. Finally, she urged Norway to continue its fine record of participation by women in public life, and requested the Government to disseminate widely the Committee's concluding observations on the fifth and sixth periodic reports.

60. **Ms. Hole** (Norway) said that the delegation of Norway had found the discussion of the report most interesting because it revealed how Norway looked through other eyes. The comments of the Committee would assist the Government of Norway in formulating its next report and in enhancing its efforts to improve the situation of women.

*The meeting rose at 4.50 p.m.*