

NORWAY

Most questions require a reply based on the following codification:

a. Yes, already done <input type="checkbox"/>	b. Yes, work is in progress <input type="checkbox"/>	c. We intend to work on this <input type="checkbox"/>	d. Position non determined <input type="checkbox"/>	e. No <input type="checkbox"/>
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Section I – Implementation and dissemination of the Recommendation

1. How would you assess the status of implementation of the Recommendation in your country?

Fully satisfactory ☐ Adequate ☒ Insufficient ☐ Absent ☐

Please explain your reply.

The Ministry of Children, Equality and Social Inclusion is responsible for following up the Recommendation in Norway. All ministries have been asked to go through the Recommendation in order to make sure that Norwegian policies and Norwegian law meet with the expectations of the Recommendation within their specific areas of responsibility (Action Plan Status Report 2011, p. 6).

Most of the measures in The Norwegian Government's action plan "Improving quality of life among lesbians, gays, bisexuals and trans persons (2009-2012)", which to a large degree overlap the measures in CoE CM Rec 2010/5, have been implemented. In order to ensure the full implementation of all the measures in the National Action Plan, the implementation period has been extended until the end of 2013. The implementation of the Action Plan will be evaluated in 2013.

One important step towards following up the Action Plan (and also the CoE LGBT Rec.) has been the establishment of a national knowledge centre on sexual orientation and gender identity, the LGBT Knowledge Centre. This measure will provide capacity and increased continuity to the Government's work on LGBT issues.

The Government's National Action Plan was launched in 2007 and has since brought focus and attention to the challenges and needs of LGBT-persons in the general population and in many public service providers. Partly for this reason the CoE recommendation is probably less known and referred to in Norway.

2. Has a review been carried out of existing legislative and other measures which could result directly or indirectly in sexual orientation or gender identity discrimination?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please explain and, if appropriate, provide examples of any such measures found:

In 2007, a Government Commission on Anti-discrimination legislation, the Graver Commission, was appointed to review existing legislation and prepare a proposal for strengthened and more comprehensive anti-discrimination legislation. The Commission also considered whether new bases for discrimination should be included in the legislation. This work resulted in an Official Norwegian Report in 2009, suggesting several changes to improve legislation in this area. This Report has been through an extensive consultation process and suggestions for new anti-discrimination legislation

will be presented to Parliament in 2013. This will be a new law with protection against discrimination on the grounds of sexual orientation, gender identity and gender expression.

In 2008 The Ministry of Children and Equality put proposals to The Norwegian Parliament (white paper) regarding amendments to the Marriage Act, Adoption Act, the Act on Biotechnology and the Children Act. Today Norway has a common Marriage Act for heterosexuals and homosexuals which allows couples of the same sex to enter into marriage. Present legislation allows married same sex couples to be considered as prospective adoptive parents on an equal basis with heterosexual married couples. It also gives lesbian spouses and cohabitants the same access to medically assisted reproduction as heterosexual couples and cohabitants, and gives children of lesbian couples conceived by medically assisted reproduction the same legal protection as children born in heterosexual relationships after birth through medically assisted reproduction.

Are there measures in place to redress any such discrimination?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

New anti-discrimination legislation is under way (see above). This legislation will also give protection against discrimination on the ground of gender identity/gender expression.

3. Have legislative and other measures against discrimination on grounds of sexual orientation or gender identity been adopted and implemented since the adoption of CM Recommendation 2010(5) (including the possible establishment of national action plans, the inclusion of the Recommendation in existing plans, or the creation of cross-sectoral working groups for its implementation)?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If appropriate, please provide examples of measures adopted or in preparation.

A national action plan for improving the quality of life among lesbians, gays, bisexuals and trans persons has been in place since 2008 (see above).

