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EUROPEAN SOCIAL CHARTER

12th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF NORWAY

(Article 7, 8, 16, 17, 19, 27 and 31
for the period
01/01/2010 – 31/12/2013)

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CYCLE 2015

NORWAY'S 12th NATIONAL REPORT ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER

Reference period for all articles: 1 January 2010 - 31 December 2013

1. ARTICLE 7 – THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Appendix to Article 7§2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Appendix to Article 7§8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

1.1 Article 7§1

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

The (Norwegian) Labour Inspection Authority has the following updated information concerning aspects linked to Article 7§1:

Pursuant to Section 11-1 of the (Norwegian) Working Environment Act (WEA), children under the age of 15 or who are subject to compulsory education shall not perform work that falls under the scope of the WEA. Exceptions apply to work that forms part of their schooling or practical vocational guidance approved by the school authorities provided the child is 14 years of age, for light work and cultural work and the like. In Chapter 12 of the Regulations relating to organisation, management and participation, the Ministry has laid down more detailed provisions concerning what kinds of work will be permitted.

Children who are 13 years of age can perform light work pursuant to Section 12-2 of the Regulations. In order for children to perform cultural or similar work, the employer shall acquire advance consent from the Labour Inspection Authority, cf. Section 12-3. The employer must also ensure that written consent is acquired from the parents or legal guardians, cf. Section 12-4.

The following table provides an overview of the number of applications pursuant to Section 11-1 of the WEA that the Labour Inspection Authority received during the 2009-2014 period for permission to employ children under the age of 15 or who are subject to compulsory education. The table also shows how many dispensations and denials are issued by the Labour Inspection Authority pursuant to Section 11-1 letters a-c. ("Other inquiries" is the number of different inquiries in connection with these cases, such as questions concerning additional information, corrections, demands for access, confirmations of received information, letters concerning case processing times, and reminders for feedback).

Other inq.	Applications	Dispensations	Denials	
2010:	78	68	4	59
2011:	65	48	0	46
2012:	74	66	1	60
2013:	96	68	1	114
2014:(as at 14 Oct. 2014)	77	60	6	76

When the Labour Inspection Authority conducts audits of enterprises with employees under 18 years of age, it uses the following checklist:

Part 1 - General questions

- *How is the enterprise organised?*
- *What is the composition of the workforce?*
- *Which forms of employment does the enterprise offer?*
- *Has the employer completed training in health, safety and environment work?*
- *Do employees who supervise others have the necessary expertise to ensure that considerations for health and safety and health have been taken into account within the supervisor's area of responsibility?*
- *Does the enterprise have an elected safety delegate?*
- *Has the safety delegate completed the necessary training?*
- *Is the safety delegate included in the enterprise's work in both planning and implementation of measures of significance for the working environment?*
- *Is the enterprise affiliated with an approved occupational health service?*

- *Has a plan been prepared for the occupational health service's assistance in the enterprise?*
- *Has the enterprise prepared an annual report for the occupational health service's assistance in the enterprise?*

Part 2 - HSE work

- *Has the employer mapped the hazards and problems the employees may be exposed to in the enterprise and on this basis considered the risk of negative impact on the employees' health and safety?*
- *Has the employer conducted an assessment of the risk employees under the age of 18 could be exposed to in their work?*
- *Has the employer implemented necessary measures and/or prepared a plan describing measures to remove or reduce hazards and problems in the work?*
- *Has the employer implemented necessary measure to handle the safety, health and development of employees under the age of 18?*
- *Has the employer implemented a routine for how to report and follow up deviations (undesirable incidents)?*
- *Has the employer ensured that the employees are familiar with the risk of accidents and health hazards associated with their work, and that they have received the training, practice and instruction necessary to handle safety in the workplace?*
- *Do the employees have adequate knowledge and skills concerning the systematic health, safety and environment work in the enterprise, including information about changes?*
- *Does the employer ensure that the employees and their elected representatives are involved in the systematic working environment work (health, safety and environment work)?*
- *Has the employer provided necessary information and training to employees under the age of 18?*

Part 3 - Employment contracts and working hours

- *Have written employment contracts been entered into with the employees?*
- *Are the employment contracts/employment contract template in line with the minimum requirements pursuant to Section 14-6 of the WEA?*
- *Are the employees given breaks pursuant to Section 10-9(1) of the WEA?*
- *Has the employer ensured that employees under the age of 18 are given necessary breaks?*
- *Does the employer have a running overview of how much individual employees work?*
- *Has the employer complied with the provision concerning night work for employees under the age of 18?*

- Question from the ECSR: The ECSR requests an account of the extent to which the Labour Inspection Authority can conduct audits of "home work", i.e. work in private employers' homes. The ECSR wants to know whether the Labour Inspection Authority can enter private residences, in which instances this can potentially be done, and on what legal basis.

The Labour Inspection Authority's exercise of authority in the event of work in private employers' homes is regulated by Section 14 of *Regulation No. 716 of 5 July 2002 relating to housework, supervision and care in private employers' homes or households*, which was laid

down pursuant to Section 1-5(2) of the WEA. The Labour Inspection Authority can only provide information about provisions in the regulation, and is not entitled to conduct audits in private residences. If illegal work by children under the age of 15 is suspected in a private home, the Labour Inspection Authority may report or make the police aware of the matter. Non-compliance with the provisions in the regulation is subject to corporate penalty pursuant to the (Norwegian) General Civil Penal Code, either alone or in addition to personal liability under the WEA.

1.2 Article 7§2

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

The Labour Inspection Authority has the following updated information concerning this area:

Pursuant to Section 5-2 of the WEA, the employer is obliged to notify and report to the Labour Inspection Authority and nearest police authority if an employee dies or is seriously injured as the result of an occupational accident.

Overview of reported injuries and fatalities in the age group between 15 and 18:

(The Labour Inspection Authority's accident register was established in 2011, so the figures therefore start as of 2011).

	2011	2012	2013	Total
Death due to injury	1	1	1	3
Severe injury	23	27	33	83

This age group accounts for between 2 and 3% of the total number of fatalities or serious injuries in work accidents. The figures are congruent with the results of the Labour Force Survey, which Statistics Norway completed in 2013. In this survey, 2.7% of young people between the ages of 15 and 18 stated that they had been exposed to work-related accidents.

The Labour Inspection Authority knows that there is a certain extent of under-reporting of work injury fatalities, and the Labour Inspection Authority sometimes learns of fatal accidents through the media. This particularly applies to work injury fatalities caused by traffic accidents. In those instances where an enterprise chooses not to report a fatality pursuant to Section 5-2 of the WEA, the Labour Inspection Authority takes responsibility for further follow-up of the enterprise.

