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## **REVISED EUROPEAN SOCIAL CHARTER**

8th National Report on the implementation of  
the Revised European Social Charter

submitted by

**THE GOVERNMENT OF NORWAY**

(Articles 8, 17, 27 and 31  
for the period 01/01/2003 – 31/12/2009;  
Articles 7, 16 and 19  
for the period 01/01/2005 – 31/12/2009)

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**CYCLE 2011**

Oslo, 12 January 2011

## 8th Norwegian report on the implementation of the European Social Charter

### Article 7 - Right of children and young persons to protection

Reference period 1/1/2005 – 31/12/2009

#### Article 7§1- Prohibition of employment under the age of 15

##### 1) *General legal framework - reforms*

During the reference period (17 June 2005 No. 62) a new Working Environment Act (The Act relating to Working Environment, Working hours and Employment Protection, etc.) was adopted, hereinafter referred to as the WEA. This act, with some exceptions, came into force 1 January 2006 and replaced The Act relating to Worker Protection and Working Environment of 4 February 1977 No. 4. Please find enclosed an unauthorized version of the new WEA (1), as subsequently amended until 23 February 2007, **enclosure 1.**

With regard to the general legal framework which was in force in the period from 1 January 2005 to 1 January 2006 we refer to previous reports.

The WEA, section 11-1, first paragraph, on minimum age of admission to employment states that children under 15 years of age or attending compulsory education shall not perform work subject to this Act, except cultural work or the like, light work provided the child is 13 years of age or more, work that forms part of their schooling or practical vocational guidance approved by the school authorities provided the child is 14 years of age or more.

In the new WEA of January 2006 the prohibition against child labour was merged with the exceptions mentioned above, which implies that the rules on minimum age of admission to employment are to find in one provision. The reform was in other words an editorial one. Hence, reference is made to the previous reports also regarding the legal situation after 1 January 2006.

The European Committee of Social rights (ECSR) states in their conclusions 2006 that it considers that, in principle, the situation is compatible with the Revised Charter. However, it notes that section 35c of the Act refers to cultural "or similar" activities. It asks what activities are covered by the term "similar" and what arrangements apply to sports or advertising activities. It would also like detailed information on how the relevant rules and regulations are applied, in particular the cases in which permits have been issued or refused, and the age groups concerned.

The term "*cultural work or the like*", is the wording of section 11-1 in the new WEA, which is continuing the section 35c in the previous Act. The Ministry may by regulation issue further provisions concerning the types of work that shall be permitted pursuant to the first paragraph. And so it is in the regulation relating to Work by Children and Youth of 30 April 1998 nr. 551, section 6. The regulation is still in force under the provisions of the new WEA, cf. section 20-2 concerning transitional provisions. Pursuant to section 6 in this regulation, children may perform cultural, artistic, sporting and advertising work, if the work does not affect their safety, health or development in an unfortunate way, and adversely affect their school attendance, participation in vocational guidance or vocational training or their

possibility to benefit from education. The term “cultural work or the like” are thus exhaustively limited to these kinds of work.

Any employer who wishes to engage children who is under 15 years of age or attending compulsory education have to apply for, and obtain prior approval from the Labour Inspection Authority. Along with the application the employer is obliged to attach a written consent from the child's parents or guardian. Provided that the child is 13 years or more, the work is light and does not affect their safety, health and development negatively or their education in any way, only consent from parents or guardian is required.

Through the application to the Labour Inspection Authority, the employer has to document the working conditions for the child. To do so the application should include a description of tasks and activities involved as well as a description concerning the duration of daily and weekly working hours. Furthermore, the application should include a statement concerning whether there are specific risk factors in conjunction with performing the work (such as chemical compounds, dangerous work equipment, etc.). Finally it should include a description of the undertakings health, environment and safety work.

Under all circumstances, before the child can start to work and when working conditions are changed, the employer shall make a special risk assessment pursuant to specified issues in the regulation, and implement necessary measures to protect the safety, health and development of the child. Work that is potentially dangerous or unhealthy is prohibited. What is considered as potentially dangerous or unhealthy is described in the provision both in general terms and more specifically, for example work that implies exposure to chemicals, asbestos and lead. Work can be carried out between 8 and 11 pm. Safety delegates must be consulted when the work of children/youth younger than 18 years is planned and carried out. The workers younger than 18 in enterprises with 20 employees or more must be recorded, according to certain criteria in the provision.

## *2) Implementation of the legal framework*

Based on information in the application and the attached documentation the Labour Inspection Authority makes an individual and overall assessment of whether the working conditions are acceptable and in accordance with the regulations. When making the decisions, it is particularly placed emphasis on the employees' health, welfare and schooling conditions.

The Labour Inspection Authority mainly receives applications concerning work related to film and theater industry. Parental consent and risk assessment are the main documentation attached to these applications.

The Labour Inspection Authority supervises compliance with the provisions of child labour. The Labour Inspection Authority may fine undertakings subject to the WEA for non-compliance, or issue orders and make such individual decisions as are necessary for the implementation of the provisions of and pursuant to chapter 11 about child labour.

The Labour Inspection Authority may also impose continuous coercive fine for each day, week or month that passes after expiry of the dead line set for implementation of the order until the order is implemented.

Any proprietor of an enterprise, employer or person managing an enterprise in the employer's stead who wilfully or negligently breaches the provisions or orders contained in or issued

pursuant to the WEA shall be liable to a fine, imprisonment for up to three months or both. Complicity shall be subject to the same penalties.

In the event of particularly aggravating circumstances the penalty may be up to two years' imprisonment. When determining whether such circumstances exist, particular importance shall be attached to whether the offence involved or could have involved a serious hazard to life or health, and whether it was committed or allowed to continue notwithstanding orders or requests from public authorities, decisions adopted by the working environment committee or requests from safety representatives or occupational health services.

### 3) *Figures*

Number of reactions and permits from the Labour Inspection Authority, according to relevant regulations:

Year	2005	2006	2007	2008	2009
Orders issued	0	0	0	1	0
Permits issued cf. WEA 11-1	31	28	46	58	48
Permits denied cf. WEA 11-1	1	0	1	1	1

## **Article 7§2 - Prohibition of employment under the age of 18 – for dangerous activities**

### *1) General legal framework – reforms*

During the reference period a new Working Environment Act (WEA) came into force 1 January 2006 and replaced The Act relating to Worker Protection and Working Environment of 4 February 1977 No. 4. The provisions referred to in the previous report are continued in the WEA in chapter 11. Hence, reference is made to previous reports, including the information about the provisions in the regulation of 30 April 1998 nr. 551, regarding Work by Children and Youths, which is still in force.

Persons under 18 years of age must not perform work that may be detrimental to their safety, health, development or schooling. The Ministry may by regulation provide what types of work shall be subject to this prohibition and concerning registration of employees less than 18 years of age.

In its Conclusions 2004, the Committee requests further information on the legal basis for exemptions from the rules that young people under 18 may not be permitted to undertake work that is potentially dangerous or unhealthy, except when it is absolutely necessary for vocational training. In the Norwegian report 2005 we gave information regarding this.

The Committee considers in its Conclusions 2006 that the situation in principle is in conformity with the revised Charter. However, it asks for information as to how it is ensured that such work is absolutely necessary for training and further how these arrangements are monitored by the Labour Inspectorate and any findings it has made in this respect.

Exemptions from the prohibition are only possible when vocational training is organised by the school or according to a contract of apprenticeship. The training has to be carried out within the frames of the educational plan (curricula) of each discipline under the provision of the Education Act (Act relating to Primary and Secondary Education of 17 July 1998 nr. 61).

The educational authorities continuously assess the need of training regarding this kind of work.

### *2) Implementation of the legal framework*

Reference is made to the answer regarding article 7§1.

According to the WEA section 1-6 (1) vocational workers are regarded as employees in relation to the Act's provisions concerning health, environment and safety when performing work in an undertaking subject to the Act. Consequently, the Labour Inspection Authority shall supervise compliance with the provisions of and pursuant to the WEA concerning health, environment and safety for vocational workers placed in undertakings comprised by the WEA.

When exercising supervision the Labour Inspection Authority pay particular attention to the working conditions concerning health, environment and safety for vocational workers. This is ensured by focusing on the undertakings risk management system and measures taken to reduce risk and handle dangerous activities. In risk management systems regarding vocational workers who may perform dangerous activities, it is relevant and important that the workers age, physical and psychological development and level of experience are taken under consideration.

In addition to ordinary supervision, the Labour Inspection Authority performs extraordinary supervision when notified by an employer that an employee has died or is seriously injured as a result of an occupational accident. Any employer is decreed by law to give such notice.

### *3) Figures*

There are no statistics available on the number of vocational workers who performs work that is potentially dangerous or unhealthy. In average, during the period 2005-2009, 2.18 percent of the accidents reported to the Labour Inspection Authority, regarded persons less than 18 years of age.

The following figures are provided by Statistics Norway:

Young people between 15-19 years of age constitute 9 percent of all persons between 15-74 years in 4th quarter 2009. Teenagers between 15 and 19 years of age constituted about 5 percent of the workforce. 11 percent of youths of the same age were working full time. 81 percent of youths of the same age were in the education system in 4th quarter 2009.

## **Article 7§3 - Prohibition of employment of children subject to compulsory education**

### *1) General legal framework – reforms*

Reference is made to previous reports. The provisions referred to in these reports are continued in the new Working Environment Act, chapter 11, which came into force 1 January 2006.

In its conclusions 2006 the Committee accounts for that it has earlier ruled that in principle allowing children aged 15 and still subject to compulsory education to deliver newspapers from 6 am for up to 2 hours per day, 5 days per week before school is not in conformity with the Charter (Conclusions XVII-2, Netherlands, p. 581-582). In order to assess the situation, the Committee requests that the next report is as precise as possible regarding the conditions governing the early morning work.

The Committee also repeats its previous questions about cultural and artistic activities. It asks what are the maximum working/performing/training times allowed, both in term time and during the school holidays, and what rest periods are required.

The Committee finally reiterates its conclusion that the situation in Norway is not in conformity with article 7§3 on the grounds that the rest period of young persons aged under 18 still subject to compulsory education who work is not sufficient during summer holidays and throughout the year.

The WEA, section 11-2 first paragraph, states that working hours for persons less than 18 years of age shall be so arranged that they do not interfere with their schooling or prevent them from benefiting from their education.

Due to this, the employer has to take into account the young workers schooling when arranging the working hours. Further, the employer is obliged to have knowledge about the young workers schooling and lessons, to be able to comply with the obligations set in the provision.

Provided the child is 13 years or more, children under 15 years of age or attending compulsory education, may perform light work, pursuant to the WEA section 11-1. Deliverance and sale of newspapers is considered as "light work" in the guidelines to the regulations under the provision of this section. That is under the prerequisite that the work in fact can be considered as light. When considering this, the employer has according to the same guidelines, to base his/hers risk assessment on working operations that may cause muscular-skeletal strains.

Pursuant to the WEA section 11-3 first paragraph, children under 15 years of age or are attending compulsory education shall not work between 8.00 p.m. and 6.00 a.m.

In the case of children who are under 15 years of age or are attending compulsory education, working hours shall not exceed:

- a) 2 hours a day on days with teaching and 12 hours a week in weeks with teaching,
- b) 7 hours a day on days without teaching and 35 hours in weeks without teaching,
- c) 8 hours a day and 40 hours a week for the total of working hours and school hours where the work is part of an arrangement involving alternating theoretical and practical education.

When children work for two or more employers, working hours shall be calculated as a total of the hours worked for all employers. The employer is obliged to obtain information concerning hours worked for other employers.

Pursuant to WEA section 11-5, paragraph 2, there shall be a continuous off-duty period of at least 14 hours for children who are under 15 years of age or are attending compulsory education. Persons under 18 years of age shall have a continuous off-duty period of at least 48 hours per seven days. The off-duty period shall as far as possible be on a Sunday or a public holiday, pursuant to the same section, paragraph 3.

The WEA, section 11-5, paragraph 4, states that persons under 18 years of age who attend school shall have at least four weeks holiday a year, of which at least two weeks shall be taken during the summer holiday. There are no reforms planned.

## 2) *Implementation of the legal framework*

Reference is made to the answer regarding article 7§1.

The Labour Inspection Authority have a explicit focus on working hours in campaigns directed towards young workers up to 25 years of age.

In order to discover non-compliance with the provisions of and pursuant to the WEA regarding young workers below 18 years of age, the Labour Inspection Authority supervises the enterprises. During supervision the Inspectorate usually inspect the working schedules, working time registrations and written contracts of employment. Based on this information it is possible to decide whether the undertaking practices illegal night work, long working hours that deprives the young employees the possibility to benefit from their education and the right to four weeks of vacation. We also refer to the answer regarding article 7§1 and the role and legal tools of the Labour Inspection Authorities.

## 3) *Figures*

In 2009 the Labour Inspection Authority revealed non-compliance with the limits for working hours in 2 cases. These inspections are mainly made during summer and holidays. In this period of the year most young workers does not have to participate in any kind of compulsory educational hours. In 2009 the Labour Inspection Authority revealed 35 cases of illegal work during night hours, according to our legislation.

## **Article 7§5 – Fair pay**

### 1) *General legal framework – reforms*

In its conclusions 2006 the Committee recalls that it has previously concluded that the Norwegian situation is not in conformity with article 7§5 in lack of information showing that young workers and apprentices have the right to a fair wage and appropriate allowances. The Committee reiterates this conclusion on the ground that it is not able to assess whether young workers and apprentices receive a fair wage and appropriate allowances.

Reference is made to the previous reports. No changes have been made in the relevant regulatory framework regarding wages for apprentices or young workers. There is no legislation on the statutory minimum wage in Norway. Minimum wages are set by individual or collective agreements negotiated by social partners. However, there is in force an act 1 June 1993 No 58 relating to general application of wage agreements since 1994. A public board, the Tariff Board, is authorized to impose extension of a collective agreement in certain cases. If the Tariff Board makes such a decision, the regulations on wages and other working conditions in the agreement will apply to all persons performing work within the scope of the agreement, both Norwegian organised and non-organised workers and foreign workers. In the reference period there were five such regulations in force, regarding the construction industry, shipyards and the green sector.

The wages for apprentices and/or young workers are stipulated in most of the relevant collective agreements, especially concerning different kinds of trade and industry, but also in agreements comprising service occupations, for instance within hotels and restaurants and transport. Further, the wages for young workers are also set in extended collective agreements. For apprentices in the central state administration wage and labour conditions are stipulated in a special agreement.

## 2) *Implementation of the legal framework*

The compliance of the collective agreements is monitored by the unions. Breaches of the collective agreements may also be followed up through the system for enforcement of such agreements, if necessary by bringing a case before the Labour Court.

### 3) Figures

In its conclusions 2006 the Committee asks for the next report to contain updated information on the net value, i.e. the amount after deduction of tax and social security contributions, of the minimum wage paid to young workers under the age of 18 and on the starting wages or minimum wages paid to adult workers.

The Government cannot provide information on employees' minimum wages, but has provided the following figures from Statistics Norway regarding average yearly wages per fulltime-equivalent after deciles and age-groups, third quarter 2002 and 2006 in NOK:

#### 2002

Deciles	All	Youths under 20 years	20 – 24 years	25 years and more
10	191 800	124 100	163 000	204 800
20	227 500	139 100	191 100	234 500
30	244 900	149 800	202 100	251 500
40	261 600	164 000	212 100	267 800
50	278 100	178 000	221 100	284 400
60	297 200	186 700	233 000	303 300
70	319 600	193 900	246 100	326 100
80	350 200	204 900	261 300	357 200
90	402 700	216 200	282 400	411 300
100	589 000	271 400	348 900	600 400
<b>Average</b>	<b>316 200</b>	<b>182 800</b>	<b>236 100</b>	<b>324 100</b>

#### 2006

Deciles	All	Youths under 20 years	20 – 24 years	25 years and more
10	217 200	137 700	181 500	235 000
20	260 200	157 700	213 600	268 900
30	281 100	170 700	227 400	289 700
40	301 100	187 600	238 400	308 700
50	320 800	201 200	250 200	328 200
60	342 600	210 700	263 900	350 400
70	368 900	218 900	279 400	376 600
80	404 100	231 300	298 000	412 500
90	467 800	247 300	322 100	478 600
100	702 700	315 800	396 700	717 700
<b>Average</b>	<b>366 700</b>	<b>207 900</b>	<b>267 100</b>	<b>376 600</b>

The tables reflect yearly payed gross earnings. Personal income is taxed according to a dual income tax system with a low flat rate on capital income, and a progressive rate on labour and transfer income. Total net income (i.e. total income from labour, capital and transfers after deductions) is levied a 28 percent flat tax rate. In addition to this flat rate, gross wage income is also taxed with a social security contribution rate of 7.8 percent and a surtax of 9 percent und upwards depending on the wage level. We have no information of how many of these employees are apprentices.



### **Article 7§6 – Time spent on vocational training**

#### *1) General legal framework - reforms*

In its conclusions 2006 the Committee refers to that it considers that vocational training within the framework of and for the purpose of an apprenticeship should be considered as working time and remunerated as such (Conclusions XV-2, Netherlands, Article 7§6, pp. 341-342).

The Committee concludes in its report 2006 that the situation in Norway is not in conformity with article 7§6 on the grounds that, in principle, young workers are not entitled to have their training time paid as working hours.

Reference is made to previous reports. No changes have been made in the relevant regulatory framework.

The Government would like to underline that apprentices and trainees are considered as employees in the company and are paid accordingly, as stipulated in the collective wage agreement for the trade concerned. However, in this context a distinction is made between the period of training spent in the company, during which the apprentices and trainees may not receive wages, and the period of work participation where he or she takes part in the productive activities of the enterprise. During the period of training, the company has an obligation to organize the training so that the apprentice and the training candidate can achieve the objectives of the prescribed curriculum. During the period of work participation the apprentices and trainees are paid accordingly, as stipulated in the wage agreement for the trade concerned.

#### *2) Implementation of the legal framework*

Reference is made to previous reports.

#### *3) Figures*

The Government cannot provide any figures.

### **Article 7§7 – Paid annual holidays**

#### *1) General legal framework - reforms*

The Committee concludes that the Norwegian situation is in conformity with article 7§7. No legal amendments are done in the reference period in this respect.

#### *2) Implementation of the legal framework*

Reference is made to previous reports.

#### *3) Figures*

The Government cannot provide any figures.

### **Article 7§8 – Prohibition of night work**

#### *1) General legal framework - reforms*

The Working Environment Act, section 11-3, states that children who are under 15 years of age or are attending compulsory education shall not work between 8.00 p.m. and 6.00 a.m. However, pursuant to the regulation 30 April 1998 section 11, children under the age of 15 or attending compulsory education may perform cultural, artistic or sporting work between 8.00 pm and 11.00 pm if the work will not affect their safety, health or development in a negative

way and will not affect their education, participation in vocational guidance or training or their possibility to benefit from education. The prior approval of the Labour Inspection Authority and the parents of the child is a prerequisite for this kind of work. When the work is finished after 10.00 pm, the time off must continue to 7.00 am.

It further states that young persons between 15 and 18 years of age who are not attending compulsory education shall have an off-duty period of at least 8 hours including the time between 11.00 pm and 6.00 am. Work between 9.00 pm and 11 pm is night work, and is not permitted unless necessitated by the nature of the work or unless there is an exceptional and temporary need for night work.

The second paragraph shall not apply to work that, owing to natural disasters, accident or other unforeseen events must be carried out in order to avert danger or damage to life or property and where is strictly necessary to employ the young persons concerned in the work. Young persons who take part in such work shall have a subsequent compensatory rest period.

The Ministry may by regulation provide that the off-duty period may be shorter in respect of certain types of work, and lay down further provisions concerning this, including conditions.

### *2) Implementation of the legal framework*

Reference is made to the answer regarding article 7§1.