The Ministry of Children, Equality and Social Inclusion has chaired an interministerial group consisting of representatives from the Ministry of Labour, the Ministry of Government Administration and Reform, the Ministry of Health and Care Services, the Ministry of Justice and Public Security, the Ministry of Culture, the Ministry of Education and Research, the Ministry of Foreign Affairs and the Ministry of Defence. The latest meeting in this interministerial group took place on the 26th of September 2012. The interministerial group has discussed progress on the measures in the Action plan, and progress made has been reported annually in a status report.

In 2011 the LGBT Knowledge Centre was established within the government structure, located in the Directorate for Children, Youth and Family Affairs. The establishment of the centre clearly signals that the Norwegian Government considers expert knowledge on lesbians, gays, bisexuals and transgender people's lives and well-being a responsibility of the state. Increase in expertise for everyone providing public services is needed, and the Centre will be able to provide support for national and local authorities to address LGBT issues and come up with good solutions.

4. Are there measures in place to collect and analyse relevant data on discrimination on grounds of sexual orientation?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on discrimination on grounds of gender identity?

a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on hate crimes and hate-oriented incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

The Ombudsman for equality and anti-discrimination has a mandate to handle reported cases of discrimination that has protection within the anti-discrimination legislation. Currently, sexual orientation is included in anti-discrimination law covering working life and housing. Gender identity and gender expression is not covered by existing laws.

The Ombudsman registers all discrimination cases reported to them. However, there have been very few cases where sexual orientation is reported as the reason for incidents.

A new anti-discrimination law will be presented to parliament during spring 2013 (see earlier comment). In the new legislation, discrimination on the grounds of sexual orientation and gender identity and gender expression will be illegal in all areas of life, except in family life. The mandate of the Discrimination Ombud should be expanded accordingly.

Existing knowledge on discrimination on the grounds of sexual orientation and gender identity is mostly generated through research projects commissioned by the Government. A research program, analyzing the living conditions of LGB-persons in Norway, was initiated by the Government in 2011, and is followed up by the LGBT-Knowledge Centre. The survey includes a broad spectrum of questions, including discrimination on grounds of sexual orientation. The programme also includes a large-scale survey on Norwegian attitudes towards LGBT persons. Several reports from this project will be published during 2013.

The LGBT Knowledge Centre has commissioned research on the living conditions of trans-persons and transsexuals in Norway. The research is to be published in January 2013. However, more research and data (both quantitative and qualitative) is needed about the life and challenges of the trans-population, and on discrimination and hate crimes on the grounds of gender identity / expression.

In 2010, the National Police Directorate did a survey of all reported incidents of hate-crime in 2008-2009. The report analyses the scope, characteristic features and contexts of cases of hate violence, against lesbians, gays, bisexuals and trans- persons, and how public authorities deal with such cases. The report was a follow-up of the report "Hatkriminalitet – anmeldelser registrert i 2007" (*"Hate crime – reports to the police registered in 2007"*).

The Norwegian National LGBT Association (LLH) (a NGO based on individual membership), receives financial support from the Government for the project "*Pink competency justice*" and their internet initiative "*Don't put up with it*". On the project website LGBT people are encouraged to report hate-

oriented incidents to the police, or to report incidents of discrimination or violence anonymously to the LLH through an online form. These reports give valuable information on hate-oriented crimes against lesbians, gays, bisexuals and trans- persons. Through this and other measures, *Pink competency justice* aims at educating the LGBT community in what hate crime is and why it is important to report such crimes to the police, whether it leads to prosecutions or convictions or not.

5. Do effective legal remedies for victims of sexual orientation or gender identity discrimination exist (including sanctions for infringements and adequate reparation for victims)?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If so, are there measures in place to raise awareness and facilitate access of victims to such remedies?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

An important measure in this regard is the Equality and Anti-Discrimination Ombud (LDO). The Equality and Anti-Discrimination Ombud enforces the discrimination regulations in the housing legislations and the Working Environment Act, but not in the penal code. This means that LDO provides legal guidance and deals with cases related to discrimination against people on the basis of sexual orientation in employment and in housing. Discrimination against people on the basis of gender identity or gender expression, however, is still not covered by these laws and is therefore not part of the mandate of the Ombud. These laws are presently under revision and new legislation will be presented to Parliament in 2013.