1.3 Article 7§3

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Reference is made to the previous report.

- Question from the ECSR: The ECSR wants to confirm that children and young people under the age of 18 in Norway are entitled to an uninterrupted rest period of at least two weeks over the course of the summer holiday.

Pursuant to Section 11-5(4) of the WEA, 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. As opposed to other employees, who are only entitled to take out holiday during the summer (cf. Section 7(1) of the (Norwegian) Holidays Act), children and young people under the age of 18 are obliged to take out at least two of the four holiday weeks over the course of the summer holiday. However, the statute does not stipulate that these two holiday weeks must be taken out without interruption.

Section 11-5(5) of the WEA provides regulatory authority for exemptions from the fourth subsection in that the Ministry can issue dispensations "in special cases". In Odelsting Proposition No. 67 (1996-97), Item 4.5, p. 20-21, the Ministry states that the ability to grant dispensations is intended for situations where the provisions concerning breaks and free time are an obstacle to a reasonable work arrangement. However, a dispensation can only be used to the extent that it will be consistent with the employees' interests, and it is presumed that the ability to grant dispensations is not used beyond what is permitted by the Working Time Directive. The Ministry has so far not exercised its ability to lay down such dispensation regulations.

- Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 7§3 of the Charter on the grounds that it is possible for children aged 15, still subject to compulsory education, to deliver newspapers before school, from 6 a.m. for up to 2 hours per day, 5 days per week.

Pursuant to Section 11-2(2)(a) of the WEA, working hours shall not exceed 2 hours per day on school days and 12 hours per week during school weeks for children below the age of 15 years or who are subject to compulsory education.

Working hours arrangements for all employees, including children and young people under the age of 18, are primarily limited by the general requirements for a prudent working environment, cf. Section 4-1 of the WEA.

Furthermore, the working hours must not hinder minors in their schooling or prevent them from benefiting from their lessons, cf. Section 11-2(1) of the WEA. It is an important principle that the employer, in its facilitation of working hours, is obliged to evaluate and view working hours and school hours in context. The employer must familiarise itself with the young person's schooling and education situation, and ensure that it is aware of the individual young person's working hours for any other employers. This shall ensure that children are guaranteed a fixed framework for both daily and weekly working hours. Furthermore, it is prohibited to calculate average working hours for children and young people, which is the case for adult employees pursuant to Section 10-5.

We also want to point out that the WEA's provisions concerning working hours and leisure time for children and young people are in line with equivalent provisions in Directive 94/33/EC.

Before children under the age of 15 or who are subject to compulsory education are put to work, the employer must ensure that written consent is obtained from parents or legal guardians, cf. Section 12-4 of Regulation No. 1355 of 6 December 2011 relating to organisation, management and influence.

The Labour Inspection Authority informs the Government that it, with the instruments currently at its disposal, has not registered any inquiries, complaints or orders on this subject.

Pursuant to Section 12-12 of Regulation No. 1355 of 6 December 2011 relating to organisation, management and involvement, an employer employing 20 or more employees must keep a list of all employees aged 18 and younger where, inter alia, the employee's address and birth date, parents' name and address (for children under the age of 15 or who are subject to compulsory education), daily working hours and daily school hours are listed. The list is to be at the disposal of the Labour Inspection Authority and the safety delegate.

Regarding the practice of allowing children aged 15, still subject to compulsory education, to deliver newspapers before school, from 6 a.m. for up to 2 hours per day, 5 days per week, the Government would like to emphasise the importance of the rules limiting the total work load and regulating the working hours of children aged 15 years who are subject to compulsory education, and the control measures employed to ensure that their work commitments do not interfere with their education, as shown above. The lack of cases reported to, or investigated by, the Labour Inspection Authority indicates that the protection is sufficient.

Consequently, it is the Norwegian opinion that the provisions laid down in the WEA are in compliance with the Charter. Children aged 15 years who are subject to compulsory education are protected by a set of rules that, in sum, ensures that they are not deprived of the full benefit of their education.

1.4 Article 7§5

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please supply any relevant statistics or other information on the remuneration of young workers as well as on other appropriate allowances for apprentices, and on the adult reference wage or salary.*

- Negative conclusion: The European Committee of Social Rights concludes that the situation in Norway is not in conformity with Article 7§5 of the Charter on the grounds that it could not be established that young workers and apprentices have a right to a fair wage and appropriate allowances.
- Question from the ECSR: The Committee asks for the 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.

As Norway understands it, the primary reason for the negative conclusion is that the information on the tax system previously provided by Norway is inadequate to properly assess the situation. In addition to that, the Committee has asked for updated information on the net value of the minimum wage paid to young workers under the age of 18 and on the starting or minimum wages of adult workers.

As reported before, there is no statutory minimum wage in Norway. Minimum wages are set by individual or collective agreements negotiated by social partners. 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.

However, a public board, the Tariff Board, is authorised 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.

Norway cannot at this point provide numbers on the net value of minimum wages. However, to illustrate the situation for young workers in the Norwegian labour market, we would like to provide some examples of gross remuneration of young workers and/or apprentices from some of the most widespread collective agreements. In the commerce and office sector, the minimum wage for employees under 18 is about 76% of the starting salary of an unskilled worker over 18, the latter being roughly € 16.40 per hour. The minimum wage for workers aged 17 in the hotel and restaurant industry is about 88% of the starting salary of an unskilled worker aged 18, the latter being roughly € 13.40 per hour, and within the mechanical, engineering, and shipyard industries the minimum wage for employees from 15 years of age to 17 and a half is within a range of 53–90% of the starting salary for an unskilled worker over the age of 18, the latter being roughly € 16.40 per hour.

Apprentices within the above mentioned industries typically earn 30–40% of the starting wage of a skilled worker the first year, and 50–80% the last year.

Further, it is our belief that a lack of information regarding the Norwegian tax system could explain some of the Committee's concerns. Norway has previously provided information stating that personal income is taxed according to a dual income tax system, consisting of a low flat rate on capital income, and a progressive rate on labour income.

Norway would like to point out that tax on wage income, which is the relevant matter here, is calculated through a number of mechanisms, including several basic deductions, all with the aim of relieving the tax burden on smaller incomes. As examples we could mention that a yearly wage income of € 10 000 would be taxed about € 824, i.e. roughly 8.2%, a wage income of € 20 000 would be taxed about € 3 183.17, i.e. roughly 15.9% and a wage income of € 25 000 would be taxed about € 4 553.23, i.e. roughly 18.2%. As one can see, the tax increases progressively with a growing income.