### *3) Figures*

The Committee has previously noted that the Working Environment Act prohibits young persons aged 15 to 18 from working between 10 pm and 6 am or 11 pm and 7 am. However, exceptions are allowed under this legislation for certain occupations. These are described in detail in Conclusions XIII-4 (pp. 308-309). The Committee therefore asked for an estimate of the number of young persons working at night in the occupations concerned. The only relevant information forthcoming appears in a Nordic Council study that only relates to 13 to 17 year olds and young part-time workers. The report does not answer the question. The Committee reiterates its question in 2006.

The Government does not have figures, statistics or any other relevant information that is appropriate in this context in addition to the text about the legal framework and the measures taken to implement it.

## **Article 7§10 – Protection against physical and moral dangers**

### *1) General legal framework - reforms*

Questions 1, 2 and 3:

No changes have been made in the relevant regulatory framework in the educational sector or in the labour law sector. Hence, reference is made to previous reports regarding these fields.

However, the Government submitted in 2009 a bill to the Parliament with proposals to amend the Children and Parents Act. The bill has been adopted by the Parliament 23. March 2010 and entered into force 9. April 2010. According to the Children Act section 30 children must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health. The bill clarifies that all kinds of violence (including light slaps, gently slaps,) against children are prohibited, even if it happens as a part of bringing up

a child/in connection with upbringing of the child. The bill clarifies also that frightening or annoying behaviour or other inconsiderate conduct towards the child is prohibited.

## *2) Implementation of the legal framework*

### Protection from sexual exploitation

The Committee asks for updated information in the next report on the most recent Action Plan against Sexual Exploitation of Children, as well as information on the incidence of sexual exploitation of children in Norway.

In July 2003, the following specific provision on trafficking was introduced in section 224 of the General Civil Penal Code:

*Any person who by force, threats, misuse of another person's vulnerability, or other improper conduct exploits another person for the purpose of*

- a) prostitution or other sexual purposes,*
- b) forced labour or enforced services, including begging,*
- c) war service in a foreign country, or*
- d) removal of any of the said Person's organs,*

*or who induces another person to allow himself or herself to be used for such purposes, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years.*

*Any person who*

- a) makes arrangements for such exploitation or inducement as is mentioned in the first paragraph by procuring, transporting or receiving the person concerned,*
- b) in any other way aids and abets such exploitation or inducement, or*
- c) provides payment or any other advantage in order to obtain consent to such exploitation from any person who has authority over the aggrieved person, or who receives such payment or other advantage shall be liable to the same penalty.*

*Any person who commits an act referred to in the first or second paragraph against a person who is under 18 years of age shall be liable to a penalty independently of any use of force or threats, misuse of a person's vulnerability, or other improper conduct.*

*Gross human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offense is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain.*

### Criminalizing the purchase of sexual activity or a sexual act

In November 2008, the Norwegian Parliament voted for changes in the legislation on prostitution, in effect criminalizing the *purchase* of sexual activity or a sexual act, by introducing a new section 202a in the General Civil Penal Code, which entered into force 1 January 2009 in the following wording:

*Any person who*

- a) engages in or aids and abets another person to engage in sexual activity or commit a sexual act on making or agreeing payment,*
- b) engages in sexual activity or a sexual act on such payment being agreed or made by another person, or*
- c) in the manner described in (a) or (b) causes someone to carry out with herself or himself acts corresponding to sexual activity, shall be liable to fines or to imprisonment for a term not exceeding six months or to both.*

*If the sexual activity or sexual act is carried out in a particularly offensive manner and no penalty may be imposed pursuant to other provisions, the penalty shall be imprisonment for a term not exceeding one year.*

This legislation was introduced as a measure to combat trafficking in human beings in Norway.

At the same time, Parliament increased the penalties in the existing section 203, which applies when the relevant acts are committed against a person less than 18 years of age. The punishment is now fines or imprisonment for 2 years, and three years if the sexual activity or sexual act is carried out in a particularly offensive manner.

Sexual exploitation of children constitutes a fundamental violation of human right and represents a great threat to their integrity. Norway has been active in the international debate, for instance in the UN.

The most important task is to protect children from being victimized by sexual exploitation at all. In this respect, the Norwegian government has intensified the fight against exploitation of children. In 2007, Norway amended the Penal Code, making it illegal for adults to make contact with a child via Internet, with the purpose to have sexual relation with that child ("grooming").

Furthermore, the government has made several preventive measures to avoid children becoming victims of sexual exploitation via Internet. The police and the Internet service providers have developed *a filter* that stops further use of a certain site with illegal pornographic content and then cuts further connection. Such a filter can be used voluntarily by the service providers running the net. The public can report pictures on the Internet with an illegal content, directly to the police by using what are called the *Red button*. This is a mark which is easy to see and easy to use for sending a message to the police about sites containing illegal pictures.

Especially for children this Red button will be easy to use. It is important for the police to collect information also on the Internet. Therefore the police are "patrolling" the Internet as well as they patrol the streets. Information to the police is of greatest importance in their preventive work to combat sexual exploitation of children via Internet. We must have in mind also those children who already have been exposed to exploitation. Identification of victims, - as well as the perpetrators is therefore essential.

As an effort to lighten the burden for children who are victims of sexual exploitation, the Norwegian government has established Children's Advocacy Centers, similar to those we find for instance in Iceland, Sweden, USA.

Measures to combat sexual exploitation are described in Norway's 4<sup>th</sup> periodic report to the UN Committee on the Rights of the Child (2008) Chapter VIII, paragraph 526 – 546, and Chapter IX, paragraph 573 – 587. Link til rapporten:  
[http://www.regjeringen.no/upload/BLD/Barnets%20rettigheter/The\\_Rights\\_of\\_the\\_Child.pdf](http://www.regjeringen.no/upload/BLD/Barnets%20rettigheter/The_Rights_of_the_Child.pdf)

#### Protection of children against other forms of exploitation

The Committee had previously requested information on the incidence of other forms of exploitation of children such as trafficking for economic exploitation etc as well as the legal

provisions protecting children in these areas. It asks for specific information to be provided on this in the next report.

Section 224 of the Penal Code protects children against trafficking for economic exploitation. In 2006, the Government established a Coordinating Unit for victims of trafficking (KOM).

The government launched a new Action Plan against Trafficking in December 2010.

One of the 35 measures in the Action Plan calls for increased attention to underage asylum seekers involved in criminal activities, as there is reason to believe that several of them are being exploited. Please find a link to the plan here (only in Norwegian):

[http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Handlingsplan\\_mot\\_mennesk\\_ehandel\\_2011-2014.pdf](http://www.regjeringen.no/upload/JD/Vedlegg/Handlingsplaner/Handlingsplan_mot_mennesk_ehandel_2011-2014.pdf)

Measures to combat other forms of exploitation of children are also described in Norway's 4<sup>th</sup> periodic report to the UN Committee on the Rights of the Child (2008), cf. link above at this page.

### 3) Figures

Coordinating Unit for victims of trafficking (KOM) was tasked with gathering information on the incidence of trafficking in Norway. In KOM's report for 2009, it was stated that 69 persons presumed to be children, were currently given care as possible victims of trafficking.

## **Article 8 - Right of employed women to protection of maternity**

Reference period 1/1/2003 – 31/12/2009

### **Art 8§1 Maternity Leave**

#### *1) Legal framework - reforms*

During the reference period a new Working Environment Act came into force (1 January 2006), hereinafter referred to as the WEA. This act replaced The Act relating to Worker Protection and Working Environment of 4 February 1977 No. 4. The regulations regarding maternity leave were continued in the new WEA.

The WEA provide the regulations regarding the right to leave of absence. The WEA section 12-5 paragraph 1 states that parents shall be entitled to leave of absence for a total of 12 months. When parental benefits are paid by the National Insurance, parents shall be entitled to leave of absence regardless.

In addition to leave of absence pursuant to the first paragraph, each of the parents is entitled to leave of absence for up to 12 months for each child. This leave must be taken immediately after the parents' leave of absence pursuant to the first paragraph. An employee who has partial leave of absence is nevertheless not entitled to leave of absence pursuant to this paragraph.

Unless the child is in the care of both parents, the right to leave of absence pursuant to the first paragraph may be exercised by another person taking care of the child. An employee who has sole responsibility for the care of a child shall be entitled to leave of absence pursuant to the second paragraph for a period of up to two years.

Incidentally, reference is made to previous reports regarding the regulations in the WEA.

### The right to adequate benefits

The payment through the leave of absence is ruled by the National Insurance Act. Reference is made to previous reports regarding this.

The right to payed basic parental leave in Norway was last extended for births after 1 July 2009 to a total of 46/56 (the alternative 80 percent of full wage) weeks. Of these weeks the mother is obliged to take three weeks before delivery and stay home from work six weeks after the birth. From the same date the father is obliged to take at least 10 weeks of the total period. The latest extensions of the parental leave have been motivated from the wish to give the fathers more time with the small child.

From 2006 a reform was introduced which gave also the self-employed parent the right to an economic compensation in line with employees of 100 percent of earlier income — an important improvement for this group from the earlier 65 percent.

The Committee refers in its conclusions 2006 to that in order to be entitled to parental benefits in Norway, the mother or father must have been employed and earning a pensionable income for at least six of the 10 months prior to the commencement of the benefit period. The Committee asks whether periods of unemployment are reckoned as working time for the purposes of parental benefit.

According to Norwegian law, periods of unemployment are reckoned as working time in this context and unemployment benefits are reckoned as a part of the total base for the estimation of the parental benefit.

### *2) Implementation of the legal framework*

Reference is made to previous reports.

### *3) Figures*

#### *Parental benefit scheme. Childbirths and use of the scheme 2007 – 2009*

<b>Year</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Number of live births children	58 459	60 497	61 807
Women with parental benefit during the year	50 283	51 575	54 474
Men with parental benefit during the year	37 672	40 183	43 179
Persons with graduated parental benefit during the year	2 572	4 845	6 952
Persons with lump sum grants in connection with childbirth and adoption during the year	11 940	11 343	12 206

### **Article 8§3 Time off for nursing mothers**

#### *1) Legal framework - reforms*

A new Working Environment Act came into force 1 January 2006 (WEA), which replaced The Act relating to Worker Protection and Working Environment of 4 February 1977 No. 4. The regulations regarding nursing were continued in the new WEA. Hence, reference is made to previous reports.

According to the WEA section 12-8, nursing mothers are entitled to request the amount of time off necessary for this purpose, at least 30 minutes twice daily, or to request that her working hours be reduced by up to 1 hour per day.

The WEA provides for leave of absence to nurse the child, but not for compensation. However, some collective agreements provide for paid leave of absence in this situation, among them the collective agreement for employees in the state sector. No new reform has been carried through in this field during the reference period. However, the Norwegian government has recently decided to proceed with a bill regarding remuneration to the mothers who are absent from work, due to nursing their children.

## *2) Implementation*

The Committee wishes to know what percentage of collective agreements, in fact does provide for paid nursing breaks. In the public sector the collective agreement gives the employed the right to up to two hours a day remunerated as working time, the agreements in the private sector cover one hour a day. It is estimated that 45 percent of the workers in the private sector are working in jobs covered by these agreements. This implies that approximately 80 percent of the working mothers have the right to remuneration when nursing.

Some new data about nursing in Norway have been collected. 46 percent of the mothers are still nursing when the child is 12 months old. The health authorities have set as a goal that this percentage should raise to 50 percent.

## **Article 16 – Right of the family to social, legal and economic protection**

Reference period 1/1/2005 – 31/12/2009

### *1) General legal framework – reforms*

Reference is made to previous reports.

#### Social protection of the family

- Housing of families

The Committee asks in its conclusions 2006 for information in the next report on measures affecting families under the 2004 strategy, and on the situation of vulnerable families with regard to housing.

Regarding this question we refer to the report provided under article 31.

- Childcare facilities

In its conclusions 2006 the Committee requests that future reports provide updated information on the supply of and the demand for child day care services.

According to the Kindergarten Act, all children in Norway have a legal entitlement to a place in kindergarten. All children deserve a good quality place in kindergarten. The Norwegian Government will take care of and develop the best of the kindergarten tradition in Norway. This tradition is founded on a holistic approach to care and learning and respect for the value of childhood in itself. This approach must be sustained, but at the same time the kindergarten's content and tasks must develop in accordance with new knowledge and research.

Investing in the youngest is of great value. Both international and national research shows that early intervention gives high return. Children, who have attended kindergarten, have better chances of succeeding in education and working life than children who have not attended kindergarten. After a period in Norway with high increase in kindergarten places, introduction of maximum parental fees and most recently (2009) a legal entitlement to a place in kindergarten, the Government will now emphasize quality and content in kindergarten.

- Participation of associations representing families

The Committee previously has noted that there is no legislation to ensure that families' point of view is taken into account in drawing up family policies. In its conclusions 2006 the Committee asks whether such a measure is envisaged and whether associations representing families are consulted in practice.

In Norway there are few family associations as such. Mothers and fathers are usually only organised in the role as a parent when they have more specific problems. There are a few organisations for divorced parents and an organisation for lone parents. An old organisation is The Norwegian Family and Women organisation, a modern transistion of the earlier Housewives Organisation in Norway. These associations are regularly consulted by the Norwegian Ministry of Children, Equality and Social inclusion. Day-care institutions and schools have regulations in their legal framework ensuring parents (and children as well) the right to be heard.

All proposals for new laws and other major reforms from government and local authorities have as a rule to be laid out for a "public hearing". These hearings give everyone – persons, institutions and organisations – both the possibility and the right to be heard.

#### Legal protection of the family

- Mediation services

The Committee asks in its last conclusions whether families of non nationals are also eligible for the family counseling service.

The mediation services in Norway are what we call a "primary service" - it means that everyone may contact the mediation office and ask for an appointment. It is not common to ask for citizenship. The right to free translation when it is needed for people consulting Norwegian authorities and social and other services for the public are not regulated by one law, but in most of the specific laws regulating the different services.

The problem will in most cases be a problem of practical character – how to find a competent translator in a specific language. This is a common problem outside the few largest cities.

- Domestic violence against women

The Committee says in the conclusions that it has earlier noted that the Norwegian Ministry of Justice did have plans to amend section 219 of the Criminal Code with the view to revising the provision concerning violence in close relationships. In July 2004 the Government appointed a commission to make proposals for strengthening victims' standing in criminal proceedings. The Committee has also noted the 2004-2007 action plan to combat domestic violence and the setting up of a cross-ministerial working group to develop a coordinated strategy on the subject and supervise implementation of the action plan. The Committee has noted that 6.58 per million Norwegian women are killed in the home. It invites the Government to provide an extensive description of the situation in its next report.



### *Section 219 of the Criminal Code*

A special penal sanction for violence in intimate relationships entered into force on 1 January 2006 (section 219 of the Criminal Code). This also covers mental abuse. The relevant provisions in the Penal Code 2005 take, to a far greater degree than previously, the violence that goes on behind closed doors seriously. The punishment for abuse in intimate relationships is increased from three to six years, and for aggravated abuse from six to 15 years. A major increase in sentencing is also proposed within these frameworks; it shall be accounted an aggravating factor in sentencing if a child has been witness to the violence.

### *Strengthening of victim's standing*

Through amendments to the Criminal Procedure Act, in force 1 July 2008, the rights of victims in the criminal procedure have been strengthened, in particular for victims of sexual abuse. More victims are given free legal counsel to assist them during the police investigation and trial. Imposing on the police and prosecuting authorities a duty to report regularly to the victims about the progress and development of the case also strengthens the victims' right to information. During trial, victims are granted some procedural rights equal to that of the defendant – like the right to examine witnesses in court and the right to comment on evidence presented in court.

Crime victims are rendered compensation through general state funded compensation schemes, such as sick pay and national insurance benefits, public and private insurance schemes etc. In addition, the following compensation schemes exist:

Act on Compensation from the State for Personal Injury caused by a Criminal Act (Criminal Injuries Compensation Act) gives persons who have endured personal injury caused by an intentional bodily harm or other criminal act marked by violence or force, or his or her surviving relatives, a right to criminal injuries compensation from the state. The criminal injuries compensation scheme is funded by the state through the Ministry of Justice and the Police's budget.

### *Shelter services*

The Act relating to Municipal Crises Centre Services (Crisis Centre Act), which entered into force on 1 January 2010, provides a statutory duty for local authorities to provide shelter services and coordinated assistance for victims of violence. Up till then the shelters have been provided by different women's organizations with economic help from the central government. The purpose of the law is to provide a more equal quality of the services provided all over the country. The shelters are available for everyone exposed to domestic violence and to young people subjected to forced marriages and human trafficking. This entails a duty for the local authorities to ensure that women, men and children are given comprehensive assistance and follow-up in the form of coordinated crisis centre services for the users. The Act takes two different gender perspectives into account: the one perspective involves promoting special equality for women by ensuring particular protection to the group most exposed to domestic violence. The second perspective involves promoting general equality between the sexes by giving men and women exposed to domestic violence equal provision of emergency assistance. The Act states that the residential arrangements for women and men should be physically separate.

### Economic protection of the family

Persons who are not able to support themselves by working or by asserting their economic rights are entitled to financial social assistance. This right is governed by the Social services Act of 1991.

The local labour and welfare administration is responsible for providing financial social assistance to anybody present in the municipality. The Act contains no guidelines concerning the level of financial assistance provided, but is based on the premise that every person must be guaranteed an adequate living. Exactly what constitutes an adequate living is determined on the basis of an assessment of the needs of each individual applicant. Financial social assistance is a subsidiary benefit for individual recipients, and is the lowest financial safety net in the social security schemes.

The administration of the municipalities' social services and the national employment service (Aetat) and the National Insurance Service (RTV) have been reorganized and, since 1 July 2006, form a new labour and welfare administration (NAV). The principles for the new administration were decided during the Storting's consideration of the white paper on a new employment and welfare administration (Report No. 46 (2004-2005) to the Storting). The main goals of the reform are having more people in employment and activity and fewer on benefits, a more user-friendly, user oriented system, and a coordinated, efficient employment and welfare administration.

The Norwegian tax code provides some special treatment for families. One-earner families and single parents are entitled to a double standard allowance (tax class 2). In two-earner families, each spouse is normally taxed individually (tax class 1), thus receiving one standard allowance each. Single individuals are also taxed in class 1. According to 2009 tax rules, taxation in tax class 2 provides a tax relief of about 11 400 NOK. The tax expenditure due to class 2 taxation was approximately 1 750 million NOK (2009).

The thresholds for the surtax were higher for taxpayers in class 2 until 01.01.2006. Taxpayers in class 1 and class 2 are now subject to the same surtax thresholds. Single parents receiving the transitional benefit can be taxed according to a special tax limitation rule. The tax limitation rule provides tax exempt or tax reductions for transitional benefit receivers with low and medium incomes.

Parents may deduct documented child care expenses for children below 12 years of age. The maximum deduction rate was increased January 2008 and has since then been NOK 25 000 for the first child and NOK 15 000 for each additional child. The tax expenditure for the child care deduction was approximately 2 025 mill NOK in 2009.

## *2) Implementation of the legal framework*

### Legal protection of the family

- Domestic violence against women

#### *Strengthening of victim's standing*

The Counseling Offices for Crime Victims, consisting of 14 offices throughout the country, is a supplement to the public services. The management is financed by the Ministry of Justice and the Police. These offices give advice and render practical help and inform and assist the victim in contacting other public services. They also inform on the pending of a criminal case from the bringing of charge to the court's judgment and the rights of victims. In addition they assist with preparing applications for criminal injuries compensation and ex-gratia payment.

- *Action plan to combat violence in intimate relationships*

In December 2007, the Norwegian Government launched a new action plan against violence in intimate relationships, applicable to the period 2008-2011 (“The Turning Point”). Prepared in collaboration by five ministries, the 50-measure plan has its basis in the need to see the work against violence in intimate relationships in an integrated, cross-sector perspective. The plan has the following targets:

- The victims shall be guaranteed the necessary help and protection,
- The spiral of violence shall be broken by strengthening the treatment services offered to the perpetrator,
- The victims shall be offered facilitated conversations with the perpetrator,
- Knowledge and cooperation in the support apparatus shall be strengthened,
- Research and development work shall be implemented,
- Violence in intimate relationships shall be given enhanced visibility,
- Violence in intimate relationships shall be prevented through changes in attitude.