The Ombud was established on 1 January 2006 according to the Anti-Discrimination Ombud Act. The law gives the Ombud an independent position, and is only for administrative purposes anchored to the Ministry of Children, Equality and Social Inclusion. The law enforcement role of the Ombud includes making statements regarding complaints about violations of laws and regulations within the mandate of the Ombud, and provides counselling services concerning this legislation. The Ombud shall enforce The Gender Equality Act, The Anti-Discrimination Act, The Anti Discrimination and Accessibility Act (DTL), The chapter on equal opportunities in the Working Environment Act, The non-discrimination clauses in the housing legislation, The Tenancy Act, The Housing Association Act and The Residential Building Association Act.

The Ombud is an alternative to filing a lawsuit in discrimination cases. The Ombud therefore does not act as a legal representative or legal practitioner. Anyone who feels they are being discriminated against should be able to present their case to the Ombud, who will ask for information from both parties, carry out an impartial assessment of the case and make a statement about whether discrimination has taken place. The Ombud's statement may be appealed to the Equality and Anti-Discrimination Tribunal.

The Ombud also has a duty to provide guidance in discrimination cases that are not within their mandate, e.g. in cases on the reporting of racially motivated crimes, dismissal cases that are processed according to other rules than the equal opportunities section of the Working Environment Act, or applications for free legal aid.

6. Which obstacles, if any, have been encountered in the implementation of the Recommendation?

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7. Has the Recommendation, including its Appendix, been translated in all your national languages?
a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

8. Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible?

A news article on the Recommendation was posted on the Government's homepage regjeringen.no 09.04.2010, with link to the document on the home page of the Council of Europe.
The LGBT Knowledge centre has published an article about the recommendations on its homepage, along with a link to the Council of Europe publication: "Combating discrimination on grounds of sexual orientation or gender identity – Council of Europe Standards".
The recommendation is referred to in the annual status report of the Norwegian Government's LGBT Action Plan.
The LGBT Knowledge Centre has also translated the recommendation into Norwegian, which has been distributed to all relevant parts of the government along with this questionnaire.

Section II – Implementation of the specific provisions in the Appendix

I. Right to life, security and protection from violence

9. Are there measures in place to ensure an effective, prompt and impartial investigation into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Increasing the competency within the police force on LGBT persons, perspectives and ways of living is an important step towards ensuring effective, prompt and impartial investigation. The Norwegian LGBT Association (LLH) has received funding from the Ministry of Justice and Public Security for a project called *Pink competency justice*. One important purpose of this project is to educate the police force on what it is like to live as LGBT in a hetero-normative world. The project was developed and first launched within the police force of Norway's capital Oslo. The first training session in the program for police force staff was held in February 2012. Experts and professionals on justice, hate crime and LGBT issues are invited to ensure a high quality and relevance of the project's activities and publications. The project has among other things published a leaflet with information about hate crime. This publication has been distributed to the LGBT community and others.

Another relevant measure in this context is the revision of the systems/routines for registration of hate crimes related to sexual orientation/gender identity, that was recently conducted by the Police Directorate and the Ministry of Justice. A high number of updates and adjustments were done, for example have explanatory texts been added to the registration forms, and the victim's and the investigator's assessment of the motive for the crime will from now on be registered in separate text-boxes.

Since 2007, reports of hate crimes have been specifically tagged in the police's system for registering crimes in Norway (BL/STRASAK). A thorough presentation of the numbers for 2007, 2008 and 2009 are presented in the report "Hatkriminalitet – Registrerte anmeldelser i Norge 2007-2009" (*Hate Crimes –*

registered reports in Norway 2007-2009) (The National Police Directorate, 2010). A new report will present the numbers from 2010, 2011 and 2012. The changes in systems and routines mentioned above should over time improve the over-all statistics showing occurrence and long term developments regarding hate crimes against lesbians, gays, bisexuals and trans persons in Norway.