It is Norway's clear understanding that the Norwegian tax system is well designed for securing not only apprentices and young workers a fair allowance, but all persons with smaller incomes.

When one looks at the wages typically received by apprentices and young workers in connection with the progressive nature of the Norwegian tax system, it is Norway's strong belief that the situation for these groups is well within the standards laid down by Article 7§5.

We can also provide the following information based on figures from Statistics Norway:

Average monthly wage per full-time equivalent by deciles and age groups. Third quarter of 2010 and 2013

deciles						Monthly wage *12		
	2010	2010	2010	2010	2010	2010	2010	2010
	all	<age 20	age 20-24	age 25 and above	All	< age 20	20-24	25 and above
10	20 600	12 200	17 300	22 900	247 200	146 400	207 600	274 800
20	25 500	14 500	20 600	26 700	306 000	174 000	247 200	320 400
30	27 800	16 200	21 800	28 900	333 600	194 400	261 600	346 800
40	30 000	17 300	23 000	31 000	360 000	207 600	276 000	372 000
50	32 200	18 600	24 100	33 100	386 400	223 200	289 200	397 200
60	34 400	20 000	25 600	35 300	412 800	240 000	307 200	423 600
70	37 100	21 000	27 300	38 000	445 200	252 000	327 600	456 000
80	40 700	21 800	29 300	41 700	488 400	261 600	351 600	500 400
90	47 300	23 400	31 900	48 600	567 600	280 800	382 800	583 200
100	71 400	28 900	39 200	73 100	856 800	346 800	470 400	877 200
Average	36 700	19 400	26 000	37 900	440 400	232 800	312 000	454 800

	Monthly wage *12							
	2013	2013	2013	2013	2013	2013	2013	2013
deciles	all	<age 20	age 20-24	age 25 and above	all	<age 20	age 20-24	age 25 and above
10	22 300	12 500	18 200	25 000	267 600	150 000	218 400	300 000
20	28 100	15 100	22 600	29 500	337 200	181 200	271 200	354 000
30	30 800	17 000	24 100	32 000	369 600	204 000	289 200	384 000
40	33 300	18 200	25 300	34 500	399 600	218 400	303 600	414 000
50	35 800	19 600	26 600	36 800	429 600	235 200	319 200	441 600
60	38 300	21 300	28 400	39 400	459 600	255 600	340 800	472 800
70	41 400	22 900	30 300	42 400	496 800	274 800	363 600	508 800
80	45 700	24 100	32 500	46 900	548 400	289 200	390 000	562 800
90	53 500	25 700	35 500	55 000	642 000	308 400	426 000	660 000
100	80 600	32 300	44 200	82 500	967 200	387 600	530 400	990 000
Average	41 000	20 900	28 800	42 400	492 000	250 800	345 600	508 800

Here the figures have been converted into "approximate annual wages". (Monthly wage as of third quarter * 12).

According to Statistics Norway's Labour Force Survey, there is a total of 112 000 employees under the age of 20. This amounts to 4.6 per cent of all wage-earners. In turn, 10 per cent of these, i.e. about 11 000 people, have a wage that corresponds to NOK 150 000 in 2013, converted to full-time work. According to the Labour Force Survey, 68 per cent of everyone under the age of 20 worked part time.

1.5 Article 7§6

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

- Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 7§6 on the grounds that young workers are not entitled to have their training time paid as working hours.

Reference is made to the contribution in the Governmental Committee in 2012. Here we stated that Norway has become concerned that we previously may have provided the Committee with information about the remuneration of apprentices that was not altogether clear. In particular, we have in mind our last report where we stated that a distinction is made between the period of training spent in the company, during which the apprentices may not receive wages, and the period of work participation where he or she takes part in the productive activities of the enterprise, where the apprentices will receive wages.

Firstly, Norway would like to underline that apprentices and trainees under national law are considered as employees in the company and are paid accordingly, as stipulated in the collective wage agreement for the trade concerned.

Secondly, we would like to clarify that all time spent in the company is remunerated, whether it be when receiving training or participating in value-adding activities. The apprentices' pay is typically increased progressively over the two-year period the apprenticeship lasts, as the apprentices' skills presumably are increasing. As a consequence, the proportion of time spent on training compared to time spent on value-adding activities is assumed to be shifting to a majority of the latter.

In practice, pursuant to most wage agreements, apprentices earn 30–40% of the starting wage of a skilled worker the first year, and 50–80% the last year.

It is therefore Norway's position that the situation in Norway for apprentices is within the standards laid down by Article 7§6.

1.6 Article 7§7

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Pursuant to Section 11-5(4) of the WEA, 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. Reference is also made to information under Item 1.3.

- Question from the ECSR: The Committee recalls that although there may have been no legislative developments, the situation in practice should be regularly monitored and the activity of the Labour Inspection Authority for the reporting period, should have been provided in the report. It asks that the next report provide such information.

The Labour Inspection Authority does not have systems that can document to what extent employers in Norway safeguard the right of employees under the age of 18 to take out four weeks' paid holiday pursuant to Section 11-5(4) of the WEA.

The Labour Inspection Authority's information service receives many questions regarding rights associated with taking holiday, as well as questions concerning the relationship between holiday pay and holiday time. It is difficult to predict the percentage of inquiries that comes from young employees under the age of 18, as such contact data is not registered. Very few inquiries concern topics such as the employer refusing to allow employees to take out holiday time. The Labour Inspection Authority also has a tip register, but as of today it is unfortunately not possible to extract exact figures for how many tips the Labour Inspection Authority has received in this area.

1.7 Article 7§8

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Section 11-3 of the WEA stipulates a prohibition against night work between 20:00 and 06:00 hours for children under the age of 15 or who are subject to compulsory education. Young people between the ages of 15 and 18 who are not subject to compulsory education shall have an off-duty period of at least 8 hours, which includes the time between 23:00 and 06:00 hours. Work between 21:00 and 23:00 hours is defined as night work and is not permitted, unless the nature of the work makes it necessary or there is an exceptional and temporary need for night work.

- Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 7§8 on the grounds that it has not been established that the prohibition of night work covers the great majority of young workers.

The ECSR wants an estimate showing the percentage of young employees between the ages of 15 and 18 in Norway who perform night work.

The Labour Inspection Authority does not record information about the number of young people performing night work in Norway. However, the Labour Inspection Authority has the following overview of the number of orders issued for breaches of Section 11-3 of the WEA:

2010: 16
2011: 2
2012: 2
2013: 3

According to Statistics Norway, 56 000 young people aged 15-24 work nights. The figures are based on Statistics Norway's Labour Force Survey. According to Statistics Norway, the vast majority of the persons performing night work are aged 19 and above. Due to the fact that the figures are based on a survey and the number of participants younger than 19 years is low, Statistics Norway informs the Government that figures for night work performed by persons aged between 15 and 18 will be inaccurate and are therefore not available.