The responsibility for coordinating the Government’s efforts to combat violence against woman lies with the Ministry of Justice and the Police. However, there are a number of issues involved, which cannot be solved, with the use of criminal policy instruments alone. An effective fight against violence requires close cooperation with other central government authorities with responsibility for health, social welfare and gender equality issues. To meet the need for coordination at central government level, a cross-ministerial working group has been set up. This group consists of representatives of the Ministries of Health, Education, Children-, equality and inclusion, and Justice and the Police. As well as ensuring the implementation of action plans, the group will draw up proposals for future efforts to combat domestic violence.

- *Spousal homicide*

The Government has initiated a survey of a selection of spousal homicide cases. The object is to strengthen the knowledge base regarding risk factors and possible warning signs. This survey will help develop better and more focused protective measures and better prevention strategies. As part of the preventive work, two pilot projects for testing of the registration tool *Spousal Assault Assessment Guide-Police Version* are under way. This is a tool that the police can use to evaluate risk factors for future serious spousal violence.

#### Economic protection of the family

The State has issued guidelines to the municipal authorities in the form of recommendation defining the expenses covered by the term “a living” in the Social Services Act. Since 2001 the Ministry has issued guidelines in the form of recommended rates of economic assistance. The State guidelines encompass current, everyday living expenses. Housing expenses, electricity and heating costs and other special expenses are not included in the basis of calculation, but are covered separately. The rates are adjusted every year according to the price rise. In order to improve the economic situation and living conditions for those receiving social assistance benefits, the Government has increased the level for economic assistance to livelihood in the government guidelines by 5% above the average price rise in 2007 and in 2009.

The Government presented an action plan against poverty in the government budget for 2007, which has since been followed up in the government budgets. Together with other documents such as the white papers Work, welfare and social inclusion (Report No. 9 (2006- 2007) to the Storting), Early intervention for lifelong learning (Report No. 16 (2006007) to the Storting) and A national strategy to reduce social disparities with regard to health (Report No. 20

(2006-2007) to the Storting), the Action Plan for Integration and Social Inclusion of the Immigrant Population and Goals for Social Inclusion, and the National Action Plan on Alcohol and Drugs the present action plan against poverty is part of a comprehensive policy for social inclusion, reducing social disparities and poverty reduction.

### 3) *Figures, statistics etc*

#### Social protection of the family

- Vulnerable families and housing:

In Norway there are no statistics on how many families who are vulnerable with regarding to housing in Norway, but we estimate that there are approximately 20 000 children living in social houses. A survey undertaken in 2006 shows that many families in social houses experience lower housing conditions than the average population. A national surveys on homelessness undertaken in 2008 shows that 378 children are homeless *together with their parents*. Most of these families live together with families or friends. One out of four lives in women refugee houses. About 15% lives in temporary accommodations. The Norwegian government has appointed an official committee that inter alia shall examine the situation of vulnerable families with regard to housing. The committee will hand over their conclusions and recommendation in June 2011.

- Childcare facilities

Facts about kindergartens in Norway (KOSTRA 2008)

- Children in kindergartens: 261 884
- Kindergartens: 6 706
- Coverage for children 1- 5 years: 87.2 per cent
- Staff in kindergartens: 81 433
- State grants for kindergartens 2009: 24.3 billion NOK

#### Extent of domestic violence in Norway

The extent of domestic violence against women and children in Norway is not known exactly. This applies to abuse of women, physical abuse of children, children as witnesses to violence and sexual abuse of children. However, a number of studies clearly indicate that such violence is far more widespread than initially assumed and also far more dangerous than initially assumed. Among the 32 victims of murder in Norway in 2008, 6 were women murdered by their *intimate partner*. In the period of 1997 to 2008 the number of women murdered by their *intimate partners* was 82. This constitutes between 20% and 30% of the murders committed every year.

There has been a *sharp rise* in the number of reported cases of *domestic violence* from 2007 to 2009 (cf. section 219 of the Penal Code). In 2007, 948 cases, in 2008 1457 cases and in 2009 cases 2144 cases were reported, an increase of 55% from 2007 to 2009. The increase in the number of cases reported must, in the view of the Norwegian authorities, be viewed in connection with the increased efforts of the police in combating domestic violence in recent years. We refer in this connection to the fact that the violence figures from Statistics Norway's survey of living conditions and crisis centre statistics have been relatively stable during recent years.

A nationwide survey carried out in 2005, showed that approximately nine per cent of women over fifteen years of age in Norway have been victims of severe violence from their current or former partner one or more times in the course of their lives. The term severe violence

comprises attempted strangulation, use of weapons, and beating the head against an object or wall. Barely two percent of men have experienced a severely violent act.

The number of children who seek shelter with their mother in a crisis centre offers an indication of the number of children who grow up in an environment of domestic violence. Out of a total of around 3,250 persons who spent one or more nights at a crisis centre in 2008, 1,500 were children.

#### Economic protection of the family

Even if the municipalities are free to choose whether or not to follow the government guidelines, there are only small differences between municipalities in average economic assistance disbursements. Most municipalities have rates similar to those recommended in the government guidelines. In 2007, 73% of municipalities followed the rates recommended in the government guidelines for single persons, while 13% had higher rates and 15% had lower rates. The municipalities with low rates deviated little from the recommended rates. However, there is a tendency for municipalities to include a larger number of items in their social assistance rates than the government rates are intended to cover.

### **Article 17 – Right of children and young persons to social, legal and economic protection**

Reference period 1/1/2003 – 31/12/2009

#### **Article 17§1 – Assistance, education and training**

*1) General legal framework - reforms*

#### Economic social assistance

Reference is made to our response to questions under article 16.

#### Education

Regarding education, reference is made to the report under article 17§2.

#### Family law

When it comes to family law, there have been no major changes in Norway in the period for this report. We refer to the report to the UN Committee on the Rights of the Child (2008) Chapter V Family and alternative care, paragraph 174 - 200. Link to the report: [http://www.regjeringen.no/upload/BLD/Barnets%20rettigheter/The\\_Rights\\_of\\_the\\_Child.pdf](http://www.regjeringen.no/upload/BLD/Barnets%20rettigheter/The_Rights_of_the_Child.pdf)

#### The Marriage Act and adoptions

Amendments to the Marriage Act were adopted by the Storting on 17 June 2008 and entered into force on 1 January 2009. The amendments give same-sex couples the same right to marry as heterosexual couples. This means that same-sex married couples have the same right to be considered for adoption as heterosexual married couples.

#### Children in public care

Reference is made to Norway's 4. Report to the UN Committee on the Rights of the Child (2008) Chapter V Family and alternative care, paragraph 201 - 248, cf. link above under "Family law".

### The Child Welfare Act

On 1 July 2009, section 1-3 of the Child Welfare Act, which specifies to whom the Act applies, was amended to permit every child who has received assistance and care from the child welfare services to continue to receive assistance, when the child consents, after they have reached the age of 18 years. A sentence was added, stating that: "the termination of a measure when the child reaches the age of 18 and the rejection of an application for a measure after the child has reached the age of 18 shall be regarded as individual decisions and shall be justified by the consideration of the child's best interests, cf. section 4-1." As a consequence of the amendment, the Ministry of Children and Equality will update the guidelines and circulars concerning after-care for those between 18 and 23 years old.

Section 4-5 of the Child Welfare Act concerning follow-up of assistance was amended in June 2009. The reason was that efforts to provide satisfactory conditions by means of assistance measures were sometimes continued for too long a period of time. Section 4-5 of the Child Welfare Act now read:

"When a decision is made to provide assistance measures, the child welfare service shall draw up a time-limited plan of measures. The child welfare service shall closely monitor the progress of the child and the parents, and assess whether the assistance provided is appropriate, and if relevant whether new measures are necessary, or whether there are grounds for taking the child into care.

The plan of measures shall be evaluated on a regular basis."

In June 2009 section 6-7a of the Child Welfare Act, which concerns the response to reporters, was amended. The Ministry had received reports indicating that the child welfare service was invoking professional secrecy to an unjustified extent when responding to persons who report concern about a child's welfare to the service. The amendment gives reporters in such cases the right to a response within three weeks of receipt of the report.

To improve supervision of the child welfare service, a new section 2-3b was included in the Child Welfare Act giving the Norwegian Board of Health supervisory authority in 2009. The amendment entered into force on 1 January 2010.

A new act relating to the establishment of an expert child commission dealing with child welfare cases was adopted on 27 March 2009. The Act entered into force on 1 January 2010.

### Child welfare institutions

The Committee asks for information on how many children who are accommodated in a unit of a child welfare institution. A child welfare institution may consist of several departments within a limited geographical area. We take into account that one department is considered as one unit. There are no formal guidelines as to the size of the units in a child welfare institution. However, the Norwegian Directorate for Children, Youth and Family Affairs states that most units in a child welfare institution are quality assured for 3-8 children. There are, however, units which accommodate both smaller and larger groups. The size of the unit will depend on a concrete assessment on propriety according to target group, method and objective.

The Committee also requests information on regulations concerning staff qualifications, training and wage levels of staff in child welfare institutions. Instructions on requirements for

quality and internal control in child care institutions<sup>1</sup> section 5 states that an institution should have a staff plan which safeguard a professional management. The institution should have a leader and a substitute leader with a 3-year college education in social work or other relevant education at the same level, plus an additional administration and management education. It's not possible to give a general picture of the wage level, since it varies according to the staffs educational background and years of practice.

The Committee asks for the number of complaints filed and the remedies provided by the county governor from children living in child welfare institutions. In 2009, 504 complaints were filed by children living in child welfare institutions. The county governor supported 50 of these complaints, and gave partial support to 16 complaints.

### Young offenders

The Committee notes in its conclusions 2005 that 10 young offenders were imprisoned in 2003. The Committee repeats its request for information on the maximum length of imprisonment of young offenders.

The Committee notes in the same conclusions that juveniles are detained in adult prisons and are monitored closely by prison staff in order to prevent any harmful effects of their incarceration. The Committee recalls that under Article 17§1 of the Revised Charter children should not be imprisoned together with adults and asks whether children actually mix with adults. It asks more details on how prison staff prevent harmful effects and which measures are taken to remedy harmful situations.

The Committee requests up-dated information as to how many minors are placed in pre-trial detention, where are they held, the duration thereof and for what types of offences. It asks more details as to the four-hour rule under section 8 of the Police Act, applicable to minors.

The Committee notes that children with serious behavioral problems are placed, by the order of the county welfare board, in institutions for observation examination or treatment. The committee requests information on whether such orders are imposed on children after they have been convicted by a court for an offence.

A child who has shown serious behavioral problems in the form of serious or repeated criminality may be placed in an institution without its consent for observation, examination and treatment, pursuant to the Child Welfare Act section 4-24. The purpose of the placement is to give the individual child necessary care and treatment in accordance with the best interest of the child. The Supreme Court considered in two decisions, in 2003 and 2004, whether a placement pursuant to the Child Welfare Act section 4-24 is a penalty. The decision from 2004 stressed that a placement pursuant to section 4-24 has another purpose than a penalty, and that the Child Welfare Act contains other legal conditions than the primary condition "serious behavioral problems in the form of serious or repeated criminality". The Court concluded, due to an overall judicial assessment, that there was a difference between the conditions laid down in the Child Welfare Act and the conditions for penalty. The decision from 2004 seems to give the county social welfare board the opportunity to order a placement in an institution, even though the child has been convicted by a court for an offence. This means that the same criminal offence can be a basis for both a penalty prosecution and placement in a child welfare institution.

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<sup>1</sup> Forskrift om krav til kvalitet og internkontroll i barneverninstitusjoner

## 2) *Implementation of the legal framework*

### Economic social assistance

The social services are dealing with families, not children alone. The interest of the children in the family is to be put forward when considering the kind of help or assistance to organise for a family. The state's guidance to the interpretation of the law (Circulars), emphasize the right for children in poor families to have a normal childhood and be able to participate in ordinary activities in their local community.

Social services in Norway are the responsibility of the municipalities. The local authorities decide how to organize their services with a view to help children. They may, for example, have special measures for families or children, or employees with particular expertise. Most measures are generally designed, to avoid stigmatizing.

### Young offenders

The Committee further asks for information on preventive and rehabilitative aspects of juvenile justice. We refer to the 4th Norwegian report to the Committee on the rights of the Child (2008) Chapter VIII B, cf. link above under this paragraph number 1 “Family law”. Children in conflict with the law, paragraph 488 - 494. As to preventive measures, we refer to the same report, paragraph 512, describing the method Multisystemic Therapy (MST), a parental support method for children with serious behavioral problems. Another program, The Parent Management Training – Oregon model (PMTO) is aiming at qualifying parents to intervene at the early stages of deviant child behavior to prevent later substance abuse, child antisocial behavior, delinquency, and school failure. Both methods are implemented in Norwegian municipalities.

## 3) *Figures, statistics etc*

### Economic social assistance

Out of 117 653 persons receiving economic social assistance in 2009, 31 131 (26.5 percent) were responsible for children under 18. Single parents and families with many children are overrepresented.

## **Article 17§2 – Free primary and secondary education – Regular attendance at school**

### *1) General legal framework - reforms*

Reference is made to previous reports.

Since the last report the education act has been amended in order to make upper secondary education completely free of charge. The Education Act section 3-1 was amended in 2007. With the amendment, the county municipalities were made responsible for providing the pupils with the necessary printed and digital teaching materials and digital equipment free of charge.

### *2) Implementation of the legal framework*

In their conclusions 2005 the Committee notes from another source<sup>2</sup> that there has been lack of specialization in the educational background of some teachers which has a negative impact on education and pupils. It wishes to receive information on measures taken to strengthen teacher-training so as to increase the number and standards of teachers and to improve the conditions of service of teachers.

<sup>2</sup> Concluding observations of the Committee on the Rights of the Child on Norway, 26 June 2000 CRC/C/15/Add. 126, in [www.unhchr.org](http://www.unhchr.org).



Training and recruitment of teachers are focal points in Norwegian educational policy. “GNIST” is the overarching government initiative to recruit more and better qualified teachers to Norwegian schools. Major policies that sort under GNIST include a teacher recruitment campaign, reform of teacher education, introduction of an induction year for new teachers, a system for further education of teachers, school leader education, and a post graduate school in teacher education. Together, these policies and measures shall provide for better and more qualified teachers.

From the same source the Committee notes that many Roma children, and the children of other itinerant groups, do not complete the required years of obligatory education. The Committee asks to receive information on measures taken to ensure equal access to education of Roma children as well for rural children, children from other vulnerable groups such as children in care, pregnant teenagers, teenage mothers, refugee children and children seeking asylum.

The Roma children, rural children, children from other vulnerable groups such as children in care, pregnant teenagers, teenage mothers, refugee children and children seeking asylum have the same right and obligation as other children in Norway to attend primary and lower secondary education. There are, however, some challenges caused by Roma semi-nomadic way of life. As a result, the educational authorities at local, regional, and national level are concerned about children who do not attend school. The Ministry of Education and Research has introduced an Action plan for Roma people. In keeping with this action plan, the ministry has ordered a legal assessment in order to clarify the relationship between The Education Act and international regulations and conventions that regulate rights for national minorities.

Reference is furthermore made to the following documents, which give a detailed description of the measures taken in the report period.

Report No. 16 (2006-2007) to the Storting, Early intervention for lifelong learning

The background for the report is the wish of the Government to pursue an active policy to reduce the differences in society. Its goals are to diminish class distinctions, reduce economic inequity and combat poverty and other forms of marginalization. Society must develop in a way in which power, benefits and obligations are distributed in the fairest possible way.

Everyone must have the same possibility of developing themselves and their abilities. A society characterized by community and equal worth provides the best setting for individuals to pursue their own life projects. Societies with small economic and social differences are also among the most productive in an economic sense. When social inequality increases, efforts to combat the differences must be intensified in the education system. The white paper presents the Government’s policy for how the education system can make a greater contribution to social equalization.

With that policy goal in mind, the report focused on two areas. Firstly, it focused on a better completion rate in the upper secondary school. A reduction in the drop-out rate is an important contribution to social equalization. The high dropout rate in the upper secondary school can be related to factors at an early stage of education. Research shows that the majority of pupils who do not complete their upper secondary education have left lower secondary school without acquiring sufficient knowledge and skills. Measures to reduce the

dropout rate in the upper secondary school must therefore target the primary and lower secondary school.

Secondly, the report focused on early intervention, assessment and follow-up. The Government wishes to improve the ability of the education system to meet individual needs by organizing teaching and learning in a favorable way. Early intervention is one of the keys in this work. Early intervention must be understood both as action at an early stage of a child's life and as intervention when problems arise or are revealed at pre-school age, during basic education or in adulthood.

A summary of Report No. 16 (2006-2007) to the Storting, Early intervention for lifelong learning can be found here:

[http://www.regjeringen.no/Rpub/STM/20062007/016EN/PDFS/STM200620070016000EN\\_PDFS.pdf](http://www.regjeringen.no/Rpub/STM/20062007/016EN/PDFS/STM200620070016000EN_PDFS.pdf)

#### Report No. 31 (2007-2008) to the Storting, Quality in Education

The background for the report is the wish of the Government to increase the quality of primary and secondary education. The report built upon the policy presented in Report No. 16 (2006-2007) to the Storting, Early intervention for lifelong. Report no. 31 focused on three main policy areas:

- Early intervention, assessment and follow-up, cf. report No 16.
- The importance of teacher quality and school leadership.
- Pupil Performance Assessment
- Municipal accountability and compliance with governmental standards and regulations.

Several measures were presented, hereunder an expansion of the national assessment system, which increased testing and assessment of pupils skills. A national test in reading, math and English was introduced. Mandatory diagnostic tests in reading and math in grades 1-3, and in the first grade in upper secondary education, were also introduced. Steps were also taken to facilitate the use of performance information at the local level.

Municipalities were also required to prepare an annual report on the results of their schools. At the same time government inspection of schools was increased.

The complete report can be found here;

Report No. 31 (2007-2008) to the Storting, Quality in Education (Norwegian text only)  
<http://www.regjeringen.no/pages/2084909/PDFS/STM200720080031000DDDPDFS.pdf>

#### Report No. 44 (2008–2009) to the Storting, Education strategy

The report focused on the problem of dropouts in upper secondary education, and presented measures for a varied and more practical primary and secondary education and training. The report introduced a number of measures to achieve the goal of having as many as possible complete their upper secondary education, including:

- Closer individual follow-up of pupils and apprentices will be facilitated.
- Young people who have already dropped out of school will be more closely followed up than they are today.

- Education will be made more subject-relevant and work-relevant and will allow for greater flexibility so as to make it easier to take the individual needs of pupils into account.
- A stronger focus on improved and closer cooperation between the education system and working life

Summary in English: Report No. 44 (2008–2009) to the Storting, Education strategy  
[http://www.regjeringen.no/pages/2235526/PDFS/STM200820090044000EN\\_PDFS.pdf](http://www.regjeringen.no/pages/2235526/PDFS/STM200820090044000EN_PDFS.pdf)

### 3) Figures, statistics etc

In their conclusions 2005 the Committee expresses their wishes to receive updated statistics in the next report on the number of public and private schools, the geographical distribution of schools, and the teacher pupil ratio in schools.