10. Are there measures in place to ensure that a bias motive related to sexual orientation may be taken into account as an aggravating circumstance?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that a bias motive related to gender identity may be taken into account as an aggravating circumstance?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

A new criminal code was adopted in 2006 that ensured that bias motive related to sexual orientation may be taken into account as an aggravating circumstance. Bias motive related to gender identity is not explicitly mentioned in the criminal code, however, the criminal code includes "other grounds" that is to cover gender identity and gender expression.

11. Are appropriate measures taken to ensure that victims and witnesses of sexual orientation- or gender identity-related hate crimes and incidents are encouraged to report them?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Measures have been taken through the implementation of Measure 58 in the Government's Action plan: Review of the system for registering cases of hate crime. See comments to question 9 above.

The Norwegian LGBT Association (LLH) receives financial support from the Government to the project *Pink competency justice* and its website-project "*Don't put up with it*". Through this and other measures, *Pink competency justice* aims at educating the LGBT community in what hate crime is and why it is important to report such crimes to the police, whether it leads to prosecutions/convictions or not. See comments to question 4 above.

The awareness raising program *Awareness leads to security* is an important measure for local police staff. The objective is that the police should be experienced by the public as safe, fair and trustworthy. The program highlights topics like discrimination, prejudice and stereotypes. By the end of the program participants should have a better understanding of how their actions have an impact on others, and how they themselves are affected by how other people behave. Meetings with representatives of different minorities, such as people with different ethnic backgrounds and lgbt-persons, are usually a part of the program. The feedback from the district offices is very positive so far.

12. Do training programmes and procedures exist to ensure that the police, judiciary and prison officials possess the knowledge and skills to identify such crimes and incidents and provide victims and witnesses with adequate assistance and support?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Such training programmes are carried out as part of the implementation of Measure 56 in the Government's Action Plan: Training in LGBT perspectives and hate crime. The Norwegian Ministry of Justice and Public Security has commissioned the Norwegian LGBT organisation LLH to complete awareness training and competence building in all Norwegian police districts. See comments to question 9.

13. Are there specific measures in place to ensure the safety and dignity of lesbian, gay, bisexual and transgender persons in prison or in other ways deprived of their liberty, in accordance with paragraph 4 of the Appendix to the Recommendation?
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

14. Have appropriate measures been taken to combat all forms of "hate speech" against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If so, have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

On the Government level, eight ministries and the corresponding government authorities have been involved in the development and the implementation of the National LGBT Action plan. Through this action plan, The Government wishes to place the responsibility to take into account LGBT perspectives on decision makers and stakeholders in all policy areas. Knowledge concerning the needs and challenges of LGBT-persons should be integrated in various public services. One of the over-all goals in the plan is

"(...) to promote better living-conditions and quality of life" for the LGBT-population. It is further stated that "LGBT persons (should) experience an expressed zero tolerance for slander, threats, exclusion, violence and other forms of discrimination(...) in all sectors and all social arenas." LGBT-persons should (further) "experience all services and arenas as inclusive, relevant and respectful in all phases of life."

Specific initiatives have been taken in the areas of sports and education, to ensure that LGBT people do not experience bullying or homophobia. These activities are described in more detail elsewhere.

II. Freedom of association

15. Are there measures in place to ensure that freedom of association (including access to public funding available for non-governmental organisations) can be enjoyed without discrimination on grounds of sexual orientation or gender identity?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

The Norwegian government has been eager to support and strengthen the LGBT-NGOs, partly in order to have strong, independent and legitimate commenting bodies. The NGOs receive considerable public funding and they are consulted during the process of developing legislation or policy. For example the Norwegian LGBT Association has been invited to comment on law proposals regulating surrogacy and anti-discrimination. Twice a year, the Director for equality and inclusion has roundtable meetings with all relevant NGOs in order to get comments on and ideas for Norwegian LGBT policies. Several LGHT NGOs are represented in the advisory board of the national LGBT Knowledge Centre (see comments to question 4 above).