Consequently, the Norwegian Government cannot present relevant figures establishing that the prohibition of night work covers the substantial majority of young workers. It is, however, the Government's opinion that the information provided by Statistics Norway does imply that the substantial majority of young workers are covered by the prohibition of night work.

1.8 Article 7§10

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action*

plans, projects, etc.) to implement the legal framework.

- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Several amendments to the Children Act were adopted in 2013, and entered into force in January 2014. The purpose of the amendments was to strengthen children's right of participation and provide children with better protection against violence, sexual abuse and other circumstances that place the child at risk of harm or danger. The aim of the amendments was inter alia to improve the court's proceedings in parental disputes concerning parental responsibility, where the child shall live permanently and access to the parent the child doesn't live with. In such cases it is necessary to ensure a thorough investigation before the court makes its decision. The amendments also include a clarification of young children's right to participate and be provided the opportunity to be heard before decisions are made concerning personal matters affecting the child.

- Question from the ECSR: The Committee notes from the UN Committee on the Rights of the Child (CRC) 2010 Concluding Observations that information about child victims of trafficking is fragmentary and that sellers and traffickers and persons who exploit trafficked children are not effectively brought to justice. The Committee wishes to receive the Government's comments on this issue.
- Question from the ECSR: The Committee asks whether there exists a specific plan of action addressing child prostitution and child pornography.
- Question from the ECSR: The Committee asks the next report to provide information about the existence of the types of exploitation mentioned above [ref. text in conclusions], the number, if any, of street children, and the implementation measures taken or planned to deal with the situation.
- Question from the ECSR: The Committee points out that the competence in dealing with victims of sexual exploitation and child pornography is limited.
- Question from the ECSR: The Committee asks for updated information on the development of certain projects (i.e. online police station, patrol on the Internet)

Protection against sexual exploitation

A specific plan of action addressing sexual exploitation of children does not exist. As regards the concepts - instead of "child prostitution" and "child pornography" - in Norway we now usually refer to such types of exploitation as: child sexual abuse in exchange for money or other kinds of remuneration and visual depictions of child sexual abuse.

Ordinary child welfare, health and other services for people under the age of 18, provide assistance, help and social rehabilitation for children exposed to sexual exploitation and trafficking. The forms of assistance given to children who are trafficked for the purpose of sexual exploitation, are in general not materially different from the assistance given to children who are trafficked for other purposes. All five regions of the Norwegian governmental office for the welfare and protection of children and families – in addition to the

City of Oslo – have institutions in which children who have been exposed to trafficking may be placed pursuant to the Child Welfare Act. The exception as regards specialisation, is one child welfare institution designed for placements of children exposed to trafficking pursuant to Section 4-29 of the Child Welfare Act in which children from all five state regions may be placed.

New legal provision

A new provision was introduced in the Child Welfare Act in August 2012 to allow unaccompanied minors to be held for up to six months in a closed institution without their consent, in cases where the child is at risk of being subject to trafficking in human beings and in order to prevent the child being contacted by traffickers. This provision can only be used if it is not possible to protect the children through other measures.

Street children

Presuming a relatively narrow definition of the term street children, there is nothing to indicate that there are street children in Norway.

Information on measures taken to address forms of sexual exploitation of children other than trafficking.

Norway has been dedicated to developing robust measures and actions to fight online child abuse for a number of years. Norwegian authorities and especially the Norwegian National Criminal Investigation Service (Kripos) take part in international forums provided by e.g. Interpol and Europol to exchange evidence as well as follow up international agreements and operations. In 2012, Norway signed up for the Global Alliance Against Child Sexual Abuse Online.

An annual Action Plan financed with funds from the government ministries and operationalised through the Norwegian Safer Internet Centre has targeted actions concerning children and young people's use of the Internet. Sexual exploitation/exposure is one the topics handled through the plan. There have been a total of six Action Plans: 2001, 2005, 2007-2008, 2008-2009, 2010-2011 and 2012-2013.

Since 2007, the Government of Norway has established 10 Children's Advocacy Centres. The Centres are experienced in dealing with sexually exploited children and children who have been victims of violence and/or witnesses to violence, especially domestic violence. In addition to hearing the children as witnesses, the Centres offer medical research and treatment for traumatic experiences.

The Norwegian National Criminal Investigation Service (Kripos) operates a service facilitating reporting of sexual exploitation of children, human trafficking and racism on the Internet. A red button is placed on a variety of websites to make it easier for the public to report. There have been indications that the reporting mechanism should be further developed to face new user patterns on mobile devices.

2. ARTICLE 8 RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. a. to regulate the employment of women workers on night work in industrial employment;
b. to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

2.1 Article 8§1

1. *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2. *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3. *Please provide pertinent figures, statistics or any other relevant information in order to demonstrate that the level of maternity benefit is adequate.*

Right to maternity leave

Reference is made to the previous report concerning the rules in the WEA in this area.

- Question from the ECSR: The Committee asks whether the same regime applies to women employed in the public sector.

The right to maternity leave pursuant to the WEA also applies to women in the public sector.

Right to maternity benefits

The right to benefits during parental leave is governed by the (Norwegian) National Insurance Act. Reference is made to previous reports.

There have been many extensions of the parental benefit period during the reporting period. As of 1 July 2011, the period increased from 46 to 47 weeks of full coverage and from 56 to 57 weeks of 80 per cent coverage. As of 1 July 2013, the period increased to 49 and 59 weeks, respectively.

The father has an earmarked share of the parental benefit period (statutory paternal leave). The statutory paternal leave was increased from 10 to 12 weeks on 1 July 2011 and to 14 weeks on 1 July 2013. On 1 July 2014, the statutory paternal leave was reduced to 10 weeks.

- Question from the ECSR: The Committee asks whether the same regime applies to women employed in the public sector.

Parental benefits are given to all employees (in both the public and private sectors), self-employed persons and freelancers who fulfil the qualification requirements. Parental benefits are earned through employment during at least six of the last ten months before the benefit

period starts. Periods of receiving a daily subsistence allowance during unemployment, sick pay and certain other benefits are equivalent to employment.