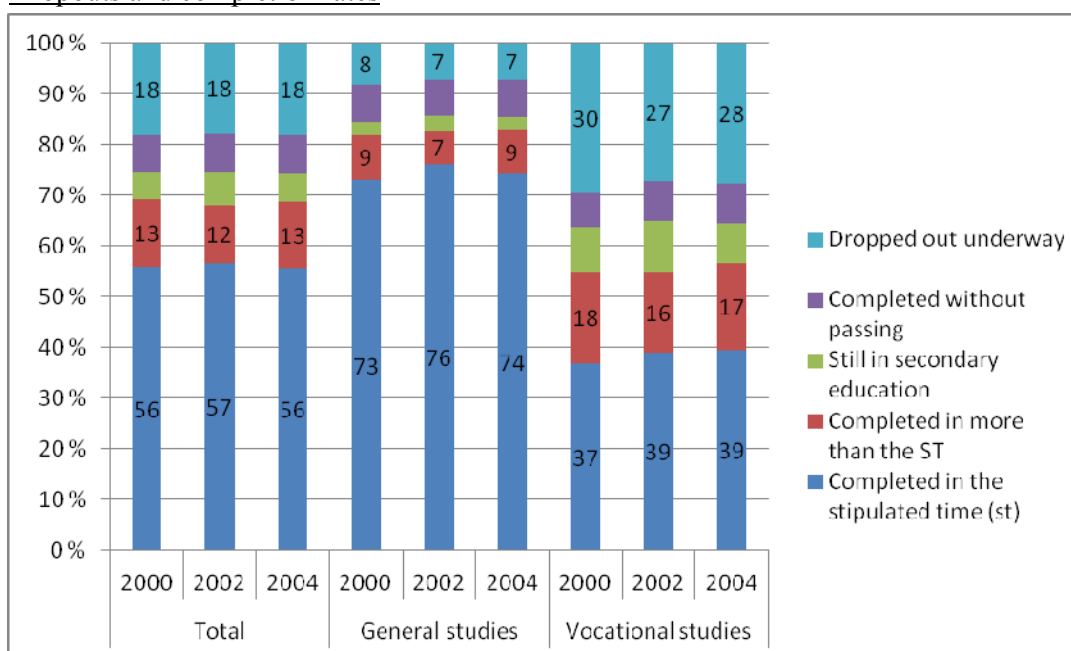
In the autumn of 2009, there were 2,997 mainstream primary and lower secondary schools and 84 special schools. 2,837 of the mainstream primary and lower secondary schools were municipal, three were intermunicipal, one was state-administered and 156 were private. Among the special schools, 46 were municipal, eight were intermunicipal, 19 were county-administered, five were state-administered and six were private.

The same year, there were 439 upper secondary schools in Norway, 355 of which were county-administered, 82 private and two state-administered (Statistics Norway, preliminary figures for 2009).

The teacher density in Norwegian schools has not changed significantly in the report period, but the group sizes have declined steadily. In the school year of 2009-10, the ratio of the total number of pupil hours (the total number of hours of teaching received by each pupil) to the total number of teaching hours (the total number of teaching hours given by the school's teachers), were approx 13,5. For more information on these statistics, please consult "The education mirror", available online at:

[http://www.udir.no/upload/Rapporter/2010/Utdanningspeilet\\_09\\_eng.pdf](http://www.udir.no/upload/Rapporter/2010/Utdanningsspeilet_09_eng.pdf)

### Dropouts and completion rates



## **Article 19 – Right of migrant workers and their family to protection and assistance**

Reference period 1/1/2005 – 31/12/2009

### **Article 19§1 – Assistance and information on migration**

#### *1) General legal framework - reforms*

The Anti-Discrimination Act entered into force on 1 January 2006. The Act prohibits discrimination based on ethnicity, national origin, descent, skin color, language, religion or belief. The purpose of this act is to promote equality, ensure equal opportunities and rights and to prevent discrimination regardless of ethnicity, religion etc. Section 5 in the Anti-discrimination Act provides some protection against discriminatory expression, through a provision prohibiting harassment. The protection of racial abuse of minorities is regulated in the new Penal Code 2005 section 185 and in section 135 a, of the Penal Code 1902.

Migrant workers, authorized to take up employment, enjoy equal rights and treatment as national workers. This implies inter alia that all compulsory minimum requirements according to the Working Environment Act apply to migrant workers on the same basis as national workers. These rights cannot be derogated from by individual contracts.

The legal protection against discrimination has been strengthened further with a new duty to make active efforts and to report. As of 1 January 2009, employers, the public authorities and the employer/employee organisations have come under the legal obligation to make an active effort and to report on their efforts to promote equality and prevent the discrimination of people on the basis of their ethnicity and religion. Similar obligations to promote equality between the genders have been in place since 2002. These duties to make active efforts to promote equality support the Norwegian mainstreaming strategy to achieve equality on different grounds.

Reference is also made to the possibility for a public board, the Tariff Board, to impose extension of a collective agreement in certain cases pursuant to the Act 4 June 1993 No 58 relating to general application of wage agreements etc. If the Tariff Board makes such a decision, the regulations on wages and other working conditions in the agreement will apply to all persons performing work within the scope of the agreement, both Norwegian organised and non-organised workers and foreign workers. At present there are three such regulations in force, regarding the construction industry, shipyards and the green sector. The purpose of the Act is to ensure foreign employees terms of wages and employment which are equivalent to those of Norwegian employees. This is in order to prevent employees from performing work on terms which are demonstrably inferior to what is stipulated in nationwide collective agreements that apply to the trade or industry concerned or what is otherwise normal for the place and occupation concerned.

The Norwegian Labour and Welfare Administration consist of the municipalities' social services and the Norwegian Labour and Welfare Service, and include the responsibilities and tasks of the former public employment service and the former National Insurance Service. Labour and welfare offices (NAV-offices) are established in each municipality to attend these services, including ensuring income in the event of unemployment and the following-up of people who need work-oriented assistance to find employment. These services are entitled to all citizens, migrant workers included.

#### *2) Implementation of the legal framework*

### Equality and Anti-Discrimination

The Committee noted in its conclusions 2006 that Norway recently has adopted new anti-discrimination legislation, namely the Act relating to prohibition of discrimination on the basis of ethnicity and religion. It requests that the next report provide information on the effective impact of this law on protection against racist expression.

The Act on prohibition of discrimination based on ethnicity, religion, etc. (The Anti-Discrimination Act), came into force from 2006. The effect of the Act has not yet been evaluated.

*The Equality and Anti-Discrimination Ombud* (LDO) is responsible for enforcing this legislation. LDO was established in 2006 and is responsible for promoting equality of opportunity and equal treatment, and addressing discrimination. The Ombud's task is to strengthen efforts to promote equality and combat discrimination based on such factors as gender, ethnicity, disability, sexual orientation and age.

An individual who claims to have been discriminated against may submit a complaint to the Ombud, who makes an administrative statement. Such statement may be appealed to the Equality and Antidiscrimination Tribunal. Unlike the Ombud's statements, those of the Tribunal are legally binding, and the Tribunal may impose a coercive fine to ensure compliance. However, neither the Ombud nor the Tribunal may set aside a legislative act or annul an administrative decision on the grounds that it is contrary to anti-discrimination legislation. The Ombud and the Tribunal are independent of both the Storting and the Government in the exercise of their functions.

The Ombud also provides general legal advice and guidance regarding cases of discrimination. As part of its work to promote equality, the Ombud will identify situations or conditions that hinder equal opportunity and equal treatment, raise awareness and influence attitudes and behavior. The Ombud further provides advice and guidance to public- and private-sector employers on issues of diversity in relation to employment.

### *Proactive measures*

Legal protection against discrimination is absolutely necessary but not sufficient to ensure equality in major social arenas.

Although the unemployment rate in Norway in general is low compared to other European countries, we do face problems of discrimination in the labour market. Studies of perceived discrimination show that many immigrants feel that their immigrant background is preventing them from getting a job they applied for and were qualified for. The fact that unemployment is three times higher among immigrants than in the rest of the population make it clear that proactive measures are needed.

- **Plan of Action for Integration and Inclusion of the Immigrant Population**

Everyone who lives in Norway shall have equal opportunities to participate. This applies in all areas of society, in political and voluntary organisations, in work and education, and in the local community. The Government has intensified its efforts to promote the integration and inclusion of the immigrant population through a special Plan of Action. The Plan of Action contains measures within the areas of responsibility of several ministries, and the priority areas in the plan are Work, Childhood, Education and Language, Equality and Participation.

The first Plan of Action for Integration and Inclusion was launched in 2007. The measures in the plan have been continued and strengthened in all later fiscal budgets. For 2010, the Government has proposed to continue the action plan and strengthen some of the measures.

- New Plan of Action to Promote Equality and Prevent Ethnic Discrimination (2009-2012)<sup>3</sup>

The Government has intensified efforts to combat ethnic discrimination and presented a new Plan of Action to Promote Equality and Prevent Ethnic Discrimination in April 2009. The Plan of Action is intended to combat and prevent both direct and indirect discrimination. It covers a period of four years. The Plan of Action mainly concerns measures to combat discrimination of persons from minority backgrounds, including immigrants and their children, Sami and national minorities. The plan will incorporate a gender perspective on implementation of the measures. The plan includes 66 new measures and nine ministries are responsible for measures in the plan. The Ministry of Children and Equality is collaborating on the Plan of Action with the social partners (the eight main employers' and employees' organisations). A joint working group has during spring 2009 prepared new guidelines relating to the new duty of activity and reporting, which entered into force on 1 January 2009. The Plan of Action in English is enclosed, **enclosure 2**.

- The PROGRESS program

Norway takes part in the EU's multi-year framework programme PROGRESS 2007 -2013. The Equality and Anti-Discrimination Ombud (LDO) has received support through the PROGRESS program for the undertaking of a campaign in 2009 and 2010, entitled "Fostering good practices in the workplace". Both projects are of great importance to Norway when it comes to better implementing new legislation and to identify best practices.

There was an overwhelming interest in the 2009 campaign among the target groups, demonstrating a concrete demand among the target groups for accessible information about anti-discrimination legislation and the positive duties on employers to promote equality.

- Information to immigrants

In 2008 the Government established a new support scheme for nongovernmental organisations. The aim of the support scheme is amongst others to contribute to provide information to immigrants on rights and duties in the Norwegian society and information on Norway's laws and regulations. The funding for the scheme is NOK 5,288 million for 2010.

Migrant workers and their family are given a book made especially for migrant workers called "New in Norway". New in Norway has gathered information from public agencies that migrant workers and their family may find useful in their new life. The book provides information on rights and duties for labour immigrants in Norway and includes information regarding residence, work, children and schools, health, recreational activities, public agencies and other useful information. New in Norway contains information from a large number of directorates and is available in English, Polish and Norwegian languages. This information is also accessible for free download at <http://www.nyinorge.no/>.

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<sup>3</sup> The Action Plan to promote Equality and prevent Ethnic Discrimination, <http://www.regjeringen.no/upload/BLD/etnisk%20disk/HPL/4043-materie-engelsk-trykk.pdf>

- The Directorate of Integration and Diversity (IMDi)

IMDi was established on 1 January 2006 to act as a competence centre and a driving force for integration and diversity. IMDi's goal is to contribute to equality in living conditions and diversity through employment, integration and participation. The directorate cooperates with immigrant organisations and groups, municipalities, government agencies and the private sector. It provides advice, implements government policy and produces reports on a wide range of issues, such as labour immigration.

#### Labour, immigration, taxes etc

The Labour Inspection Authority, the Police, the Tax Administration, and the Directorate of immigration have established three Service Centers for Foreign Workers in Norway. Both the employers and the employees can obtain information and initiate a fast-track handling of applications at the Service Centre. The Service Centre's staff speaks several languages. The Service Centre has been established to serve citizens of the Nordic countries, persons covered by the EU/EEA regulations in the Foreigners Act, people with qualifications as a skilled workers and specialists, and family members and employers of the abovementioned groups of people.

#### *3) Figures, statistics etc*

##### Inquiries to the Anti-Discrimination Ombud

In 2009, the Anti-Discrimination Ombud received 303 complaints about discrimination, whereof 47 cases concerned ethnicity. In addition The Anti-Discrimination Ombud received four complaints based on religion in 2009.

Persons who have experienced discrimination may ask the Anti-Discrimination Ombud for advice on their rights. In 2009, the Ombud received 1624 inquiries for legal advice. 218 of the legal advice cases concerned ethnicity and 29 concerned religion.

In 2009, most cases involving complaints and advice concerned working life.

There is reason to believe that the cases the Anti-Discrimination Ombud receives are not representative of the scope of discrimination in Norway.

#### Labour, immigration, taxes etc

The Service Centers for Foreign Workers in Stavanger and Kirkenes were opened autumn 2009 and we have no numbers regarding visitors this first year. The Service Center in Oslo had about 67,700 visitors in 2009, which is a 4 percent increase from 2008. A user survey regarding the activity at the Service Center in Oslo showed that 94 percent of the asked ones, experienced good service. The users reported about good guidance in an understandable language and satisfaction with the fast procedure of their case.

Foreign workers from Poland were the largest group of users of the Service Centers in 2009, followed by citizens from Lithuania and Germany. Most of them are working within the construction industry, the transport sector and with health care and cleaning.

### **Article 19§2 – Departure, journey and reception**

#### *1) General legal framework - reforms*

Reference is made to previous reports.

Migrant workers who have been authorized to do so and obtained the necessary papers, have the right to admission to Norway in order to take up paid employment. There are no restrictions against migrant workers and their families' right to leave Norway.

There are no changes in the legal situation and the Committee has previously considered the situation in Norway in conformity with the revised Charter.

**Article 19§3 – Cooperation between social services of emigration and immigration states**

*1) General legal framework - reforms*

The Committee repeats in the conclusions 2006 its request for updated information regarding social service cooperation suited to individual circumstances of migrant workers, whether through public or private agencies.

There are no special regulation regarding contact or cooperation between de social services in Norway and corresponding services in the migrant workers' home country.

*2) Implementation of the legal framework*

Due to the answer under question 1, we have no information regarding implementation.

*3) Figures, statistics etc*

We do not have accurate statistics separating migrant workers from other immigrants when it comes to receiving financial social assistance. However, we know that immigrants from countries in Scandinavia, North America and EU/EEA countries are largely migrant workers. Among these it is very unusual to receive social assistance; between 1 and 2 percent were receiving such benefits in 2008 (whilst about 3 percent of the total population received such assistance).

**Article 19§4 – Equality regarding employment, right to organise and accommodation**

*1) General legal framework – reforms*

Remuneration and other employment and working conditions

Reference is made to previous reports.

In addition, posted workers from the other EU/EEA-countries are entitled to the conditions set in the Posted Workers Directive, which is implemented in the new Working Environment Act (WEA), section 1-7 and the regulation 16 December 2005 No 1566 concerning posted workers.

Pursuant to the Act of 4 June 1993 No. 58 relating to general application of wage agreements etc (The General Application Act), a public board, the Tariff Board, is authorized to impose extension of a collective agreement in certain cases. If the Tariff Board makes such a decision in a regulation, the regulations on wages and other working conditions in question in the agreement will apply to all persons performing work within the scope of the agreement, both Norwegian organised and non-organised workers and foreign workers. In the reference period there were five such regulations in force, regarding the construction industry, shipyards and the green sector. The purpose of the Act is to ensure foreign employees terms of wages and employment which are equivalent to those of Norwegian employees. This is in order to prevent employees from performing work on terms which, viewed as a whole, are demonstrably inferior to what is stipulated in nationwide collective agreements that apply to the trade or industry concerned or what is otherwise normal for the place and occupation concerned.

The ILO Convention No 94 with requirements for Norwegian pay and working conditions in municipal tender procedures has been implemented. State and Municipal Authorities are obliges to add a clause in contract with service providers stating that their employees are entitle to pay and working conditions that either are laid down I a relevant collective



agreement or on other grounds are common in the trade or branch. The regulation came into force in March 2008.

In order to ensuring more orderly conditions in connection with the hiring and hiring out of employees, the Government has implemented a regulation concerning mandatory registration for staffing enterprises. Companies are prohibited from using staffing enterprises that are not lawfully registered in accordance in the Labour Inspection Authority register. The regulation came into force in January 2009.

Additional, the Government has implemented a system whereby clients are made responsible for including clauses in contracts with subcontractors to ensure that employees has pay and working conditions in line with the provisions of regulations for the general application of collective agreements. Furthermore, a representative representing the trade union party to the generally applicable collective agreement in the company subcontracting services has the right to inspect the pay and working conditions of the subcontractor. These legislative amendments came into force in March 2008.

In 2009, the Government adopted amendments in the Act relating to the general application of collective agreements, which implies that companies hiring services from a subcontractor shares joint liability with the subcontractor, regarding salary payments and holiday payments to the employees of the subcontractor. In addition to ensuring actual salary payments, the aim of the model is to give employers a stronger incentive to choose legitimate contractors. This amendment came into force in January 2010.

Amendments in the Act relating to the general application of collective agreements, which aim to clarify the documentation requirements and the content of the Tariff Board's decisions, came into force in September 2009.

A regulation regarding the use of identification cards on construction sites came into force in January 2008. The regulation aims to improve health and safety conditions on construction sites. The Government intends to introduce identification cards also in the cleaning industry.

The requirement for work and residence permit for seafarers in Norwegian coastal shipping has been re-introduced. The legislative amendments were adopted in 2009 and came into force in May 2010.

#### Membership of trade unions and enjoyment of the benefits of collective bargaining

Reference is made to previous reports. The Working Environment Act (WEA), adopted in June 2005 and came into force 1 January 2006, is continuing the previous Act from 4 February 1977. Section 13-1 in the new WEA, states that direct and indirect discrimination on the basis of membership of a trade union is prohibited. Further, the WEA, in section 13-4 first paragraph, states that the employer must not when advertising for new employees or in any other manner request applicants to provide information concerning, among other things, whether they are members of employee organizations. Nor must the employer implement measures in order to obtain such information in any other manner.

The prohibition laid down in the first paragraph shall not apply if obtaining information concerning applicants' views on political issues or membership of employees' organizations

is justified by the nature of the post or if the objective of the activity of the employer in question includes for the fulfillment of the objective.

#### Accommodation

In its conclusions 2006 the Committee noted that in 2001 the existing legislation on housing was amended to prohibit discrimination in housing. It is illegal to include any restriction on tenure or ownership on the grounds of religion, skin color, language skills, national or ethnic origin, way of living or sexual orientation. The amendments cover both private and public owners as well as the executive committees in joint ownerships or in housing co-operatives. The Committee asks how the Act relating to prohibition of discrimination on the basis of ethnicity and religion, which was recently adopted, has improved the housing situation for migrants.

Despite the amending in the existing legislation on housing in 2001, statistics shows that discrimination still is taking place in the Norwegian housing market. Statistics on living conditions (2005/2006) among the immigrant population stated that 27 % of tenants in this category were sure and 11 percent believed they had been rejected from a rental because of their background. There were big differences between ethnic groups. More than 40 percent of Somali and Iraqi tenants thought they had been rejected because of their ethnic background. A study made by NIBR (Norwegian Institute for Urban and Regional Research) in 2008 also reveals that the rental market has sorting mechanisms that results in different access to different segments of the rental market, dependant on the tenants' ethnic background.

However, there has not been made an evaluation where the case is if the amending in the existing legislation in 2001 has resulted in an *improvement* in the housing situations for migrants.

The Committee notes from another source<sup>4</sup> that discrimination by an individual landlord was not prohibited by the previous legislation, and asks whether the new law includes such a prohibition. From the same source, the Committee notes that the Government is working on the preparation of a report on housing policy. It asks that the next report provide information on this policy where it concerns the access to housing for migrant workers.

In current housing law (the Tenancy Act, the Housing Cooperatives Act and the Property Unit Ownership Act) there are provisions that prohibit discrimination on account of religious faith, skin colour, language skills, national or ethnic origin, sexual preference, lifestyle or orientation. The law applies when dwellings are rented out, and such characteristics will not be considered reasonable grounds for refusing to accept households or a change of tenant under the sub-let contract, nor may they be taken into account when a tenancy contract is terminated. The issue of discrimination in the housing sector is subject of continuous observation, and sought precluded through different means administered by the Norwegian State Housing Bank and the municipalities.