The NGOs are directly involved in the implementation of many of the 64 measures in The Norwegian Government's action plan for improving quality of life among LGBT-persons, and thus play a vital role in the implementation of Norwegian LGBT-policies.

16. Are there specific measures in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression, including when allegedly committed by state agents, in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Freedom of speech has been granted in Article 100 in the Norwegian Constitution since 1814.

In its national as well as international policies, the Norwegian Government fully acknowledge defenders of human rights of lesbian, gay, bisexual and transgender persons as human rights defenders.

The Ministry of Foreign Affairs has leadership on international efforts to follow-up the Human Rights Council Resolution 17/19 on HR SOGI, and will organise a global conference on this issue in Oslo 15 and 16 of April 2013.

In 2011 an initiative from Norway resulted in the unanimous adoption of a resolution in the UN General Assembly on strengthening the protection of human rights defenders and the right of peaceful protest. The Ministry of Foreign Affairs has developed guidelines for systematizing and strengthening embassy efforts to promote the human rights of LGBT people.

Politicians from most political parties, representatives from the police and military personnel in uniform, usually participate in an open and visible way in both national and local LGBT Pride events. Pride organisers/NGOs normally involve the police in the planning and organizing of Pride Parades and other large scale public LGBT events in different parts of the country. When/If necessary, the Police also provides adequate security measures. There have been some, but very few, reports of hostility and aggression during such events in Norway.

17. Have measures been taken to ensure that non-governmental organisations defending the of human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

NGOs like the Norwegian LGBT Association are regularly called upon by different ministries to comment on law proposals that might concern LGBT-persons. Twice a year, the Director for equality and inclusion has roundtable meetings with all relevant NGOs in order to get comments on and ideas for Norwegian LGBT policies. Several LGHT NGOs are represented in the advisory board of the national LGBT Knowledge Centre (see comments to question 4, 15 and 16 above).

III. Freedom of expression and peaceful assembly

18. Are there measures in place to ensure that freedom of expression, including freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, can be enjoyed without discrimination on grounds of sexual orientation or gender identity?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

See comments to question 16 above.

19. Do law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

See comments to question 16 above.

IV. Right to respect for private and family life

20. Have measures been taken to ensure that criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to sexual orientation or gender identity are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination?
- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In 2007, a Government Commission on Anti-discrimination legislation, the Graver Commission, was appointed to review existing legislation and prepare a proposal for strengthened and more comprehensive anti-discrimination legislation. The Commission also considered whether new bases for discrimination should be included in the legislation. This work resulted in an Official Norwegian Report in 2009, suggesting several changes to improve legislation in this area. This Report has been

through an extensive consultation process and suggestions for new anti-discrimination legislation will be presented to Parliament in 2013. This will be a new law with protection against discrimination on the grounds of sexual orientation, gender identity and gender expression.

An important measure in this regard is the Equality and Anti-Discrimination Ombud (LDO). The Equality and Anti-Discrimination Ombud enforces the discrimination regulations in the housing legislations and the Working Environment Act, but not in the penal code. This means that LDO provides legal guidance and deals with cases related to discrimination against people on the basis of sexual orientation in employment and in housing. Discrimination against people on the basis of gender identity or gender expression, however, is still not covered by these laws and is therefore not part of the mandate of the Ombud. As mentioned new legislation will be presented to Parliament in 2013.

21. Are there measures in place to ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used, except where this is necessary for the performance of specific, lawful and legitimate purposes, and that existing records that do not comply with this principle are destroyed?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples of exceptions to this principle, if any:

The Data Protection Authority shall facilitate protection of individuals from violation of their right to privacy through processing of their personal data.

The ethical principle of confidentiality is clear within public services to protect the privacy of individuals.