Parental benefit scheme. Childbirths and use of the scheme 2010-2013

Year	2010	2011	2012	2013
Number of births	60 608	59 417	59 403	58 174
Women with parental benefit during the year	90 593	89 522	88 626	85 509
Men with parental benefit during the year	49 193	55 184	58 426	58 916
Persons with graduated parental benefit during the year	11 713	16 091	18 569	18 937
Persons with lump sum grants in connection with childbirth and adoption during the year	11 313	10 208	9 376	9 852

As the parental benefit period is 49 or 59 weeks and can be postponed until the child is three years old, each parent may receive parental benefits for more than one year. The number of parents receiving parental benefits is therefore higher than the number of births.

2.2 Article 8§3

1. *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2. *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*

Reference is made to the previous report concerning the right to time off.

- Question from the ECSR: The report indicates that the Government has decided to propose a bill regarding remuneration of mothers who are absent from work because they breastfeed their child. The Committee asks to be kept informed of developments in this matter.

In 2013, the Storting approved an amendment to the WEA so that working women who breastfeed children under the age of one, are entitled to remuneration from their employer during up to one hour of time off for breastfeeding on days when the agreed working hours are seven hours or more. The amendment entered into force on 1 January 2014. The new statutory provision does not affect collective or individual agreements in working life that provide better rights than the new provision.

- Question from the ECSR: The report indicates that in the public sector the existing collective agreement entitles employees to take two hours a day remunerated as working time. In the private sector, existing collective agreements provide for breastfeeding breaks of one hour remunerated as working time, and it is estimated that these agreements cover 45% of workers in the private sector. The report states that this means that 80% of working women enjoy remunerated breastfeeding breaks. The Committee asks for clarification on how this estimate is found, the groups of women that may not be covered and the regime that applies to them.

As remunerated time off for breastfeeding now applies to everyone, we presume that this is no longer of interest.

3. ARTICLE 16 – RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.*

- Question from the ECSR: The Committee asks for the next report to indicate how "family" is defined in national legislation.

There is no common definition of "family" in Norwegian legislation. The term is rarely used in legislation.

Social protection of the family

- Housing of families

Reference is made to information under Article 31.

- Childcare facilities

Reference is made to information under Article 27.

- Family counselling services

- Question from the ECSR: The Committee asks for up-to-date information on family counselling services.

The Family Counselling Service is a low-threshold, state financed and sanctioned service, specialised in family guidance and family therapy. The services offered include counselling, guidance and therapy for couples, families or individuals who experience difficulties, conflicts or crises within the family. The Family Counselling Offices Act constitutes the legal framework for the activity. All counselling and therapeutic activities are given on a voluntary basis. However, according to the Marriage Act, spouses that want to apply for separation must attend at least one session of mandatory mediation. And, according to the Children Act, parental mediation must be carried out before a case concerning parental responsibility, daily care or right of access can be brought before the County Governor or a court. On a yearly basis, more than 25 000 couples and families seek advice and therapeutic assistance from the services, in addition to 16 800 cases of mandatory mediation. The service is free of charge, and no referral from medical or other authority is required. There is at least one (most often

several) Family Counselling Office in each county (a total of 49 agencies in our 19 counties). In most instances, psychologists and social workers specialised in family therapeutic skills constitute the interdisciplinary staff of the Family Counselling Offices. The family counselling service in Norway has a double organisational structure: offices owned and run by the state and offices owned and run by the Church of Norway.

Legal protection of the family

- Rights and obligations of spouses
 - Question from the ECSR: The Committee asks for up-to-date information on the system governing the rights and obligations of spouses in respect of one another and their children.

It follows from Chapter 7 of Act No. 47 of 4 July 1991 relating to marriage (the Marriage Act), that spouses have a mutual obligation to support each other. A spouse who does not fulfil this obligation to make necessary funds available to the other, can be ordered to pay certain amounts.

It follows from Chapter 8 of Act No. 7 of 8 April 1981 relating to children and parents (the Children Act), that parents are obliged to support their children. Both parents shall contribute to this support and education according to their financial capacity. The support obligation applies regardless of whether or not the parents live with the children.

- Question from the ECSR: The Committee also wishes to be informed about the legal means of settling disputes between spouses and disputes concerning children.

The parents decide and agree how to organise themselves after a separation. When the parents cannot agree, the courts can settle the issues if one of the parties brings the case before the court. It is a basic principle in both the Children Act and the Convention on the Rights of the Child that decisive emphasis shall be placed on the child's best interests when settling issues linked to children following a separation. This applies both when the parents themselves make decisions, and when the courts hand down rulings. The parents must submit to mediation before the case can be brought before the courts. One hour of mediation is mandatory, but the parents can be offered up to 7 hours of mediation. The parents do not pay for the mediation. When the case is heard by the court, there are dedicated rules of procedure for parental disputes, which facilitate reaching agreement between the parents.

- Domestic violence against women
 - Question from the ECSR: The Committee asks for information on how the Crisis Centre Act is applied in practice, the number of shelters it has created and how many people make use of them.

The Act relating to Municipal Crisis Centre Services (the Crisis Centre Act) entered into force on 1 January 2010. The Act obliges all municipalities to provide a crisis centre service for women, men and children who are exposed to violence or threats of violence in domestic relationships. In 2013, there was a total of 46 crisis centres in Norway. The number of users

of the crisis centres has been stable in recent years, and most are women. 2 028 people lived in crisis centres in 2013. The number of daytime users was 2 302.

NOVA is currently conducting, on assignment from the Ministry of Children, Equality and Social Inclusion, an evaluation of the municipalities' implementation of the Crisis Centre Act. It is scheduled to be complete in January 2015.

- Question from the ECSR: The Government launched a new action plan to counter domestic violence for 2008-2011 ("The Turning Point"). A working group was appointed to implement this plan and make proposals to enhance measures to counter domestic violence. The Committee asks for information on the proposals adopted by this working group.

In August 2013, the Government launched a fifth Action Plan on Domestic Violence for the period 2014-2017. The issue of domestic violence calls for a broad range of measures, making use of policy instruments in the fields of justice, gender equality, social welfare, health and education. A cross-ministerial working group has been set up to ensure implementation of the measures. The Action Plan will help ensure that the police and support services are better trained, better coordinated and more capable of detecting, preventing and dealing with the many complex issues raised by domestic violence. The measures in the action plan include a five-year research programme on domestic violence, a new grant scheme for voluntary organisations for work with domestic violence and several measures directed at preventing such violence. Among these are electronic monitoring of the offender (reverse domestic violence alarms) and improved domestic violence alarms.

A nationwide survey carried out in 2014, 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.

There has been a *sharp rise in* the number of reported cases of *domestic violence* in recent years (cf. Section 219 of the Penal Code). 2829 cases were reported in 2013, and there was an increase of 32% from 2009 to 2013. 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 in recent years.