The Norwegian Government appointed a committee in May 2010 who will focus on Norwegian housing policy in the future. The report from the committee will be finished within 15 June 2011. The committee's mandate from the Government is to make proposals for how to face central issues in the social housing policy in the years to come. One major issue is to make a study of the existing problems and challenges in regards to the need of dwellings

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<sup>4</sup> ECRI (European Commission against Racism and Intolerance) Third report on Norway, CRI (2004)3, in [www.coe.int/T/Ehuman](http://www.coe.int/T/Ehuman) rights/ECRI

for different kinds of disadvantaged people. In this category the Government defines groups as refugees, homeless people, people with disabilities and economic disadvantaged groups in general.

The migrant workers in Norway are supposed to have working conditions and wages that may not be lower than the wage agreements or regulations which normally apply to the type of work involved. Therefore they are in general not defined as an economic disadvantaged group on the housing market. With the mandate of the committee as a background, the conditions for the access to housing for migrant workers will be discussed, but not have a top priority in the report.

The Committee notes that some municipalities practice a period of residence requirement for access to municipal housing, which does not exclude an immigrant worker from being provided with a low cost dwelling. The Committee asks the next report to provide more details on the residence requirement. In particular, it asks what effect the length of residence requirement has on the access to housing for migrants, for whom it can be more difficult than for nationals to fulfill such a condition.

The local government in each municipality has the responsibility for the housing policy in their own municipality. This also means the responsibility of finding the best solutions out from the number of people with disadvantages combined with the numbers of community dwellings.

There are not made any central guidelines for the municipalities about residence requirement for access to municipal housing. This means that there is a significant variation in the practice among the municipalities. There has not been made any further survey of this variation.

In these days NTNU (Norwegian University of Science and Technology) is working with a study about housing policy for immigrants in the municipalities. The issue about residence requirement is supposed to be discussed. The study will be finished in august 2011.

## *2) Implementation of the legal framework*

### Remuneration and other employment and working conditions

The Committee requests in its conclusions 2006 that the Government provide information on the situation of the different ethnic groups on the labour market, and their employment levels in public and private sectors. It also asks that the next report indicate any measures or programs to promote equality of opportunity and treatment for members for migrant workers. The Committee furthermore requests information on the provision of in-service training and promotion for migrant workers.

### Measures to combat social dumping – Action Plans I and II against social dumping

The Government has presented two Action Plans against social dumping, the first one in 2006 and the second in 2008. Within the framework of the action plans, Norway has initiated several measures which aim to reinforce regulation and monitoring work conditions in order to prevent exploitation, irregular employment and to reduce unfair competition with national workers. Some of these measures are the legal regulations in this respect accounted for under 1) General legal framework. Additionally:

- The Labour Inspectorate and the Petroleum Safety Authority has been given the powers to issue orders and impose continuous coercive fines if the deadline for implementation of the orders is overrun, when conducting supervision pursuant to the Act relating to the

general application of collective agreements and the Immigration Act. The legislative amendments came into force in December 2006.

- Over the period 2005 – 2009, more resources have been allocated in the national budgets to The Labour Inspectorate and the Petroleum Safety Authority for use in their effort to combat social dumping.
- The Labour Inspection Authority has intensified its focus on information to and supervision with enterprises in the agricultural sector that uses foreign labor.
- The cooperation and joint projects between The Labour Inspectorate and the Petroleum Safety Authority, the tax authorities, the police, the immigration authorities and other involved agencies has been continued and strengthened. The Labour Inspectorate, the police, the Tax Administration and the Directorate of Immigration have established several joint service centers for foreign workers. At the service centers both employees and employers can obtain information and initiate a fast-track handling of applications.
- The Government has improved the information about the legislation on occupational injury insurance, so that employers are aware of their obligations and employees are aware of their rights if accidents occur.

### 3) *Figures, statistics etc*

Any figures concerning social dumping?

Among immigrants the employment rate is lower and the unemployment rate is higher. At the end of 2009 the employment rate in the population was 69.7 percent (15 – 74 year olds). Among immigrants the rate was 8 percentage point lower (61.7 percent). The employment rate was highest among immigrants from other Nordic countries (74.6 percent) and lowest among immigrants from Africa (45.3 percent) and Asia (53.9 percent). Source: Statistic Norway, 4. quarter 2009).

In August 2010 the registered unemployment rate in the population was 2.9 percent. Among (settled) immigrants the corresponding unemployment rate was 7.9 percent. In the same way as for the employment rate, the unemployment rate is highest among immigrants from Africa (15.1 percent) and Asia (9.5 percent) and lowest among immigrants from Nordic countries (3.3 percent). Source: Statistic Norway, 3. quarter 2010.

The weakening in the labor market has hit immigrants harder than natives. It was a decrease of the employment rate by 1.9 percentage points from the end of 2008 to the end of 2009. Among immigrants the corresponding reduction was heavier; 2.5 percentage point. Source: Statistic Norway, 4. quarter 2009.

The unemployment rate in the population has been relatively stable after 3rd 2009. From 3rd quarter 2009 to 3rd quarter 2010 the registered unemployment rate in the population has been flat. Among immigrants the corresponding unemployment rate has been increased by 0.5 percentage point.

## **Article 19§5 – Equality regarding taxes and contributions**

### *1) General legal framework - reforms*

The Committee found the situation in conformity with the article 19§5 in 2006.

The situation is continued; there are no special rules for migrant workers or their families regarding employment taxes, dues or contributions payable in respect of employed persons.

## **Article 19§6 – Family reunion**

### *1) General legal framework - reforms*

#### Scope of family reunion and family establishment

Reference is made to our last report regarding the general legal framework and its implementation.

#### Conditions governing family reunion/establishment

- Housing requirement

The Committee asks in its conclusions 2006 that the next report clarify whether a migrant worker is obliged to have accommodation before being able to exercise the right to family reunion, and if so how long does it generally take before at least a low cost dwelling is provided to the migrant. As in its conclusion under Article 31 of the Revised Charter (Conclusions 2005, p. 588), the Committee asks whether non-nationals lawfully residing or working in Norway are eligible for housing benefits. It recalls that under Article 19§6 the requirement of having sufficient or suitable accommodation to house the family or certain family members should not be so restrictive as to prevent family reunion.

There is no requirement regarding housing facilities in advance of a family reunification or family establishment for the closest family members. However, there is a requirement that the reference person, before applying for a work permit as a labour migrant, must be ensured proper housing for the period of time to which the application applies.

For family members other than immediate family, it is a requirement that the person living in Norway has sufficient accommodation to house the relatives. Documentation of housing can be the lease or the purchase contract for the house/apartment. Exceptions can be made due to humanitarian causes.

All people who have lawful residence in Norway have the right to housing allowance and hence, this benefit is not discriminatory. Reference is made to our report under Article 31§3 regarding the regulations and arrangements in this respect.

- Income

In order for the family member to be granted a family immigration permit, the reference person must be able to provide financial support for him or her in Norway.

In the new Immigration Act, which entered into force on 1 January 2010, the rules regarding the subsistence requirement was tightened, inter alia to combat forced marriages. Stricter requirements as regards the income of the reference person will encourage young people to establish their own foundation in life through education and employment, thereby becoming less dependent on their family in financial and practical terms. They will thereby also be better prepared to stand up for their own rights and wishes in connection with marriage and resist possible pressure from their family.

According to the new rules, a sponsor must have a minimum annual income equivalent to civil service pay grade 8 (NOK 225 400 as of 1 May 2010), both for the previous year and for the next 12 months. The sponsor must not have received any social assistance benefits in the year before the permit is granted. The subsistence requirement shall, as a general rule, apply to all sponsors, including Norwegian citizens. Certain exemptions from the requirement have been made, for instance to prevent young people from dropping out of higher education and beginning to work instead in order to fulfill the income requirement. Furthermore, exemptions

from the requirement may be made under special circumstances and in all cases if international human rights obligations so require.

### 3) Figures, statistics etc

Permits granted for family-based immigration where the reference person is a migrant worker 2006-2009:

	Permit where the reference person has a 3rd country permit	Permit where the reference person has an EEA permit	Total
2009	1672	5329*	7001
2008	1927	8175	10102
2007	1768	6299	8067
2006	1069	3415	4484

\* From the 1 October 2009 EU/EEA citizens were no longer obliged to apply for a residence permit in Norway.

Statistics showing the reference person's legal status and the family member's nationality are to be found in Excerpts from 'Facts and Figures' 2009 and 2010 by the Norwegian Directorate of Immigration, regarding family immigration, [enclosure 3](#).

#### **Article 19§7 – Equality regarding legal proceedings**

Reference is made to previous reports. There are no changes in the legal situation and the Committee has previously considered the situation in Norway in conformity with the revised Charter.

#### **Article 19§9 – Transfer of earnings and savings**

##### *1) General legal framework - reforms*

Reference is made to the previous report.

However, we will provide the Committee with the following adjusted text to replace the second paragraph in the last Norwegian report in this respect:

"According to the Act 10 June 1988 No 40 on Financing Activity and Financial Institutions Chapter 4 b, (which implements directive 2007/1641/EC on payment services in the internal market), regular cross-border money transfer operations may only be carried out by banks, electronic money institutions, post office giro institutions, payment institutions, credit institutions, including branches of credit institutions authorized in the European Economic Area, public authorities and Norges Bank. Branches of credit institutions authorized outside the European Economic Area are required to have authorization to provide payment services in Norway."

#### **Article 19§10 – Equal treatment for the self-employed**

##### *1) General legal framework - reforms*

Reference is made to previous reports. There are no changes in the legal situation.

Self-employed have the same rights as other migrants workers.

Reference is therefore in addition made to the description under article 19§1.

The Committee has previously considered the situation in Norway in conformity with the revised Charter.

#### **Article 19§11 – Teaching language of host state**

##### *1) General legal framework - reforms*

The Committee was informed in the Norwegian report 2005 that from 1 September 2005, 300 hours of language training was compulsory for all adult migrants and their adult family members, in order to obtain a residence permit or Norwegian citizenship. The municipalities who offer this training may charge migrant workers and their adult family members with the costs.

The Committee asks that the next report provide full information on the practical effects of this system of training. It asks what is the amount migrant workers are required to pay and are there facilities available for those migrants who cannot meet the costs. This information is necessary for the Committee in order to assess whether any fee requirements would pose an obstacle for migrants to attend the language training.

Knowledge of the Norwegian language is an important precondition for active participation in the society. From September 2005, it is compulsory for newly arrived adult refugees and immigrants to participate in 300 hours of lessons in Norwegian language training and social studies. Beyond the compulsory part, those who have a need for further training will have the opportunity to take more lessons (up to 3 000 hours, depending on the needs of the individual). The Introduction Act regulates the training. The standard costs for 300 hours language training in Norwegian varies between 15 000 and 30 000 NOK depending who offers it. It is common that both municipalities and study organizations give courses. If immigrants cannot meet the costs they have to apply for social assistance within municipalities.

However, the right and obligation to participate in training free of charge applies with some exceptions to those between 16 and 55 years who have been granted asylum, residence permit on humanitarian grounds, collective protection or a family immigration permit linked to a person in any of these groups. These rights and obligations only apply to persons who have received their residence permit after September 2005. Completion of the 300 hours language training is from the same date a condition for receiving a settlement permit and Norwegian citizenship. The 300 lessons of training must be completed within the first three years in Norway and all lessons have to be completed within the first five years.

Immigrants between 55 and 67 years of age have a right, but no obligation, to participate in language training. Labour migrants from countries outside the EA/EFTA area, have an obligation to undertake language training, but no right to free courses. Persons from within the EEA/EFTA have neither the obligation nor the right to take part in language courses partly sponsored by the Norwegian government.

In June 2009, the Ministry of Labour and Social Inclusion circulated draft amendments to the Introduction Act and Regulations. One of the proposals is to expand the scope of the right and obligation to participate in Norwegian language training and social studies for adult immigrants from 300 to 600 hours for those currently subject to the right and obligation to participate free of charge. Another proposal is to introduce mandatory final tests in Norwegian.

From the autumn of 2007, the Government reintroduced training in Norwegian for asylum seekers staying in reception centres. Asylum seekers receive 250 lessons of language training free of charge from the municipalities, financed by government funding.

The information above is given by the integration authorities. Regarding the educational sector, reference is made to previous reports. No changes have been made in the relevant regulatory framework in this sector.

## *2) Implementation of the legal framework*

The right and obligation to Norwegian language training and social studies for adult immigrants was evaluated in 2006/2007 as to how the municipalities handle this right and obligation and how the new subsidy arrangement influences the municipalities' ability to run such training. Some main findings were:

- most municipalities offered participants training within three months of claim/application,
- there was a large degree of variation in how persons in the target group were made aware of their right and obligation,
- a conversation with a translator present was the most common assessment of the participant in the municipalities,
- the large municipalities often had more systematic assessment routines than smaller municipalities,
- about 80 percent of the municipalities had given participants an individual plan,
- it appeared to be little user-influence on the plans due to participants' limited knowledge of Norwegian upon arrival,
- the majority of teachers had formal pedagogical training
- ordinary classroom teaching was most common,
- the new financing system did not give all municipalities the opportunity to fulfill the obligations dictated to them by the Introduction Act.

As a follow-up of the evaluation, the subsidization arrangement was adjusted on a permanent basis in 2009. Municipalities with between 1-150 participants receive a yearly base-subsidy as part of government funding. The aim is to compensate for the economic difficulties in smaller municipalities. The teachers are offered to take part in post-qualifying education funded by the government. The courses had about 3 500 participants in 2009.

The Committee noted in its conclusions 2006 that migrant workers' children may receive lessons in their mother tongue and/or bilingual lessons, until they have acquired the proficiency to enable them to follow the normal teaching. The Committee asks that the next report provide information on any other support activities alongside formal schooling for migrant workers' children who have not attended the first few primary school years and who may therefore lag behind national pupils.

Children of migrant workers have the same rights to language training as all other children from language minorities. Pupils who have a mother tongue other than Norwegian or Sami have the right to adapted education in Norwegian until they are sufficiently proficient in Norwegian to follow the normal instruction of the school. If necessary, such pupils are also entitled to mother tongue instruction, bilingual subject teaching, or both.

Many school owners and many schools offer special introductory courses for newly arrived students with little or no skills in Norwegian. Homework assistance is offered in all schools from 1<sup>st</sup> to 4<sup>th</sup> grade. This help shall be free of charge for the pupils. The pupils have the right to take part in the provided homework help, but their participation is voluntary. Homework assistance is also common for students at higher levels.

In addition, several school owners offer summer school for their students. Some of these summer schools have various types of courses for students to catch up lost learning.



The National Center for Multicultural Education (NAFO) develops various types of test material, guidance material /information, runs various projects/develop educational models and has a responsibility for competence building. They also give pupils, teachers and municipalities guidance concerning multicultural issues in school.

Strategy for better teaching and greater participation of linguistic minorities in kindergartens, schools and education 2007-2009 provides information regarding the government's policy for this field of education in the report period. The Strategic Plan places great emphasis on better language teaching for children and pupils from minority language backgrounds.

- Good language teaching is the key to good learning outcomes for participation in further education and for subsequent success in working life. A recurrent theme in the Strategy is therefore that of early language stimulation. Norwegian lessons for children and pupils from minority language backgrounds are also to be strengthened.
- Emphasis is placed on good collaboration between homes and schools, both for kindergarten children and pupils in primary and secondary education.

Pedagogical staff and teachers need to develop further their competence in language teaching for children and pupils from minority language backgrounds. So the measures are designed both to survey the qualifications of teachers of pupils from minority language backgrounds, and to offer them competence enhancement. It is important to give formal teaching qualifications to more teachers from minority language backgrounds. One of the measures is a Bachelor program for bilingual teachers. Another measure is a grant scheme making it financially easier for teachers from minority language backgrounds to take this education. Emphasis is also placed on work combating racism, discrimination and bullying. The same applies to the significance of disseminating good experiences through conferences, net-based and written examples and through participation in international collaboration.

The strategy is available online at:

[http://www.regjeringen.no/upload/KD/Vedlegg/Grunnskole/Strategiplaner/Likeverdig\\_ENG\\_nett.pdf](http://www.regjeringen.no/upload/KD/Vedlegg/Grunnskole/Strategiplaner/Likeverdig_ENG_nett.pdf)

### 3) *Figures, statistics etc*

Approximately 35 000 persons were registered as participants in the language training in June 2009. Within the target group for the mandatory language courses the aim is to enroll 90 percent within one year after they were qualified for by the Introduction Act. Figures from July 2010 show a significant improvement in participation rates from 65 percent to 80 percent. Measuring the results and effects of the language training is based on the number of passed/failed examinations. The number of persons entering the examinations has risen since the introduction of the right and obligation to language training. Around 89 percent passed the oral test in 2009. This number has been relatively stable over the years. The proportion that has passed the written test has risen from 49 to 59 percent. The aim is that 95 percent should pass the oral test and 60 percent the written test.

### **Article 19§12 – Teaching mother tongue of migrant**

Reference is made to the report under article 19§12 and to previous reports. No changes have been made in the relevant regulatory framework in the educational sector. The Committee has

previously concluded that the situation in Norway is in conformity with the revised Charter in this respect.

## **Article 27 – Right of workers with family responsibilities to equal opportunities and treatment**

Reference period 1/1/2003 – 31/12/2009

### **Article 27§1- Participation in professional life**

#### *1) General legal framework - reforms*

The Committee asks that the next report provide information on available family services and arrangements for other members of the immediate family who clearly need care and support.

The Norwegian Government is not quite sure of what information the Committee asks to be provided for in this report. It is probably relevant to account for that the Working Environment Act (WEA), which went into force 1 January 2006 and replaced the Working Environment Act of 4 February 1977, continues several regulations that protect the family responsibility of the worker.

Pursuant to the WEA of 2005, section 10-2, second paragraph, an employee who regularly works at night shall be entitled to exemption from the working-hour arrangement that applies to the employee group if such exemption is needed by the employee concerned for health, social or other weighty welfare reasons and can be arranged without major inconvenience to the undertaking. Family responsibilities may obviously be relevant reasons for the workers to be exempted from night work.

The employee is pursuant to the WEA, section 10-2, third paragraph, also entitled to flexible working hours if this may be arranged without major inconvenience to the undertaking.

According to the WEA, section 10-6, an employee shall be entitled to exemption from performing work in excess of agreed working hours when he or she so requests for health reasons or for weighty social reasons. Important family occurrences may be relevant reasons to be exempted.

Pursuant to the WEA, section 12-10, first paragraph, an employee who takes care of close relatives in the home in the terminal stage, shall be entitled to 60 days of absence to take care of the individual patient. The worker is entitled to payment in this period through the National Insurance system.

An employee is pursuant to the same section, second paragraph, entitled to absence in 10 days each year (if necessary) to care for parents, spouse, cohabitant/common-law spouse or registered partner. An employee have the corresponding right of absence regarding necessary care for a physically disabled or chronic ill child after the child is 18 years of age.

The Committee asks how the need for the various services is assessed and asks to what extent needs are actually met, in particular for low-income families. It asks information on the geographical location across the national territory of such services.

The Committee also wishes to be kept informed on the reforms concerning maximum fees for parents, which will make it easier for low-income families to have access to day care.

Norwegian legislation differentiates between day care and kindergartens. Kindergartens are subject to approval by the municipal authorities and are subject to legislation in the kindergarten act of 2005, the cost of attending kindergarten is state-subsidized. Day care is not subject to legislation or entitled to subsidies.

The kindergarten act (17 June 2005 No. 64), section 15, states that the “King may prescribe regulations containing further provisions regarding parents’ fees at kindergartens, including a discount for siblings, income-based differentiation of payment and maximum payments.” These provisions state that fees cannot exceed NOK 2 750 per month, per child. For siblings, the provisions state that the parents are to pay no more than 70% of this amount per child. Parents of three or more children attending kindergarten, are to pay no more than 50% of NOK 2 750 per child. All municipalities are further obligated to provide additionally reduced fees or kindergarten-placement free of charge, for low-income families.

Finally, the Committee asks for information on whether Norwegian legislation provides for arrangements enabling parents to reduce or cease their professional activity because of serious illness of a child.