22. Are appropriate measures available to guarantee full legal recognition of a person's gender reassignment in all areas of life in accordance with the provisions of paragraph 21 of the appendix to the Recommendation?

a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Have prior requirements for legal recognition of a gender reassignment been reviewed in order to remove any abusive requirements?

a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Only persons, who are given the diagnosis F64.0 transsexualism, have access to a complete gender reassignment treatment, including therapeutic counselling, hormones and necessary surgery. Only those who have completed the surgery, including sterilization, can change their legal gender. The Norwegian Directorate of Health has recently looked into the present treatment regime and the corresponding legal issues for transgender persons in Norway. They recommend that these procedures should be looked into and reviewed.

23. Once gender reassignment has been completed and legally recognised, is the right of a transgender person to marry a person of the sex opposite to their reassigned sex effectively guaranteed?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The marriage equality act from 2008 ensures that people can be married to a person of the same gender.

24. Where national legislation recognises registered same-sex partnerships, are their legal status, rights and obligations equivalent to those of heterosexual couples in a comparable situation?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If national legislation does not recognise nor confer rights to registered same-sex partnerships and unmarried couples, has the possibility been considered to provide same-sex couples with legal or other means to address the practical problems related to this fact in their lives?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples:

On January 1st 2009 amendments to the Norwegian Marriage Act, that gave same-sex couples the same right to marry as couples of opposite sex, entered into force. The Marriage Act states that "Two persons of opposite sex or of the same sex may contract marriage". The legal status, rights and obligations of same-sex couples are equivalent to those of heterosexual couples.

However, the Church of Norway does not permit clergy to wed same sex couples, even if the legislation is open also for this.

25. Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest, as well as without discrimination based on sexual orientation or gender identity?
- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Marriage Equality Act of 2008 grants same sex couples the right to be assessed as potential adoptive parents. This measure is carried out in adoptions of children born in Norway. Regarding international adoptions, Norwegian adoption law requires that the donor country must allow adoption to same sex couples, and that there is an agreement between Norway and the relevant country before assessment of potential same sex adoptive parents starts. At present no country meets these requirements, thus no prospective same sex couples are assessed for international adoptions.

The guidelines for foster care parents allows same sex couples to be considered for being foster care families.

V. Employment

26. Does legislation prohibit discrimination in employment in the public and private sector on grounds of sexual orientation?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐
- Does legislation prohibit discrimination in employment in the public and private sector on grounds of gender identity?
- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

- i) Access to employment
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- ii) Promotion, dismissals, pay and other working conditions
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- iii) Prevention and punishment of harassment
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- iv) Protection of privacy of transgender persons
(in accordance with paragraph 30 of the Appendix to the Recommendation)
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

An important measure in this regard is the Equality and Anti-Discrimination Ombud (LDO). The Equality and Anti-Discrimination Ombud enforces the discrimination regulations in the housing legislations and the Working Environment Act, but not in the penal code. Following this LDO provides legal guidance and deals with cases of discrimination on the basis of sexual orientation in employment and in housing. Discrimination on the basis of gender identity or gender expression, however, is still not covered by these laws, and is not included in the present mandate of the Ombud. The laws mentioned are under revision and new legislation will be presented to Parliament in 2013.

The Ombud is an alternative to filing a lawsuit in discrimination cases. The Ombud therefore does not act as a legal representative or a legal practitioner. Anyone who feels they are being discriminated against should be able to present their case to the Ombud, who will ask for information from both parties, carry out an impartial assessment of the case and make a statement about whether discrimination has taken place. The Ombud's statement may be appealed to the Equality and Anti-Discrimination Tribunal.

VI. Education

27. Are there appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, taking into due account the over-riding interests of the child and the rights of parents regarding education of their children?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

- i) Anti-discrimination training or support and teaching aids
a. ☒ b. ☐ c. ☐ d. ☐ e. ☐
- ii) Information, protection and support for pupils and students
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- iii) Objective information on sexual orientation and gender identity in school curricula ?
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐
- iv) School equality and safety policies and action plans
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Lesbians, gay men, bisexuals and trans persons currently have no specific protection against discrimination in school/education in Norwegian anti-discrimination legislation.