In the last decade, intimate partner homicide accounted for 20-30% of the total number of homicides in Norway. 15 of 45 victims of homicide in 2013 were killed by a current or former intimate partner. In more than one-half of the cases in which women were killed, the perpetrator turned out to be the victim's present or former partner. A three-year research project has been initiated to review all intimate partner homicide cases from 1991 to 2011 in order to identify risk factors and develop more effective preventive strategies.

Economic protection of the family

- Family benefits or taxation provisions

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 anyone present in the municipality. The Act contains no guidelines concerning the level of financial assistance provided, but is based on the premise that each 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 National Insurance Service (RTV) have been reorganised 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 to move more people into employment and activity and away from benefits, a more user-friendly, user-oriented system, and a coordinated, efficient employment and welfare administration.

- Question from the ECSR: The Committee notes that the amount of child allowances is low (3.8%) and it therefore asks that the next report contain detailed information on the impact of other types of benefits and tax relief for families with children. Meanwhile, it reserves its position on this point.

In 2013, the child benefit was NOK 970 (EUR 117) per child per month. The child benefit is not means-tested and is not subject to taxation. Single providers receive child benefit for one child more than they are actually supporting.

The child benefit is the only universal financial subsidy scheme for parents with children. There are other more targeted schemes, such as support for single providers and the pension supplement for children. This is in addition to the cash-for-care benefit scheme for one-year-olds who are not in kindergarten.

The parental benefit period is 49 weeks of full coverage or 59 weeks of 80 per cent coverage. Women who have not qualified for parental benefits, receive a lump sum grant. In 2013, this was NOK 35 263 (EUR 4 270).

The Norwegian tax code provides some special treatment for families. Single-earner families are entitled to a double standard allowance (tax class 2). In dual-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 2013 tax rules, taxation in tax class 2 provides a tax relief of about NOK 13 200. The tax expenditure due to class 2 taxation was approximately NOK 1 000 million (2013).

Single parents were entitled to tax class 2 until 31 December 2012. As of 1 January 2013, single parents are taxed in tax class 1, but are entitled to a special deduction of NOK 47 160. The tax expenditure due to the special single parent deduction was approximately NOK 1 130 million in 2013.

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 under 12 years of age. The maximum deduction rate is 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 NOK 2 355 million in 2013.

The ESCR states the following in its Conclusions: “As to tax benefits, parents may deduct their children’s health costs up to the age of 12. In January 2008, the ceiling on deductions was raised to NOK 25 000 (€ 2 785.752) for the first child and NOK 15 000 (€ 1 671.45) for each additional child.”

Parents are not (and have not been) allowed to deduct children’s health costs. The mentioned deduction refers to documented costs for child care for children under 12 years of age. The tax expenditure for the child care deduction was approximately NOK 2 355 million in 2013.

- Vulnerable families

The action plan against poverty, presented in the 2007 Fiscal Budget, has been followed up in the annual fiscal budgets. The Action Plan has the following priority areas: 1. Opportunities for all to participate in the labour market. 2. Opportunities for participation and development for all children and young people. 3. Improved living conditions for the most disadvantaged groups. Target measures are implemented, among these a qualification programme for those who have received, or are at risk of receiving, social assistance benefit for a long time.

The former Government submitted a white paper to the Storting in autumn 2011 on the income distribution policy, including strategies to prevent the intergenerational transmission of poverty; (Meld. St. 30 (2010-2011) the Income Distribution White Paper). The white paper was a follow-up of a report on the causes of economic inequalities and advice on policy measures from a government commission (the Income Distribution Commission, NOU 2009:10).

The qualification programme was introduced in 2007 as a part of the action plan against poverty. The qualification programme is aimed at people who have disconnected from the labour market, have severely diminished working capacity, dependency on social assistance benefits and who are at risk of being trapped in a passive, low-income situation. The aim is to help them into employment through an individual two-year scheme. A standardised income support is given. The qualification programme was legally established as a nation-wide programme on 1 January 2010.

- Question from the ECSR: The Committee asks what measures are taken to ensure the economic protection of Roma families.

An action plan was presented in 2009 to improve living conditions for Roma in Oslo. The target group for action plan is people who belong to the Roma national minority who are registered in Norway’s National Population Register and who define themselves as Roma. The group includes about 700 people, most of whom live in Oslo. Roma who have problems in the housing market can, just as others who are disadvantaged, apply for loans and subsidies from the Norwegian State Housing Bank, for municipal rental housing and for other social housing

services. An advisory service for Roma in Oslo has been established as a result of the action plan. The objective of the service is to provide information and guidance about education, housing, work and health. The Norwegian State Housing Bank contributes with information measures and expertise as regards housing issues.

- Equal treatment of foreign nationals and stateless persons with regard to family benefits
 - Question from the ECSR: The Committee asks for a detailed explanation in the next report on the situation of nationals of other States Parties to the 1961 Charter and the Charter with regard to the award of family benefits so that it can assess whether equal treatment is guaranteed.

Pursuant to the Child Benefit Act, child benefit is granted for all children living in Norway regardless of nationality.

A child who comes to Norway is regarded as living here if he/she is staying for more than 12 months. If, upon arrival, it is uncertain how long the child will stay in Norway, disbursement must be postponed until it has been clarified whether the stay will exceed 12 months. When it is clear that the stay will last at least 12 months, child benefit can be disbursed in arrears from the month after the child arrived in Norway.

In order to qualify for child benefit, one must be in Norway on a legal basis. This means that one must have a residence permit or other legal basis for staying in Norway.

The above also applies for the cash-for-care benefit scheme. The National Insurance Act also contains an equivalent regulation of who is regarded as residing in Norway and thus are members of the Norwegian National Insurance Scheme.

4. ARTICLE 17 – RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b. to protect children and young persons against negligence, violence or exploitation;
- c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

4.1 Article 17§1

1. *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2. *Please indicate the measures taken (administrative arrangements, programmes, action*

plans, projects, etc.) to implement the legal framework.

3. *Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio of teachers per pupil; figures on primary and secondary school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.*
- General question from the ECSR: Do unlawfully present children have access to shelter and medical care for as long as they are in the jurisdiction of the State Party concerned, and if so what is the legal basis?

All children in Norway are entitled to immediate aid and necessary health and care services from the municipality and specialist health service, regardless of residence status. This means that children who are in Norway illegally have the same rights to health and care services as children who live here. They are also entitled to a renewed assessment of the health condition in the specialist health service following a referral from a general practitioner. They are furthermore entitled to freely choose their treatment hospital and an individual plan. This follows from Regulation No. 1255 of 16 December 2011 relating to the right to health and care services for people without permanent residence. This Regulation was laid down pursuant to Section 1-2 of Act No. 63 of 2 July 1999 relating to Patient and User Rights.