#### The right to leave of absence

The Working Environment Act (adopted in June 2005 and came into force 1 January 2006) section 12-9 is applicable to these situations regarding leave of absence.

Employees who have children in their care are entitled to leave of absence when necessary to attend a sick child, if a child shall be accompanied to a medical examination or other follow-up in connection with sickness, or if the person responsible for the daily childcare is sick or has leave of absence owing to another child. The right to leave of absence applies up to and including the calendar year of the child’s twelfth birthday. An employee is entitled to a maximum of 10 days’ leave of absence per calendar year or a maximum of 15 days if the employee has two or more children in his or her care. An employee is regardless entitled to leave of absence when care allowance, attendance allowance or training allowance is paid by the National Insurance.

If the child has a chronic or long-term illness or disability and there is therefore a markedly greater risk of the employee being absent from work, the employee is entitled to a maximum of 20 days’ leave of absence per calendar year. The right to leave of absence applies up to and including the calendar year of the child’s eighteenth birthday. An employee is similarly entitled to leave of absence in order to attend training at an approved health institution or public resource centre in order to be able to take care of and treat the child.

An employee who has responsibility for care of children is entitled to leave of absence if the child is hospitalized and the employee resides at a health institution, the child has been discharged from a health institution and the employee must stay at home because the child needs continuous care and attention, or the child is suffering from a life-threatening or other extremely serious sickness or injury.

The parents have these rights up to and including the year of the child’s twelfth birthday and included the year of its eighteenth birthday when the child has a chronic or long-term illness. Entitlement to leave of absence because the child need continuously care and attention, applies up to and including the calendar year of the child’s eighteenth birthday, but regardless of age if the child has a mental disability.

An employee who has sole responsibility for the care of a child is entitled to twice the number of days of leave. The same applies if there are two persons responsible for such childcare and one of them is prevented for a long period from supervising the child owing to a personal disability, admission to a health institution as a long-term patient or similar circumstances. Up to half of the days of such leave each calendar year may be transferred to a mother or father with right of access or to a person with whom the employee lives, who does not have responsibility for the care of his or her own children.

#### The right to payment

Pursuant to the National Insurance Act of 28 February 1997 No 19, Chapter 9.

- *Due to care for a sick child*

An insured employee who is absent from work due to necessary care for a sick child, is entitled to daily cash benefits up to ten days, or fifteen days if there are more than two children, during a calendar year. Single parents are entitled to such benefits up to 20 days, or 30 days if there are more than two children, during a calendar year. Parents may receive such benefits up to and including the year of the child's 12th birthday.

An employee with disabled or chronically sick child/children may receive such benefits for ten extra days per disabled/sick child. The number of days is doubled for single parents. When only one of the parents has custody of the child, the period of entitlement to benefits may, under certain conditions, be divided between them. An insured employee is entitled to daily cash benefits during necessary care for children below 12 years of age, respectively 18 years of age, if the person having the daily child care is sick, or prevented from taking care of the child because he/she is accompanying another child to treatment or examination. Daily cash benefits in the case of absence from work due to care for a child are calculated as daily cash benefits for the person's own sickness and paid by the employer up to ten days during a calendar year. If the employee is entitled to receive benefits for more than ten days, the employer is obliged to pay, but will get a refund from the National Insurance Scheme.

- *Due to care for a hospitalized child or child suffering from a serious disease or during training courses*

An insured occupationally active parent of a hospitalized child under 12 years of age is entitled to daily cash benefits from the National Insurance Scheme from the eighth day of hospitalization if the child is hospitalized due to a less serious sickness. If the child needs continuous attendance by one of the parents, benefits may be granted also after the discharge from hospital. Benefits are granted to only one of the parents at a time. Benefits are granted for disabled or chronically sick children up to 18 years of age.

An insured occupationally active parent of a hospitalized child under 18 years of age suffering from a serious or potentially fatal disease is entitled to daily cash benefits from the National Insurance Scheme if he/she must stay at the hospital while the child is hospitalized or at home because the child needs continuous attendance by one or both of the parents. No upper age limit applies in the case of mentally handicapped children.

An insured occupationally active parent is entitled to cash benefits during approved training courses which he/she attends in order to take better care of a disabled or chronically sick child. There is no age limit on this benefit.

Daily cash benefits may be granted at reduced levels, down to 50 per cent, when a supervision or relief arrangement is established for the child for parts of the day or for some days a week.

Daily cash benefits in the case of absence from work due to care for a hospitalized child or child suffering from a serious disease or during training courses are always paid by the National Insurance Scheme as for the person's own sickness, but without the waiting period for self-employed persons etc.

- *Payment – general requirements*

It is, as a general rule, required that the occupational activity has lasted for at least 4 weeks. An insured person who has an annual income of at least 0.5 B.a. (NOK 37 820) is entitled to daily cash benefits. During the period in which daily cash benefits are paid by the employer, no minimum income level is required. Income exceeding 6 B.a. (NOK 453 846) is not taken into account. Daily cash benefits for employees equal 100 per cent of pensionable income.

#### The right to reduction of working hours

However, the right to payed leave of absence is limited, and may in some special cases not be sufficient. Pursuant to the Working Environment Act (of 2005) section 10-2, fourth paragraph, an employee is entitled to reduce his/hers normal working hours due to health, social or other weighty welfare reasons, if the reduction can be arranged without major inconvenience to the undertaking. When the agreed period of reducing working hours has expired, the employee has the right to resume previous working hours. Care of a child is normally assessed as a weighty welfare reason.

#### *2) Implementation of the legal framework*

Disputes concerning the right to leave of absence mentioned above pursuant to the Working Environment Act (of 2005), may be brought before a Dispute Resolution Board for decision pursuant to section 17-2. It is considered to be a lower threshold to use this board instead of the ordinary court system. A dispute may not be brought before the courts until it has been reviewed by the Board and a decision has been made by the Board. When the dispute is reviewed by a court of law, the conclusion arrived at by the Board shall stand while the matter is under review. If this would have unreasonable consequences, the court may, if so demanded by either of the parties, decide upon another temporary arrangement. The time limit for bringing the dispute before the courts is eight weeks from the date of the Board's decision.

#### *3) Figures, statistics etc*

Regarding the published decisions of the Dispute Resolution Board, there seems to have been no cases where the employer has refused parents applications for leave of absence due to care of sick children from 2007 and until today.

### **Article 27§2 – Parental leave**

#### *1) General legal framework - reforms*

Reference is made to previous reports and to our report regarding article 8.

The Committee notes in its conclusions 2005 that in addition to the parental leave, each parent is entitled to one year of unpaid leave of absence under the Working Environment Act (WEA)

No. 4 of 4 February 1977. The Committee notes that the regulations also apply to parents on fixed-term contracts, but asks whether the same rules apply to part-time workers.

The Working Environment Act of June 2005, section 12-5 second paragraph, continues the rules regarding parental leave from the WEA of 4 February 1977. There are in principle no changes. The regulation is general and no exception is done for part-time workers. The regulation is based on the need of the child to be together with its parents when in its first years, and this need is the same whether the parents are working full time or part time. Consequently, the rules shall also apply to part-time workers.

### *2) Implementation of the legal framework*

Disputes concerning parental leave pursuant to the Working Environment Act section 12-5 second paragraph, may be brought before a Dispute Resolution Board for decision, cf. what is accounted for regarding this arrangement under Article 27§1.

### *3) Figures, statistics etc*

The Committee asks for numbers of persons who actually take parental leave and unpaid leave of absence for the care of the child.

In 2009 there were approximately 61 000 births in Norway. The same year 54 500 mothers took (at least) one period of paid parental leave. The number of fathers taking parental leave was approximately 43 000. Statistics shows that the father takes a leave corresponding to the length of the father's quota, only between every fourth or fifth father are on paid leave for a longer period.

From the year 2005 we have data showing that of the mothers with children from 0 up to 3 years, 46 percent were on parental leave; both paid or unpaid. Research on parents in working life has so far uncovered few connections between men's working behavior and the age and number on their children.

## **Article 31 – Right to housing**

Reference period 1/1/2003 – 31/12/2009

### **Article 31§1- Access to housing of adequate standard**

#### *1) General legal framework - reforms*

##### General framework

The Norwegian Human Rights Act has made the provisions of the International (UN) Covenant on Economic, Social and Cultural Rights directly binding Norwegian law. The right to adequate housing for everyone is described in art 11 of the covenant.

Under Norwegian law, there are no legal provisions laying down the right to housing. In principle, all adult persons in the country are assumed to be capable of acquiring a suitable dwelling for themselves and their family. Parents have a duty to provide their children with a suitable dwelling for as long as they are minors. Apart from this, pursuant to the Social Services Act, it is the duty of the municipal authority to help those who are unable to acquire a long-term dwelling for themselves and they are obliged to provide temporary shelter and dwelling to people who cannot manage this on their own. According to the Social services Act, the municipality shall cooperate with other actors to help disadvantaged people who cannot protect their interests in the housing market.

Since there are no right to permanent housing under Norwegian law it's neither a right to adequate housing and therefore nor a general definition in law regarding the notion of adequate housing. There is however several laws and rules that will contribute to ensure adequate housing.

- Planning and Building Act etc

For new dwellings there are detailed requirements in the Planning and Building Act and its technical regulations. Through the period this report concerns, the Planning and Building Act of 1985 and the technical regulations of 1997 have been in force, but they are now superseded by new legislation adopted 27 June 2008 No. 71, gradually in force from 2009, 2010 and 2011. The requirements in the aforementioned act and regulation may be regarded as *including* a notion of adequate housing standards defined by law for new dwellings, even though they probably by far exceed the minimum standard of adequate housing in general.

The technical regulations requires that construction works shall be so designed that they have sufficient risk against failure under the loads which can arise during the presumed use, and there are also provisions to ensure that dwellings are structurally safe also in cases of fire and actions of nature.

Health and hygiene is also secured to a great extent by the provisions of the Planning and Building Act and its technical regulations, which among other things requires that buildings for extended stay shall have toilets, no building may be constructed or put to use for the purpose of housing without satisfactory access to hygienically safe and sufficient potable water, sufficient waste disposal not exposing the users of the building in an unpleasant way and so on.

Due to the Nordic climate heating is a necessity and although there are no specific provision demanding heating or electricity in a dwelling such installations are de facto always present. However, there is in practice an indirect requirement for electricity and heating through the provisions about light and indoor climate.

Land may only be developed when there is adequate safeguard against risk or significant inconvenience as a result of natural or environmental conditions. In connection with the placing, design and execution of construction works, any soil contamination in the area must be investigated and taken into account. The Regulation of 1 of July 2004 relating to pollution control, chapter 2, contains a set of rules regarding cleaning of contaminated soil in connection with building and excavation work. On sites where there is a reason to believe that the soil is contaminated, the regulation imposes a duty upon the developer to examine whether this is true or not. If contamination is proven, the developer must clean the site before any building work can begin.

Building design shall ensure that human occupants will not be exposed to such radon concentrations in the indoor air as may increase the risk of health injuries. The guidelines set out a limit to such exposure.

Some of the provisions in the Planning and Building Act also apply to existing buildings, there are for example a possibility for the local authorities to demand installation of water closet or privet.

- Overcrowding

There is no general provision stating that overcrowding is prohibited. For tenants however the landlord can refuse the tenant to include other persons in the household if the dwelling clearly will be overcrowded. This does not apply to inclusion of family members.

- Obligations to maintain dwellings

Unless otherwise agreed, the landlord is obliged during the tenancy period to maintain the rented property and the rest of the property in the condition to which the tenant is entitled to according to the tenant's agreement. Unless otherwise agreed, the tenant is obliged to some indoor maintains (doors, locks etc).

The Housing Cooperative Act also states that the cooperative shall keep buildings and the property otherwise in good condition in so far as the obligation for this does not lie with the members. The member shall keep the dwelling in good condition and shall maintain such elements as windows, pipes, wiring, furniture and fittings, equipment, apparatuses and internal surfaces in the dwelling.

The Property Unit Ownership Act has similar provisions about maintenance and responsibility.

The Planning and Building Act also demands that the building owner shall ensure that structures and installations are so maintained as to entail no hazard or significant inconvenience to persons or property. The planning and building authorities may issue orders as are necessary to prevent such hazards.

- Rules regarding housing allowance

To be qualified for housing allowance, there are some requirements regarding the dwelling. The aim of this is to secure a minimum standard on dwellings. The dwelling has to be approved by the local government administration to fulfil the technical norm of a proper dwelling for all-year use. The dwelling must also be a separate independent unity with its own entry and have a bathroom/water closet, and there must be the possibility for cooking, and a place for sleeping and resting. (But not necessarily kitchen and bedroom as separate rooms). There are some exceptions for rented dwellings let out from the municipality where shared dwellings can also be accepted, so that households may share kitchen and bathroom/water closet.

- Temporary shelter

For temporary shelter there are national guidelines set to securing an acceptable standard on these dwellings.

In recent years, a great deal has been done to improve legislation related to housing and real estate. The Tenancy Act of 1999 strengthened the rights of the tenant, and safeguarded the interests of both parties. The Act relating to owner-tenant sections<sup>5</sup> of 1997 provided better safeguard for individual owner-tenants. Two Acts relating to cooperative housing associations (boligbyggelag) and housing cooperatives (borettslag) (Acts of 6 June 2003 Nos. 38 and 39) entered into force in 2004. These are jointly known as the Housing Cooperative Acts (Borettslovene).

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<sup>5</sup> An owner-tenant section is a share in a jointly-owned property with an associated sole right to occupy a dwelling or other space in the property



### Reforms during the period of the report

The tenants act rule about the landlords right to refuse inclusion in the household if the dwelling becomes overcrowded, came into force in June 2009.

A specific provision in the Consumer Sales Act regarding closing of electricity came into force in 2006 in addition to making the act apply to sale of electricity. The background was strengthening consumer rights.

The Planning part of the Planning and Building Act came into force in July 2009 and the Building part with a new set of technical regulations was made compulsory as from July 2010.

### *2) Implementation of the legal framework*

Pursuant to the Social Services Act, it is the duty of the municipal authority to help those who are unable to acquire a dwelling for themselves. Through the legal framework, the municipal authority has a responsibility to their residents in order to secure them with temporary housing.

The County Governor is representing the government in the county. Their task is to make sure that the Parliament and the government decisions, goals and guidelines are being followed. On behalf of the ministries, the County Governor undertakes a number of administrative tasks in relation to municipalities and citizens. The County Governor is an appeal authority and supervisory authority - which includes the municipalities' temporary housing and supply rules.

### Measures taken to implement the legal framework

The state and the municipalities provide different measures and programs in order to help households in need with permanent housing.

As part of the efforts to fight poverty there has been initiated several measures for homeless people. A grant scheme to follow-up services in the home has been established. The purpose of the scheme is to strengthen and develop the common services in the municipalities so that they can better protect homeless people and people with substance abuse problems in need for follow-up services at home.

The scheme provides a wide range of services, such as assistance to obtain housing and establish a home, practical assistance at home, financial advice, health promotion and work, leisure and activity measures.

The state assists in the provision of housing for disadvantaged and marginalized persons through the Norwegian State Housing Bank. The bank offers several types of loans and grants to individuals and municipal authorities, as well as to organizations and institutions providing housing for disadvantaged and marginalized persons and in general low-income groups.

The housing allowance system is a government-financed support scheme for partial coverage of housing expenses for households with low income and high housing expenses. The housing allowance scheme was strengthened in 2009 by simplifying the requirements. The scheme is now available for all households within given limits of low income and high housing expenses. Some municipalities also provide municipal housing allowances. There are

approximately 2 140 000 households in Norway. Approximately 5,7 percent of the households received housing allowances in 2009.

The housing grant for individuals has the objective of assisting especially disadvantaged households to buy and remain in acceptable homes. A housing grant may be given for the purpose of making housing accessible and habitable for persons with special housing needs, such as older persons and persons with disabilities. In 2008 1 412 households received a housing grant.

Municipalities are offered grants for building and improving nursing homes and sheltered housing. The goal of this campaign is to make room for 12 000 more persons with care needs by 2015.

Start-up loans are housing loans administered by the municipalities, and offered to enhance owner-occupation among young people and low income households. People who fail to receiving mortgages from private banks, are offered only high-interest mortgages, or lack equity capital, may apply for start-up loans. The borrowers must prove an ability to pay for the mortgage, and if they are, they will be offered a mortgage with an interest rate close to market rate. 6 490 households received a start-up loan in 2008.

A basic loan scheme aims at providing financing for rural areas where it is difficult to obtain mortgages from private financial institutions at normal rates. A basic loan may be granted for the building of new housing, renovation, remodelling, or purchase of new or existing rental housing. Increased attention is also being given to making more homes physically accessible, and to promote universal design in general. Universal design costs are primarily lift installation and access modification.

The municipal authorities are responsible of providing low-cost social housing units for disadvantaged and marginalized individuals and families. The municipalities may apply for grants from the State Housing Bank when building low-cost social housing units. As the result of a state run targeted campaign, 2 450 low-cost social housing units has been built by the municipalities with the help of state grants in 2009. There are waiting lists for housing allocations, but here is no aggregated data of the total number of persons on waiting lists or the average length of waiting time. Under question 3 there is a table showing the number of new households on waiting lists in 2009.

In order to help municipalities to run an efficient and goal-oriented housing policy The Norwegian State Housing Bank has offered development programmes in the field of social housing. These programmes are binding partnerships that involve several sectors both at a central government and municipal level. The goal is for municipalities to have comprehensive and locally rooted social housing policies based on their own needs. The selection of municipalities is based on an evaluation of those municipalities which have the biggest challenges in the field of social housing. A precondition is that they have to acknowledge these challenges and the goals are long-term preventive ones.

The Norwegian State Housing Bank is also involved in a special program in Groruddalen, an area of Oslo. The intention of this program is preventing development of troubled areas with social exclusion (and inadequate living conditions) and underinvestment in the maintenance of housing and their surroundings.

Security of tenure: protection from forced eviction and other threats  
Provisions set to limit the risk of evictions (and forced sale).

The court can inform the social service about a petition regarding forced sale of property. The enforcement officer may also inform the social service about a petition regarding eviction. According to The Tenancy Act the landlord can inform the social service office if the tenant does not pay the agreed rent at the agreed time. Failure to pay rent according to the tenancy agreement will normally lead to the termination of the agreement, and will lead to eviction if the tenant does not move voluntarily. The social service office can offer immediate financial help under The Social Service Act or help re-housing.

Existence of *procedures* to limit risk of evictions and to ensure these does take place:

- Reasonable notice period before eviction  
The Enforcement Act provides for a reasonable notice period before eviction through its provisions.  
A normal period of time from the first notice (“petition for eviction will be filed if you don’t pay within 14 days”) to conclusion of the eviction is 5-7 weeks.
- The law prohibits evictions at night or during winter  
The rule for all types of enforcement is that the enforcement only can take place at night or on holidays if it is very crucial. The enforcement officer has a general obligation by law to show the necessary caution and consideration required by the situation.
- Legal remedies against eviction  
Tenants can complaint to the court on decisions and actions by the enforcement officer during the whole eviction process. When the eviction is actually concluded the tenant is no longer entitled to complaint.
- The scope and limits of the supervision power of the Court in particular regarding the suspensive effect of the appeal  
Complaints the tenant make to the court regarding eviction has suspensive effect if the ground of enforcement is a provision in the tenant agreement that states that eviction can take place in cases of non-payment (see above), unless the enforcement officer or the court finds the complaint to be groundless. For other grounds of enforcement, the enforcement officer or the courts decides if the complaint shall have suspensive effect.  
The general rule under enforcement is that the tenant can make any objection and that there are no limits to court supervision powers. If the ground of enforcement is a judgement this does not apply regarding questions solved by the judgement.
- Legal aid to those in need to enable them to seek redress from the court  
The Legal Aid Act ensures free legal aid (small own-part) to low income groups where the tenancy agreement is terminated by the landlord.
- Compensation for illegal evictions  
In Norway all evictions must be carried out by public authorities and the possibility for the tenant to complain to the court is present throughout the processes until the eviction is actually concluded (see above). If mistakes are being made by the public authorities, the tenant will be entitled to compensation by the State.