In 2011 and 2012, the project Pink Competency School received financial support from the Ministry of Education and Research. The aim of this project is to give employees in the teaching profession anti-discrimination training and increase their competency with regard to LGBT-perspectives in school settings. Topics addressed in the courses are bullying and the use of homo- and transphobic epithets among pupils, and how teachers can make their teaching more LGBT inclusive. The project will be continued in 2013.

In 2009, the Norwegian Directorate for Education and Training published a resource guide on sexual relations and sexuality for teachers in primary school and nurses in the school health service. The guide was updated in 2011. The NGO *Sex og Politikk - the Norwegian association for sexual and reproductive health and rights* (SRHR), both in Norway and internationally. Each year, they organize a week of courses on sexuality for 7th to 10th graders in primary school. They also provide updated teaching materials for use in sexual education in Norwegian schools. Providing objective information on sexual orientation and gender identity plays an important part in these courses. The courses and materials are funded by the Government.

VII. Health

28. Are there appropriate measures in place to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, in accordance with the provisions of Paragraph 33 of the Appendix to the Recommendation?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Norwegian health authorities aims to mainstream the needs of lesbians, gays, bisexual and transgender people into the provisions in the delivery of health services to ensure the attainable standard of health to be effectively enjoyed without discrimination on the grounds of sexual orientation or gender identity. The LGBT action plan has a specific chapter on health. LGBT issues have been included in the upcoming national public health strategy, and a new action plan to prevent suicide and self-harm (in progress) includes specific measures dealing with LGBT as a vulnerable group.

However, sexual orientation and gender identity are not included in the national health surveys carried out by the national statistical bureau. Sexual orientation was included as a trial in the 2007 national survey on health, but since the sample of the survey was too small, the number of respondents labelling themselves as non-heterosexual was insufficient for further statistical analysis. It was concluded that a question about sexual orientation will not be included in future surveys.

The ombudsman for equality and anti-discrimination has carried out a project to ensure equal services in the field of health, including a focus on sexual orientation and gender identity. The ombudsman has provided guidelines for service providers.

The Directorate of health have commissioned the Norwegian LGBT organisation LLH to carry out awareness training and competence building among health personnel and students in the field of health. The project is called Pink Competence health, and has been doing training courses since 2006.

29. Has homosexuality been removed from the national classification of diseases?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

30. Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment services?

- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

The Norwegian Directorate of Health has looked into the current treatment regime for transgender in Norway. Only people who get the diagnosis F64.0 "transsexualism" have access to appropriate gender reassignment services. If a person chooses to have gender reassignment treatment abroad, costs are not reimbursed by the national health insurance. The Directorate of Health suggests that the treatment regime for transgender is reviewed further to look at access to gender reassignment services.

VIII. Housing

31. Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property,?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Norwegian housing legislation (The Tenancy Act, The Housing Cooperatives Act, The Cooperative Building and Housing Associations Act, The Joint Housing Ownership Act) contain a special prohibition on discrimination against a person on the grounds of sexual orientation. This means for instance that a housing association may not make rules forbidding same sex couples from owning a unit. Also, a home-owner cannot refuse to let his property to a homosexual person.

If a lesbian, gay or bisexual person thinks that he or she has been discriminated against in the context of housing, they may send a complaint to the the Equality and Anti-Discrimination Ombud.

32. With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of sexual orientation or gender identity?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

All municipalities in Norway are legally required to provide women and men over the age of 18 (and their children) with room in a public shelter if they have been subjected to domestic violence, included honour related violence or forced marriage. This may be relevant for LGBT persons who are evicted from their homes or subjected to some sort of domestic violence by their families.

The Child Welfare Service provides care for children who risk homelessness or who must leave their families due to a risk for violence because of their sexual orientation or gender identity. In 2011 and 2012, the Directorate for Children, Youth and Family Affairs has been engaged in awareness raising and capacity building for staff within the child welfare- and family counselling services.