Children have "access to shelter". There is no statutory right to being placed in a receiving facility, but it follows from practice.

- Economic assistance

Reference is made to the information under Article 16.

- Education

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

- Children in public care

- Question from the ECSR: The Committee asks what are the criteria for the restriction of custody or parental rights and what is the extent of such restrictions. It also asks what are the procedural safeguards to ensure that children are removed from their families only in exceptional circumstances.

Care order and deprivation of parental responsibility: The child welfare service primarily offers help and assistance to children and families so that they can function better and live together. Only in exceptional circumstances are children placed outside the home in a foster home or an institution against the will of their parents. There are strict legal requirements for issuing a care order. It is only under exceptional circumstances, when assistance measures are not sufficient and it is absolutely necessary, that a child may be placed outside the home. Examples include serious cases involving violence, mistreatment or abuse. The requirements for a care order are laid down in Section 4-12 of the Child Welfare Act:

”A care order may be issued

- (a) if there are serious deficiencies in the everyday care received by the child, or serious deficiencies in terms of the personal contact and security needed by a child of his or her age and development,
- (b) if the parents fail to ensure that a child who is ill, disabled or in special need of assistance receives the treatment and training required,
- (c) if the child is mistreated or subjected to other serious abuses at home, or
- (d) if it is highly probable that the child's health or development may be seriously harmed due to the parents' inability to take adequate responsibility for the child.

An order may only be issued pursuant to the first subsection when necessary due to the child's current situation. Therefore, such an order may not be issued if satisfactory conditions can be created for the child by assistance measures pursuant to Section 4-4 or by measures pursuant to Section 4-10 or Section 4-11.

An order pursuant to the first subsection shall be made by the county social welfare board pursuant to the provisions of Chapter 7.”

A care order has to be in the child's best interest, cf. Section 4-1.

A decision to place a child outside the home can only be made by the County Social Welfare Board, or the courts if the Board's decision is appealed. When the Board issues a care order, it must always consider the question of access (visitation) between the child and the parents. As a main rule, children and parents have the right to access. The Board shall determine the extent of access, but may in the interests of the child also decide that there shall be no access.

The child welfare service takes over the daily care of the child when a care order has been issued. This means that the Norwegian authorities are responsible for the child's well being. The parents still have some of their parental responsibilities; they can make decisions in questions of great importance, such as education and baptism.

Section 4-20 of the Child Welfare Act stipulates that if the County Social Welfare Board has issued a care order for a child, the Board may also decide that the parents shall be deprived of all parental responsibility. This provision can only be used if it is necessary and in the best interest of the child.

Procedural safeguards: As described above, decisions to remove a child from the home are made by the County Social Welfare Board. The boards are independent and impartial agencies - with a judge as board chair - and with one member from the committee of professional experts (often a psychologist) and one member from the general committee. The parties have the right to be heard and bring witnesses; the parties shall be treated equally and receive the necessary guidance. The parents have strong legal rights in these cases and are always entitled to free legal counsel - a lawyer. The parents can appeal the board's decisions to the District Court.

Reports on the child and the family may also be conducted (written) by professional experts, who are independent of the child welfare service.

A professional expert, usually a psychologist or psychiatrist, will carry out their own assessment of the child's situation and needs. Their work is independent and impartial; there are strict rules concerning competence. Their report must be assessed and approved by the special Expert Commission for Children before the report can be used as evidence in a case. The child welfare service, the parents and the court may demand an expert report.

The parents can regain daily care for the child if the care order is revoked by the Board or the court. Parents can file for a revocation of the care order 12 months after the last ruling in the case. The Board may also decide to review the case at an earlier stage, if there is documentary evidence that shows significant changes in the child's situation. The Board shall revoke a care order when it is highly probable that the parents will be able to provide the child with proper care. The decision shall nonetheless not be revoked if the child has become so attached to persons and the environment where he or she is living that, on the basis of an overall assessment, removing the child may lead to serious problems for him or her, cf. Section 4-21.

The Child Welfare Act: In April 2010, the Storting passed a new amendment to the Child Welfare Act regarding limited visits between the child and the parents after a forced adoption in child welfare cases decided by the County Social Welfare Board, cf. Section 4-20a.

Child Welfare Institutions: In advance of Norway's previous report, the Committee asked for the number of complaints filed and remedies provided by the county governors from children living in child welfare institutions. In 2013, 573 complaints were filed by children living in child welfare institutions or their parents/guardians. The county governors supported 103 of these complaints.

Care for single, minor asylum-seekers: Norway receives unaccompanied minors seeking asylum every year. This is an especially vulnerable group of migrants. Single minor asylum-seekers receive housing and care services according to their needs. The Norwegian authorities, represented by the Directorate of Immigration (UDI), has care responsibility for single minor asylum-seekers between the ages of 15 and 18 who live in asylum centres. Daily care responsibility is delegated to the centre where the child lives. UDI shall ensure that this group of residents receive necessary care and security as long as they live at the centre. As of 30 September 2014, there were 558 single minors in housing services for single minor asylum-seekers, 475 of which were in centres for children between the ages of 15 and 18, and 83 in care centres for children under the age of 15.

- Young offenders
 - Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 17§1 of the Charter on the grounds that prison sentences for minors may be up to 21 years.

Reference is here made to information provided via letter to the Governmental Committee dated 13 July 2012. Here it is clear that the maximum sentence for minor offenders is 15 years, not 21.

However, we want to note that the Committee's recount of the supplementary information provided via the letter dated 5 October 2011 is neither properly quoted nor linguistically correct. The Committee writes that: "*In reply to its question whether young offenders are*

always separated from adults, the Committee from the additional information provided by the Government that there is a reason why the age of criminal responsibility is 15 years”.

However, the letter stated that: *”There is reason to note that the age of criminal responsibility in Norway is 15 years”.* This was mentioned introductorily in connection with answering a question concerning the current maximum sentence and term of custody and has nothing to do with separating children from adults.

- Question from the ECSR: In its previous conclusion, the Committee asked what was the maximum length of imprisonment of young offenders, whether children could be imprisoned with adults and what was the maximum duration of pre-trial detention. It should be noted that the report does not provide this information.

Reference is made to the letter dated 13 July 2012 with further references, cf. the above. Please note that the Committee's question states that Norway, in its reply, has reserved itself in relation to Article 37c of the Convention on the Rights of the Child. This is incorrect. What has been stated, is that Norway has a reservation to Articles 10(2)(b) and 10(3) of the UN's International Covenant on Civil and Political Rights.