#### Questions from the Committee in conclusions 2005

- According to the Committee, the standards of adequate housing must be applied not only to new constructions, but also gradually, in the case of renovation, to the existing housing stock. They must be applied to both owner-occupied housing and rented accommodation

Provisions made in or pursuant to Planning and Building Act also apply in cases of general renovation, substantial renovation of certain parts of the structure, any addition to,

extension of or underpinning of a structure and erection, alteration or repair of technical installation.

The Planning and Building Act and attached regulations apply to all buildings, therefore both self-owned and rented dwellings.

- Injunctions against owners who disregard urban development rules and maintenance obligations for landlords.

The Planning and building act has provisions regarding stopping unlawful work and cessation of unlawful use and removal or remedying of unlawfully executed work. In the case of any matter that contravenes provisions made in or pursuant to the planning and building act, the planning and building authorities may order the person responsible to remedy such matter within a time limit and also prohibit the continuation of such activity. If necessary, the planning and building authorities may require assistance from the police to enforce an order to stop the work or to discontinue use.

Maintenance obligations are described above.

- Public authorities must also guard against the interruption of essential services, such as water, electricity and the telephone.

Supply of water and electricity to household's falls within the scope of the Norwegian consumer sales law.

The electricity supplier may suspend the delivery of electricity on grounds of serious breach of the contract. According to law, the electricity supplier is not allowed to suspend the delivery of electricity if there is a risk of life, health or major damage – or if the consumer has objections that are not groundless.

According to law, the electricity supplier has to send a written prior notice before they suspend the delivery of electricity. The consumer is given a time limit of four weeks to pay, and he is asked to contact the electricity supplier if there is a risk for life, health or major damage. The electricity supplier is obliged to inform the consumer of the possibility to contact the social security office who can help according to the provisions of the social service act.

In Norway private households normally have water supplies from the municipality. The water supply may be suspended if there is a considerably breach of contract. According to general principles of contract law the impact of cancellation must be taken into account when considering if there is a serious breach. This means that it is not be allowed suspend the delivery of water if there is a risk for life or health or in danger of fire.

Regarding telephone there are rules in the electronic communication act to ensure universal service that is to say, the provision of a defined minimum set of services to all end-users at an affordable price. One supplier of telephone (the biggest) is obliged to deliverer the service to everyone. The telephone companies may however end the service if there is a serious breach of contract. Telephone is not considered a necessity in the same manner as electricity and water.

- Occupiers and tenants must have recourse to affordable and impartial judicial Remedies  
The right to free legal aid is described under article 31§2.

A dispute regarding tenancy can be brought to the Conciliation Court who can both mediate and take decisions. The judgements of the conciliation Court may be appealed to the district court. The party requesting the dispute resolution must pay a fee of NOK 860 (1 x "R") in advance.

In the major cities and the most populated county in the country, there are also Rent Disputes Tribunal (HTU) resolves all type of disputes between landlords and tenants of residential property. The HTU can both mediate and take decisions in disputes. If mediation is refused or is unsuccessful, the case officer, together with two other tribunal members appointed by the respective Norwegian landlords' and tenants' associations, will make a ruling on the case. The dispute is then adjudicated on a legal basis. A decision has the same legal effect as an enforceable judgment, unless the case is brought before the District Court within one month. The party requesting the dispute resolution must pay a fee of NOK 860 (1 x "R") in advance.

The proceedings before both the conciliation court and the Rent Dispute Tribunal are organized in such manner that people themselves can make a complaint. You may meet with an attorney, but most people don't and they shall receive necessary guiding from the court/tribunal to be able to take care of their interests.

### *3) Figures, statistics etc*

#### Grant scheme for homeless

The scheme comprises follow-up services in the home has been established. The purpose of the scheme is to strengthen and develop the common services in the municipalities so that they can better protect homeless people and people with substance abuse problems in need for follow-up services at home.

The scheme provides a wide range of services, such as assistance to obtain housing and establish a home, practical assistance at home, financial advice, health promotion and work, leisure and activity measures. An estimated 2,400 users received services through the scheme in 2008. A majority of those receiving follow-up services have substance abuse problems in combination with mental disorders.

#### Adequate housing

The issue of adequate housing is attended to in Statistics Norway's latest Survey of level of living, undertaken in 2007. The survey is a cross sectional study based on 3 000 observations. According to the survey 3 percent of Norwegians are living in damp dwellings<sup>6</sup>, and 6 percent are living in crowded dwellings<sup>7</sup>. 5 percent are subjected to noise nuisances from industrial activity, 4 percent are bothered by air pollution from industrial activity and the like, 5 percent are bothered by noise from aircraft, 3 percent from train and 14 percent from streets. This result shows that most Norwegians are not bothered with noise outside their dwelling, except

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<sup>6</sup> Damp dwelling defined as a dwelling where there is damage caused by rot, mold, or fungus in all or some of the living rooms.

<sup>7</sup> Crowded dwelling is defined as: A person living alone in one single room or in a household with more persons than living rooms. Kitchen, bathroom, hall or small rooms less than six square meters are not considered as living rooms.

noise from streets where the number of bothered are somewhat higher. Access to basic infrastructure such as water, heating, waste disposal and electricity are not measured. In 2001 0,9 percent of Norwegian households had neither bathroom or toilet, 99 percent had their own kitchen/cooking facilities. Most dwellings had an adequate heating system; all households had access to clean water (Population and Housing Census 2001).

The population and Housing Census are carried out every tenth year, and next census will be carried out in 2011. Until then there will be no new information about sanitation and other facilities in the dwellings.

### SURVEY OF LEVEL OF LIVING, TIME SERIES

	2001	2004	2007
Damp dwellings	N/A	N/A	3,0
Crowded dwellings	7,7	7,4	6,0
Noise nuisances due to industrial activity	3,5	4,6	5,0
Air pollution from industrial activity	3,1	4,6	5,0
Heating all room	2,9	4,2	3,0
Decay, mould, fungus, all rooms	0,4	0,4	0,0

There is no information or statistics available about people living in structurally unsafe housing. But based on the findings in the Survey of level of living, we find it probable that the number of people living in structurally unsafe housing is very small. However there is some information about the local environment in Survey of level of living. 7 of 10 Norwegians live with area for play and recreation within 200 meters, 57 percent have safe access to this area. 63 percent of the households mean that it will be safe for a 5 year old child to go out alone safe from the traffic.

**Table: Size of dwelling and the households intention of staying in the dwelling**

Question: How well does the size of your dwelling fit the number of persons in the household?

	Reasonably large	Too small	Too big	Total
Households who plan to move	17 %	50 %	15 %	22 %
N	381	184	44	609

The reason why the household is planning to move:

	Reasonably large	Too small	Too big	Total
Work/education	28 %	10 %	13 %	21 %
Living conditions	29 %	64 %	28 %	40 %
Personal reasons	28 %	18 %	50 %	26 %
Other reasons	15 %	8 %	9 %	12 %

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**Table: proportion of dwellings which experience difficulties with:**

	Total
<i>rooms are hard to warm up</i>	
all rooms	3 %
some rooms	7 %
none	89 %
<i>Very warm rooms in the summertime</i>	
all rooms	6 %
some rooms	23 %
none	71 %
<i>decay/mould/fungus</i>	
all rooms	0 %
some rooms	3 %
none	97 %

Figures from annual municipality report to Statistics Norway (KOSTRA)

KOSTRA is a system for annual reporting from municipalities covering a wide variety of issues. It is maintained by Statistics Norway. Of particular relevance to the question of access to adequate housing are reports on municipality owned or sublet dwellings, application and waiting lists for such dwellings, and use of temporary accommodation.

	2009 <sup>1</sup>	(2003)
Total stock of dwellings at municipality disposal	97 100	91 100
Number of households assigned accommodation in long term municipality housing	15 900	16 700
Total number of applications for municipality housing <sup>2</sup>	34 100	32 700
New households in waiting lists for municipality housing	5 900	n/a
Number of households in temporary accommodation	2 900	3 700 <sup>3</sup>
- thereof, resident for more than 3 months	740	n/a

Notes:

<sup>1</sup> Numbers as of January 1.

<sup>2</sup> Definition of "application" is widened somewhat as of 2009

<sup>3</sup> There is doubt about the accuracy of these reports for early years

Over the six year period, stock of housing at municipality disposal has increased by 6.6 percent. A 2009 government plan aimed at further increasing the number by 3 000 within the year. The result was around 2 450.

The number of households that have been assigned accommodation in municipality housing is somewhat lower than in 2003, suggesting that the turnover of residents within the stock has decreased.

Not all municipalities maintain waiting lists. Data cited cover 27 percent of communities and 60 percent of population.

Number of households in temporary accommodation is reduced by 22 percent. Reduced use of temporary accommodation was one of the targets for the 2005-2007 program to combat and prevent homelessness. The fraction of households staying in such accommodation for longer than three months is not known for years earlier than 2009. Earlier statistics suggest that a fraction varying between 18 and 35 percent of the total number of residencies lasted more than 3 months in the years 2004-2007.

## **Article 31§2 – Reduction of homelessness**

### *1) General legal framework - reforms*

#### Right to housing

The Norwegian Human Rights Act has made the provisions of the International (UN) Covenant on Economic, Social and Cultural Rights directly binding Norwegian law. The right to housing is described in the covenant.

Under Norwegian law, there are no legal provisions laying down the right to housing. In principle, all adult persons in the country are assumed to be capable of acquiring a suitable dwelling for themselves and their family. Parents have a duty to provide their children with a suitable dwelling for as long as they are minors. Apart from this, pursuant to the Social Services Act, it is the duty of the municipal authority to help those who are unable to acquire a long-term dwelling for themselves and they are obliged to provide temporary shelter and dwelling to people who cannot manage this on their own.

Homeless people often have plural needs. The Social Service Act also gives individuals with need of long-term, coordinated health care and/or social service, a right to an individual plan to outline their needs and ensure cooperation between different public service providers. A suitable dwelling will be an important part of the plan if this is lacking.

In current housing law (the Tenancy Act, the Housing Cooperatives Act and the Property Unit Ownership Act) there are provisions that prohibit discrimination on account of religious faith, skin colour, language skills, national or ethnic origin, sexual preference, lifestyle or orientation. The law applies when dwellings are rented out, and such characteristics will not be considered reasonable grounds for refusing to accept households or a change of tenant under the sub-let contract, nor may they be taken into account when a tenancy contract is terminated. The issue of discrimination in the housing sector is subject of continuous observation, and sought precluded through different means administered by the Norwegian State Housing Bank and the municipalities.

#### Provisions set to limit the risk of evictions (and forced sale)



The court can inform the social service about a petition regarding forced sale of property. The enforcement officer may also inform the social service about a petition regarding eviction. According to The Tenancy Act the landlord can inform the social service office if the tenant does not pay the agreed rent at the agreed time. Failure to pay rent according to the tenancy agreement will normally lead to the termination of the agreement, and will lead to eviction if the tenant does not move voluntarily. The social service office can offer immediate financial help under The Social Service Act or help re-housing.

According to the Social Service Act the local authorities are obliged to provide advice in order to prevent social problems for those wanting it, typically advice on their personal finances. The local authorities are also obliged under the Social Service Act to provide other services to those unable to take care of themselves. This can for example be different kind of help making it possible for people to live by themselves.

Debtors with serious debt problems can get an opportunity to regain control of their financial affairs with The Debt Settlement Act. If a debt settlement is made the debtor will normally be without debts if he during a five year period, pays as much as he can to the creditors – this may be nothing. The debtor right to reasonably housing has priority before the creditors interest in recovering their claims. The debtor can keep his self-owned dwelling or rented dwelling if it does not exceed his and his households reasonable needs, but for self-owned dwellings mortgage corresponding with the market value of the dwelling (plus 10 percent) will not be cancelled by the debt settlement.

The Creditors Recovery Act secures that the debtor always will keep enough of his income to meet reasonable needs for the support of him and his household. The act also has provisions regarding forced sale that threatens the debtors dwelling rights. If this is so the court can upon the request of the debtor, decide that the forced sale can be executed only if the debtor is provided with another dwelling which meets reasonable requirements. Such a decision may not be made if the debtor has failed to do what he can to procure another dwelling or if the forced sale is executed for the collection of rent or loan regarding the dwelling.

For people having serious difficulties managing their personal finances, volunteer administration in order to secure the payment of important bills for example rent, can be offered under the Social Service Act. There are also possibilities in some cases for compulsory administration, for example for payments under the National Insurance Act and for housing allowance. Social welfare benefits can be given through payment of bills.

Existence of procedures to limit risk of evictions and to ensure these does take place; they are carried out under conditions which respects the dignity of the persons concerned

Regarding procedures to limit the risk of evictions, we draw attention also to what is mentioned above about information to the social service that can assist to prevent evictions. A brief presentation on eviction was given in Norway's last report. In their conclusions the committee asked for more detailed information about the following:

- Obligation to consult with the affected parties to find alternative solutions to eviction  
There is no such obligation under the Enforcement Act.
- Reasonable notice period before eviction  
The Enforcement Act provides for a reasonable notice period before eviction through its provisions.  
To be able to demand eviction the landlord must have a ground of enforcement. One ground of enforcement is a provision in the tenant agreement that states that eviction

can take place in cases of non-payment. The Enforcement act requires that the landlord sends a notice about the planned petition for eviction if payment is not made, at least 14 days before he actually files the petition before the public enforcement officer. When the enforcement officer receives the petition it is sent to the tenant with a deadline of two weeks to give his comments. When the enforcement officer finds that all relevant information is at hand or if the tenant does not give any comments, he decides on the matter of the eviction. The Enforcement act also requires the enforcement officer to notice the tenant about the time for the actual (physical if necessary) eviction, but the act does not have any requirements regarding this prior notice. In practice two weeks notice is common. A normal period of time from the first notice (“petition for eviction will be filed if you don’t pay within 14 days”) to conclusion of the eviction is 5-7 weeks.

When the ground of enforcement is a judgement it is not necessary to give the tenant 14 days notice before the petition for eviction is sent. The obligation for the enforcement officer to submit the petition to the tenant with a time limit of two weeks to make his comments and the tenants right to be informed about when the eviction will be concluded, applies for all evictions no matter what the ground of enforcement is.

#### Does the law prohibits evictions at night or during winter

The rule for all types of enforcement is that the enforcement only can take place at night or on holidays if it is very crucial. The enforcement officer has a general obligation by law to show the necessary caution and consideration required by the situation, and this will lead to the conclusion the evictions from dwelling at night is prohibited.

Evictions during the winter take place, but since the municipal authorities is obliged to find temporary shelter immediately (if necessary a hotel until other accommodation can be provided) for those who need it, no tenants need to spend the night outdoor.

- Legal remedies against eviction

Tenants can complaint to the court on decisions and actions by the enforcement officer during the whole eviction process. When the eviction is actually concluded the tenant is no longer entitled to complaint.

- The scope and limits of the supervision power of the Court in particular regarding the suspensive effect of the appeal

Complaints the tenant make to the court regarding eviction has suspensive effect if the ground of enforcement is a provision in the tenant agreement that states that eviction can take place in cases of non-payment (see above), unless the enforcement officer or the court finds the complaint to be groundless. For other grounds of enforcement, the enforcement officer or the courts decides if the complaint shall have suspensive effect. The general rule under enforcement is that the tenant can make any objection and that there are no limits to court supervision powers. If the ground of enforcement is a judgement this does not apply regarding questions solved by the judgement.

- Legal aid to those in need to enable them to seek redress from the court

The Legal Aid Act ensures free legal aid (small own-part) to low income groups where the tenancy agreement is terminated by the landlord.

At the time being the benefited group must have an income below NOK 246 000/year and for spouses/cohabitants the amount must be below NOK 369 000. The total assets must not exceed NOK 100 000 – a special provision states that self owned dwelling is not to be taken into consideration. The own-part is in at the minimum NOK 890 and maximum NOK 4 450 (in cases of trial).

- Compensation for illegal evictions

In Norway all evictions must be carried out by public authorities and the possibility for the tenant to complain to the court is present throughout the processes until the eviction is actually concluded (see above). As we see it there cannot be any illegal evictions by the public authorities. Those there in rare cases can be made faults by the enforcement officer or the court is something different. I so the tenant can will be entitled to compensation by the State.

- Does the law provide for measures to re-house or financially assist persons who are evicted because of public interest?

The Enforcement Act does not allow eviction on the ground of public interests. In cases of expropriation the owner is entitled to compensation according to the Norwegian Constitution.

## *2) Implementation of the legal framework*

To answer this question we refer to the 2nd Norwegian report on the implementation of the revised European Social charter Article 31, Paragraph 2, question B, where the measures taken to implement the legal framework are described.

In the conclusions 2005 the Committee asks for detailed facts and figures on the effectiveness of the programme to prevent homelessness:

From 2001 until 2007 two programs to prevent homelessness has been running.

### Project Homeless 2000 - 2004

Project Homeless was a four-year national trial project carried out in seven municipalities and by four organisations. The project has had the following goals:

- The Project – and the local projects – should develop and establish housing solutions and models which will fight and prevent homelessness.
- To establish and try out various forms of assistance in the housing offered.
- To establish formalised mutual, cross-department services.
- To collate experiences and disseminate these further during the project period.

An evaluation carried out by Byggforsk<sup>8</sup> concludes that the project created acceptance for the right of homeless people with substance misuse or combined diagnosis substance misuse / psychiatric problems to have access to housing and service. The evaluation also state that the results from the project appear to be implemented and grounded in management in the municipalities and professional departments.

### The national strategy to prevent and counteract homelessness 2005 - 2007

A homelessness prevention and alleviation strategy was in place between 2005 and 2007. Five ministries were involved. Implementing the strategy were front line agencies, mainly the Norwegian State Housing Bank working in collaboration with the Directorate for Health and Social Affairs. The strategy's five performance targets were:

- Reduce the number of eviction petitions by 50 percent and evictions by 30 percent
- No one should be required to stay at an emergency shelter on release from prison
- No one should be required to stay at an emergency shelter on discharge from an institution
- No one should be offered an emergency shelter place without a quality agreement

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<sup>8</sup> Byggforsk skriftserie 7 – 2005

- No one should be required to reside for more than three months in temporary accommodation

The program was evaluated in 2008 by Norwegian Institute for Urban and Regional Research (NIBR-rapport 2008:15). Below we have made a summary of their main findings. This is a present here simply findings and conclusions, not a review of various ways to determining achievement against performance targets.

The target to reduce eviction petitions by 50 percent and to reduce the number of evictions by 30 percent has not been achieved. Statistics for 2004 provided the calculation base, representing the year before the strategy was put into action. Between 2004 and 2007, eviction petitions fell by 22 percent and actual evictions by 15 percent nationwide. Petitions and evictions are prevalent in all types of municipality, but significantly more both relatively and absolutely in the major cities. Except from Oslo and Kristiansand the large cities have seen an increase in the number of evictions.

Achievements against the other four performance targets are reported to KOSTRA (Municipality-State-Reporting, a central database on municipal activity). The figures are considered unreliable; those on the use of emergency shelters are exceptionally unreliable and have not been published by KOSTRA/Statistics Norway. The use of temporary housing measures increased overall during the strategy's lifetime. One important reason for the rise is that these questions were new additions to the reporting forms in 2004, but reporting has improved during the strategy's lifetime as well. Nevertheless, the figures filed with KOSTRA show that temporary accommodation is used in all types of municipality, and for longer than three months as well.