IX. Sports

33. Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Norwegian Government's LGBT action plan has a section on Recreation, sports and NGOs. Among the measures taken to tackle discrimination in sports, is the project "Med idretten mot homohets" (roughly: *With sports against homophobic hate speech*). The project was funded by the Ministry of Children, Equality and Inclusion and the Norwegian Confederation of Sports. The purpose of the project was to increase the integration of LGBT-persons in the mainstream sports community and to fight the use of homophobic language in all sports.

X. Right to seek asylum

34. In cases where your country has an international obligation in this respect, may a well-founded fear of persecution based on sexual orientation or gender identity be recognised as a valid ground for the granting of refugee status and asylum under your national law?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Norwegian Ministry of Justice and Public Security has issued guidelines to the Directorate of Immigration concerning asylum seekers who claim to be persecuted on the grounds of being lesbian, gay, bisexual, transgender or intersex (LGBTI). The guidelines are largely based on a ruling from the Norwegian Supreme Court. The guidelines underscore that it may not be expected, demanded or presumed that such persons, upon return, would adapt to social, cultural and legal norms, or hide their sexual orientation or gender identity, in order to avoid persecution. It is noted that restraints on public behaviour that apply to citizens of the country of origin in general, and are not discriminatory or particularly detrimental towards the applicant, do not constitute grounds for international protection.

35. Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

See the comment to question 34 above.

XI. National Human Rights Structures

36. Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of sexual orientation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of gender identity?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If so please explain and indicate in particular, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

See comments about the Ombud for equality and anti-discrimination in previous questions. Currently, the Ombud does not have a mandate to intervene with respect to gender identity, however, a new law (which will be presented to Parliament in the spring of 2013) will extend the Ombud's authority to include gender identity.

The Ombud has responsibility for all grounds of discrimination in which is covered by Norwegian legislation, and works also with issues regarding intersectionality and discrimination on multiple grounds.

XII. Discrimination on multiple grounds

37. Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Section III - Follow-up

1. Which measures by the Council of Europe would you recommend to ensure that member states are guided in their national legislation and practice by the principles set out in the Recommendation and in its Appendix ?

Norway considers it important for the Council of Europe to have a long term plan for its work in ensuring respect of LGBT people's rights, with particular focus on much needed cooperation with the member states. There is a need for setting long term goals, follow up activities including awareness raising, building of competence and funds for such activities in the member states, and to monitor progress. To enable this, there is a need for LGBT specific competence within the Council of Europe secretariat and its supporting structures. A LGBT unit set up as a permanent structure within the Council of Europe secretariat, under the ordinary budget, will be a positive and necessary step in this direction. Such a unit is important in order to enable proactive work towards member states, to support and coordinate activities with other parts of the CoE system, and to provide assistance to member states.

Both a monitoring cycle of the progress in national policy and legislation, and a cyclic analysis of individual survey-data, mapping the situation in representative samples of LGBT-persons in the member states, are of great importance. These two sources of data assessed together will provide a solid platform for a gap-analysis that can give valuable and necessary information about what areas (of the recommendation) are well covered and where further efforts are needed.

2. Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

The Council of Europe should continue examining the implementation of the Recommendation, and also collect and analyse additional data on the living conditions among LGBT persons in the Council of Europe area. Reference can be made to the on-going surveys conducted by the European Union Agency for Fundamental Rights that could be enlarged to encompass all member states of the Council of Europe.

When examining the implementation of the recommendation, it is important that also the regional and local levels are included in addition to the national/state level. Public services are typically provided by local authorities, and as such, it is important to see that the implementation of the recommendations, and awareness of the recommendations, also reaches the local level in member states.

3. Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.

The recommendation could encompass the local and regional levels. It is also important that the recommendation and the appendix cater more towards the different contexts that exist in Member States of the Council of Europe so to be easier applicable.