Not only were these performance targets not met, it is difficult to determine rates of progress on any of them. Many local authorities consider the target to avoid offering places at emergency shelters without quality agreement to be of little or no relevance, and reporting is also deficient in this area. The structural setting for the homelessness prevention and reduction strategy is a housing sector dominated by home owners, a small, transient property market and limited social housing provisions locally. The strategy unfolded under a favourable economic climate characterised by low interest rates. People, who ordinarily would have waited before buying a home, purchased one now, boosting capacity in the rental sector in the process. Progress on target measures proceeded on the back of a thriving economy. As the strategy approached its end of life, the climate worsened. Interest rates began an upwards spiral, and the rental sector shrank fast in the major cities. The Housing Bank's housing policy instruments, i.e., start-up loan (startlån), housing subsidy (boligtilskudd) and housing allowance (bostøtte), are increasingly used to benefit disadvantaged groups in the housing market. They aim to promote wider home ownership. The use of the start-up loan and subsidy to procure homes for the strategy's target groups is limited.

The Strategy from a Top-down Perspective explores the roles of the various stakeholders, the views of selected stakeholders regarding performance targets, achievements and priorities, instruments and methods and opinions on strategy implementation, embedded and prolonging the work. The strategy facilitates significant vertical and horizontal collaboration between public and private stakeholders. Stakeholders include voluntary organisations, user organisations, private housing sector players such as landlords and developers, central and local government bodies. Collaboration is secured through partnerships or commercial agreements. The strategy is theoretically grounded in a governance approach, a form of government in which central government provides the means and local councils and other stakeholders work together in networks or public-private bringing the various stakeholders together and enabling optimal performance in the various arenas is delegated to the Housing

Bank. The Housing Bank builds on pre-existing networks coordinated by the County Governor and collaboration with the County Governor, but completely new networks were set up as well. Networking among local councils has offered a practical channel for sharing lessons and, not least examples of best practice. How well information was transmitted to elements of the council organisation not involved in the inter-council networks is an open question. The regional contact forums have brought stakeholders together on whose collective input results depend. One of the conclusions drawn from information provided by the stakeholders, they do not always see themselves as "owners" of the strategy, and its objectives garners varying degrees of support from stakeholder to stakeholder.

Based on information retrieved by a survey of local councils receiving competence building grants from the Housing Bank and/or participating in an inter-municipal network we can conclude the following. Over half of the local councils have successfully cut back on the use of temporary substitutes (with significant or very significant cuts). A small minority tells us that they no longer depend on stopgaps at all. The lack of housing is cited as the main reason for shortfalls on the strategy's national targets and locally adopted targets in the municipalities and city districts, for which home acquisitions and/or conversions are the highest priorities.

### 3) Figures, statistics etc

In its conclusions 2005 the Committee asks for detailed results on the homelessness survey. In 2008 the fourth national survey<sup>9</sup> on homeless in Norway gives relevant figures. Similar surveys were carried out in 1996, 2003 and 2005. Summarising the 2008 figures and comparing with figures from 2005, we see that the number of homeless persons in Norway as a whole in the last week of November 2008 was 6,091, or 1.27 homeless individuals per 1,000 populations. This is 10 percent higher than the last survey in 2005. However because the population has increased in the period; the actual increase is 7 percent. The four largest cities have a total of 2,632 homeless persons. Oslo has 1,526 (2.65 per 1000 pop.), Bergen 669 (2.66 per 1000 pop.), Trondheim 223 (1.23 per 1000 pop.) and Stavanger 215 (1.77 per 1000 pop.).

Homeless individuals - rate per 1,000 populations.

Year	National wide		4 largest cities	
	Number of homeless individuals	Rate per 1000 pop	Number of homeless individuals	Rate per 1000 pop
2008	6 091	1,27	2 632	2,36
2005	5 496	1,19	2 419	2,42
2003	5 200	1,14	2 604	2,56
1996	6 200	1,50	3 843	4,01

### Demographic profile

73 percent are male, 27 percent female. The female percentage is slightly higher than the 2005 figure. The age profile is the opposite of the age profile of the population as a whole. Average age is 35; one in four is under 25, and 6 percent 55 or older. The percentage of young homeless people – under 25 – has been growing since 1996. This group is over-represented in the smaller municipalities. About half of all homeless individuals have been homeless for a long time: 20 percent intermittently homeless for a period of several years; 25 percent homeless for more than six months.

<sup>9</sup> NIBR 2009:17

The great majority of the homeless (81 percent) were born in Norway. The next largest group is people of African origin (7 percent), followed by Asia (5 percent). Persons stemming from other Nordic countries, Europe and North-America account for 4 percent, and 1 percent comes from South and Central America. The percentage of foreign-born homeless people in Oslo is markedly higher than in the other municipalities: as much as 18 percent of Oslo's homeless population were born in Africa. The percentage of foreign-born homeless individuals in the other municipalities varies between 4 and 18 percent. The percentage of foreign-born homeless individuals is the same as in 2005.

The educational achievements of 52 percent include upper secondary school with a trade proficiency certificate. The level of education of 4 percent extends beyond upper secondary school. The educational status of homeless people is much lower than the average Norwegian. There is a small but systematic increase from the first survey and continuing through to this one. The question on education level received a relatively poor response: 44 percent ticked "don't know" or left the question unanswered.

Social benefits are the main source of income of 40 percent, and the main source of income overall among the homeless population. A slightly lower percentage, 37, receives a pension of some kind. Of these, 23 percent receive a disability or old age pension and 14 percent some form of rehabilitation benefit. 8 percent earn a wage, are on unemployment benefit or draw a sickness allowance. All three forms of income are work related. There is a clear and systematic decline in the percentage of homeless people on social assistance over the four surveys and a rise in the percentage of pension recipients. One should approach this difference in light of efforts to reduce and prevent homelessness. Having a place to live means for many an opportunity to apply for – and be obtain – a pension.

Most homeless individuals – 88 percent – are single. This figure includes divorcees and former cohabiters. The percentage of single individuals rose slightly from 1996 to 2003, but has stayed at exactly the same level ever since.

More than a quarter of all homeless people have children under 18. 16 percent of these parents have full or shared custody of their children. There are significantly more homeless mothers than homeless fathers who care for children on a daily basis. 32 percent of all parents have access rights. 378 children are homeless, together with their parents. This figure is not weighted, unlike the homelessness figure. In other words, the number of homeless children in the custody of homeless parents is almost certainly higher.

The definition of homelessness is the starting point for finding out where homeless people stay. The definition extends much further than those individuals who sleep rough, the commonplace notion of the homeless person. The largest group – 37 percent – lives temporarily with friends, acquaintances and relatives. Homeless people are more likely to live with friends, acquaintances and relatives in small municipalities. One in every four (23 percent) lives in temporary accommodation, i.e., overnight shelter, hostels, bed-and-breakfasts, campground cabins, etc. 17 percent are institutionalised but due to be discharged within a two-month timeframe. 5 percent live rough or use various emergency facilities with severely limited opening hours. 3 percent are accommodated at crisis centres. It should be made clear: not all crisis centre residents count as homeless, only those that satisfy the definition's criteria.

The study found a systematic variation in the type of shelter used by young and old homeless individuals. Over half of the under 25s live with friends, acquaintances or family, but only 15 percent of the oldest individuals, aged 65 and over. A minority of the youngest age group lives in temporary accommodation. The number of persons living in temporary accommodations co-varies with increasing age. Around 40 percent of those aged 55 and over have such provisional arrangements. The age gap grows even wider on the use of emergency shelters. The proportion of older homeless individuals (55 and older) that spend the night in emergency accommodation is three times as high as younger individuals (under 35). 12 percent had been in the same situation for up to three weeks before the data were recorded; 42 percent between three weeks and six months; and 41 percent in excess of six months.

The number of homeless individuals living in institutions or as wards of the probation service is the same as it was in 2005. The proportion staying with friends, acquaintances or family fell while the percentage using emergency shelters rose relative to 2005 figures. We found no systematic differences or tendencies relative to type of accommodation after comparing data from all four surveys.

We were particularly interested to see where homeless parents stayed, and we concentrate here on parents with children to look after. This group is also more likely than others to be living with friends, acquaintances and family for the time being. A large percentage of this group, (30 percent) are housed in crisis centres. One in every four with shared custody is a ward of the probation service. 14 percent with full custody and 7 percent with share custody use temporary accommodation. No parent with responsibility for children lives rough or uses emergency shelters.

- Length of homelessness

Homelessness for the majority has been a relatively persistent state. Nearly one in four had been homeless for more than six months, and one in three intermittently over a period of several years. One in four experience homelessness as one more acute problem. We find unmistakable differences between municipalities. Homelessness in the major municipalities is much more likely to last for years, and the percentage for which homelessness is the next acute problem is significantly higher as well. The duration question was not posed until the 2003 survey. We found that the percentage of those affected by homelessness over several years fell between 2003 and 2008, while the number of those experiencing homelessness as a fresh acute problem rose in the same period. The intermediate category, homeless for more than six months, is basically unchanged. Females are more likely than males to face acute homelessness (20 percent and 31 percent respectively), but males are more likely to fall into the long-term homeless category. Not unexpectedly, we find clear age differences. Acute homelessness is much more likely to affect members of the younger age group, but they are less likely to remain homeless over several years than the older age group. More than one in five of those under 25 were intermittently homeless for a period of several years. Long-lasting homelessness – several years – is more common among people born in Norway.

- Substance abuse and health

Most homeless people (59 percent) are addicted to drugs or alcohol. The changes in percentages over the years are slight. 20 percent have no such addiction. With regard to the remaining 20 percent, respondents have left the addiction question unanswered or indicated ‘don’t know’. Most of the addicted individuals use drugs including pills, but a not insignificant minority use both alcohol and drugs.

The prevalence of substance dependency is much higher among homeless males, and dependency tends to co-vary with duration of homelessness: four in five long-term (several years) homeless people are addicted to drugs/alcohol compared with two in five cases of acute homelessness. The younger age group is less likely to suffer dependency, and the type of substance used is also age dependent.

Three in four of the age-group 65 and over are addicted to alcohol, ethanol and/or solvents, while drugs prevail in all other age groups. Substance addiction occurs primarily among homeless persons born in Norway, and least among homeless persons born in Asia. One in three has a recognised or visible mental illness. Mental illness is more likely among the long-term homeless. 40 percent of the intermittent homeless over several years are registered with a mental illness and 29 percent of the acute homeless group likewise. A quarter has a mental illness and is dependent on drugs/alcohol. 10 percent are registered with a somatic condition or disability. We believe this figure is far too conservative. Both addiction and homelessness are significant causes of sometimes serious health problems. One could ask whether the homeless use the health services less than they could and should, and whether their health problems go unnoticed by the health and welfare authorities etc.

- **Problematic situations**

The most important reason people become homeless is because of a broken relationship or family conflict. 18 percent, more than 900 people, lost their home for this reason, and it is more likely to affect the younger age group. Also the youngest age group, 18 and younger, have lost a roof over their head due to foundering relationships and family disputes.

One in four had been evicted in the six months leading up to the survey. 8 percent had lost their home after defaulting on rent or mortgage payments. There was a degree of overlapping between defaulters and people who had been evicted. Two in four who had lost their home through defaulting had also been evicted. Eviction is also associated, or is coincidental with other situations, such as homelessness due to injury/disturbance/conflict, moving out because of bullying/discrimination, or because domestic violence forces a person to leave or causes them to be evicted. The principal cause of eviction is generally assumed to be rent arrears. The results of this study should help to nuance this assumption.

We would also like to make the point that homeless individuals with responsibility for offspring have also been evicted or for various reasons have lost their home. In other words, children suffer from evictions and loss of home, or from non-voluntary moves. A further point needs stressing and concerns problems caused by debt. 15 percent owe considerable sums and/or are victims of debt (gjeldsoffer). Whether 15 percent comprises a large group or not is an open question. We don't know whether debt caused the people to lose their homes, but high levels of debt make it more difficult to acquire a new permanent place to live. And in all likelihood, the respondents probably had limited information on the debt status of the homeless. We would assume that unsecured or unofficial loans are a hidden problem.

- **Evictions**

Statistics of eviction petitions and actual evictions shows that this is an issue for the largest cities in Norway. Oslo alone has 43 percent of all eviction petitions of all eviction petitions in Norway in 2006. And the 6 largest cities had together 61 percent off all eviction petitions.

*Eviction petitions and actual evictions 2004 -2009*

<b>Year</b>	<b>Eviction petitions</b>	<b>Actual evictions</b>
2004	14 809	3 326



2005	11 803	3 712
2006	10 763	2 346
2007	11 598	2 829
2008	8 531	2 020
2009	9 727	2 228

One of the explanations for this is the structure in the housing sector differs around the country. Smaller municipalities have a higher proportion of owned homes; with demands for eviction will not be processed by Namsmannen and therefore not included in the statistics. Rental sector in smaller municipalities are mostly smaller apartments within a bigger house, where the landlord and the tenant often take care of payment between themselves. This is just a part of the explanations for the difference between the largest cities and the smaller municipalities

A question that is impossible to answer from the present figures and reports is whether the evictions petitions and actual evictions have been reduced as a result of efforts related to strategy or whether there are other factors that have influenced results. The numbers of evictions also indicates that other factors than the stakeholders in the strategy have been significant. Already from 2004 to 2005, that first year of the strategy period, the number of evictions petitions went down by 20 percent and the number of actual evictions was reduced by 18.5 percent. Figures on the regional level, show large decrease in regions without municipalities which have had their own projects or cooperative agreements with the Namsmannen on issues related to evictions.

### **Article 31§3 – Affordable housing**

#### *1) General legal framework - reforms*

##### General legal framework

There are no rules under Norwegian law that regulates the prices on dwellings. The price is set by the market both for tenant and owner occupied dwellings.

The Tenant Act has a section about rent protection. Rent may not be agreed upon that is unreasonable compared with that which is normally obtained when concluding an agreement concerning the new letting of similar property on similar terms. There are also provisions protecting the tenant in cases of rent regulation.

The state helps to provide housing for disadvantaged and marginalized persons through the Norwegian State Housing Bank. The bank provides several loans and grants to individuals and municipal authorities, as well as organizations and institutions that provide housing for low-income groups. Persons, who are not able to provide for themselves, are entitled to financial support to cover necessary expenses, including housing expenses.

Low income groups can be entitled to housing allowance. Housing allowance is regulated by the current law for the Norwegian Housing Bank, and in administrative regulations given by the Ministry of Local Government and Regional Development. Housing allowance and other programs is briefly mentioned in Norway's last report.

In 2009 the current law of housing allowances was revised, so that all persons over 18 years of age can apply for housing allowance. There are certain exceptions for students and people doing compulsory services. There are some requirements connected to eligible dwellings (the dwelling must be registered as a permanent dwelling, have a bathroom, cooking facilities, and

a place for sleep and rest). The allowance is then depending on the relation between the household's housing expenditure and income, number of household members and location of the dwelling.

The housing grant for individuals has the objective of assisting especially disadvantaged households to obtain and maintain acceptable homes. A housing grant may be consented for the purpose of making housing accessible and habitable for persons with special housing needs, such as older persons and persons with disabilities.

Start loan may contribute to households who have problems with establishing in their own dwellings. People who fail in receiving loans from private banks, or people who lack own capital, may apply for start loan.

### Reforms

Throughout the whole period the housing allowances system has gradually been revised with the aim to make the system general by removing restrictions on types of eligible households as well as certain conditions on housing; floor space, dwelling requirements and financing types. Another aim of the revision has been to make the system more transparent and simple to administer. Below is a line-up regarding the most important changes in the housing allowances system in 2003 -2009:

#### *2003*

- The requirement for households in owner occupied housing, that the financing of the housing should be of certain types, is abolished for households with children, for households with different types of social transfers as well as social welfare benefits as the only source of income.
- The requirement that the dwelling should be at least 40m<sup>2</sup> is abolished for households with children, different types of social transfers as well as social welfare benefits as the only source of income, for households in local government rental housing in the four largest cities.

#### *2004*

- Recipients of introduction support are eligible for housing allowances, in connection with the new introduction scheme for newly arrived immigrants

#### *2005*

- The requirement that the accommodation shall be at least 40m<sup>2</sup> is abolished for all households with children under the age of 18
- The housing allowance coverage of housing expenses minus an income related deduction is increased from 70 to 80 percent for households in social housing.

#### *2006*

- The requirement that the accommodation shall be at least 40m<sup>2</sup> is abolished for all households except for certain pensioners with higher income
- The maximum housing expenditure ceiling is increased with NOK 10 000 for 8 larger cities.

#### *2007*

- Introduction of monthly applications and payments of housing allowances, the latter with a lag of one month

#### *2008*

- Participants in the government's new qualifying program are eligible for housing allowances. The program aims at increasing the number of persons that are gainfully employed.
- The requirement for types of financing of housing is abolished for the remaining eligible household categories.

2009

- In 2009 the current law of housing allowances was revised (see above).

#### Information requested by the Committee in the conclusions 2005

- Bodies and organisations that are involved in the provision of housing for disadvantaged groups and their powers and responsibilities, together with up-to-date facts and figures on the provision of social housing

In the Norwegian context it is relevant to define social housing as the rental dwellings that local governments either own or have the right to let to low income households, through long term contracts with private entities.

In Norway there are the municipalities who are responsible for the provision of housing for disadvantaged groups. The municipalities work together with NGOs, housing cooperatives and private actors in order to provide housing. The state supports the municipalities with grants and loans to finance parts of their investments in social houses.

Total number of dwellings at the local governments' disposal and number owned by the local government

Year	Total number of social dwellings	Number of dwellings owned by local governments
2003	91095	74171
2004	92994	78136
2005	94239	78497
2006	93311	77561
2007	94157	78782
2008	95175	80195
2009	97068	83013

- The demand for social housing, the average waiting time for the allocation of social housing and the percentage of the applications granted.  
Certain local governments have waiting lists for social housing, but with different rules for these lists. It is important to note that due to the limited supply of social housing in many local governments, many households may abstain from applying for such an accommodation. The real demand for social housing will then not be registered. To date there is no aggregate data on the demand for social housing or average waiting time
- Explanation on the two types of benefits (housing allowance and social welfare benefits)  
Housing allowance is a government support scheme for partial coverage of housing expenses for households with a combination of low income and high housing

expenditure. To qualify for this allowance, the household's income has to be less than a certain amount (income ceiling). This support is an instrument of housing policy – and the households with the lowest income in relation to their housing expenditure receive the most support.

Housing allowance is a legal right, when certain requirements are fulfilled. There is a low grade of juridical assessment, but means tested in relation to income and housing expenditure.

Housing allowance is regulated by the current law for the Norwegian Housing bank, and in administrative regulations given by the Ministry of Local Government and Regional Development.

The ordinary social welfare benefit is an instrument of social policy – and the benefit has a very high grade of juridical assessment. It has a lesser degree of legal right, and it is strongly means tested. Welfare benefits may vary from one municipality to the other. All expenses, including housing expenses, are relevant when welfare benefits are considered. For home loans, normally interests only will be accepted as a housing expense. When welfare benefits are means tested, housing allowance will be included in the household income. Therefore some households will receive both housing allowances and ordinary welfare benefits.

For those who are refused housing allowances, there is a possibility to register a complaint at the Norwegian State Housing Bank. If housing allowance is denied, the household has to rely on the social welfare benefit system.

### 3) *Figures, statistics etc*

Grants to rental housing can be given to local governments as well as other organisations under the condition that the housing is restricted to low income households. Of the total number of rental housing with grants in the period 2003 -2009, 85 percent of the units are owned by local governments.

Grants to rental housing for low income households.

Year	Number of households units
2003	1100
2004	1019
2005	1590
2006	735
2007	854
2008	977
2009*	2441

\* Extra government budget allocation to promote social housing

In addition to support to social rental housing the government supports owner occupation, as one of the government's major housing policy aims. The support is in form of start up loans (startlån) and grants (boligtilskudd) to low income households.

#### Housing allowances

Housing allowance applicants and recipients

Year	Applicants	Recipients
2003	129 500	111 100
2004	125 500	108 610
2005	121 590	103 090
2006	121 100	105 510
2007	109 280	99 270
2008	106 900	101 790
2009	113 670	107 250