- Question from the ECSR: As regards pre-trial detention, the Committee notes that pursuant to section 185 of the Criminal Procedure Act, the Court shall fix a specific time-limit for the custody if it decides to remand a charged person in custody. The time-limit shall be as short as possible and must not exceed four weeks. It may be extended by order up to four weeks at a time. If the nature of the investigation or 15 other special circumstances indicate that a review of the order after four weeks will be pointless, the Court may fix a longer time-limit. The Committee asks what is the maximum time-limit which can no longer be extended.

Reference is made to information provided in the letter dated 13 July 2012 with further references.

- Question from the ECSR: Norway is presently establishing separate prison units for young offenders. The Committee wishes to be informed about the results and in the meantime it reserves its position on this issue.

As an evaluation is currently in progress, it will be logical to return to this in the next reporting.

- Question from the ECSR: The Committee notes from another source¹ that there has been an increase in the number of imprisoned children and that these children are not detained separately from adult inmates. The Committee wishes to receive comments on these statements.

Reference is made to information sent via the letter dated 13 July 2012 with figures for the 2008-2011 period. In 2012, the number of incarcerated children fell to 51. In 2013, the

¹ *The UN Committee on the Rights of the Child*
<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf>

number of incarcerated children dropped significantly to 27. Furthermore, only one person was reincarcerated in 2013, compared with between 10 and 20 for the other years.

- Question from the ECSR: The Committee notes that it is the Norwegian Government's opinion that prisons should only be a measure of last resort and alternative sanctions should be used to the extent possible. As a device to pursue this ambition, a new sanction called "Juvenile Sentence" has been proposed. The Committee wishes to be kept informed about this initiative.

The Act relating to amendments to the General Civil Penal Code, the Criminal Procedure Act, the Execution of Sentences Act, National Mediation Service Act, etc. (children and sanctions) passed by the Storting was adopted by the King in Council on 20 January 2012. A new sanction was introduced as an alternative to prison – juvenile sentence - for children between the ages of 15 and 18.

The sanction must be imposed by a court and executed under the direction of the National Mediation Service. It will have a duration of between six months to two years (three years in exceptional cases), and requires the consent and participation of the child. By participating voluntarily and actively in the process, the offender will be aware of the consequences of their actions. This may have a conflict-reducing and crime-preventing effect. The aggrieved party can furthermore be heard and have an opportunity to process the experience.

This sanction is founded on the principles of "restorative justice" and will involve the convicted holding a juvenile restorative circle, which in turn will result in a juvenile plan with measures.

The participants in the juvenile restorative circle are the parties affected by the case, including the aggrieved (if he/she consents to attending), the convicted and their legal guardians, defence counsel or counsel for the aggrieved party. Representatives from the Norwegian Correctional Services and the police are obliged to be present. Participants who can assist with relevant measures or contribute to broadening the child's resources and reduce the risk of new offences, will also be invited to the juvenile restorative circle. This could e.g. be representatives from the Child Welfare Service, school, public health service or voluntary organisations.

The juvenile plan may contain various forms of crime-preventing measures (substance/alcohol abuse programme, treatment, anger management), measures that will entail restrictions for and control of the convicted (drug tests, curfew) and measures that establish a framework around the convicted person's daily life and promotes integration in society (school participation, work).

The provisions concerning the juvenile sentence came into force on 1 July 2014.

We also refer to information in the letter dated 13 July 2012.

- Question from the ECSR: The Committee asks whether young offenders have a statutory right to education.

Reference is made to the letter dated 13 July 2012.

4.2 Article 17§2

1. *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2. *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3. *Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.*

As regards Items 1 and 2, reference is made to previous reports.

- Question from the ECSR: The Committee takes note of Report No. 44 (2008-2009) to the Storting concerning education strategy where the problem of dropouts is highlighted and a number of measures are introduced to achieve the goal of having as many as possible complete their upper secondary education. These measures include closer individual follow-up, a stronger focus on improved and closer cooperation between the education system and working life. The Committee wishes to be kept informed of the results.

- Every lower and upper secondary school in the country participates
- More than 13 000 tenth graders have after this school year participated in intensive education, many in separate groups
- 3 600 teachers (2 from each school) have received 6 days of training in how to increase basic skills and motivation for low achieving students
- The teacher training programme is a huge success – also as an arena for the Ministry to meet the teachers and foster commitment to shared goals
- The programme for vocational orientation and relevance in upper secondary education receives positive feedback
- Cooperation between the counties, municipalities and national education authorities has increased
- In June 2014, 19 400 young people were in the target group for the Follow-Up-Service; the Service has arranged contact with at least 95% of them. The Follow-Up-Service and the Norwegian Labour and Welfare Organisation offered approximately 9 000 young people some kind of activity. A total 1 000 of young people had an unknown status at the end of the school year 2012/2013, as opposed to approximately 10 000 in the year 2009/2010

- Question from the ECSR: Action Plan for Roma children - The Committee asks what concrete steps are taken in the framework of this plan and what measures are taken to calculate the school enrolment and drop out rates for Roma children.

The City of Oslo and the schools in Oslo with Roma children (the Roma population in Norway live primarily in Oslo) have started a large number of different remedial actions to reduce unauthorised absence and to increase the learning outcome for Roma children. The following are some examples of their remedial actions:

- Increased focus on adapted education, increased guidance, reading courses and reading groups, increased teacher density and smaller groups as well as the use of assistants
- Increase the Roma children’s motivation for learning through guidance of the parents, for example in how to do homework.
- Improve the collaboration between the homes and schools (through telephone contact, meetings, as well as contacting the families when unauthorised absence occurs
- Organisation for social learning, playing and interaction across languages and cultures

The City of Oslo has implemented a project to meet the needs of Roma children (“Pilot project targeting Roma children”). The target group for the project was pupils aged 8-16 from Norwegian Roma families, with a high rate of absenteeism. The project started up in the autumn of 2011 and ran until the summer of 2014. The level of absence amongst the Roma children was reduced as a consequence of the project. The children involved in the project also showed progress in regard to reading and writing skills.

The City of Oslo started adult education for Roma people in 2007, and today the Roma initiative includes many different actions. The initiative is based on the idea that a good way to help children to complete compulsory education and to integrate them fully in society is to improve the life circumstances for their parents. The Roma initiative has started local community-based education in basic skills at or close to two primary schools. One of these schools reports that this course has improved communication and trust between the school and the Roma parents. This has resulted in a higher awareness about the need for continuity in schooling and acceptance of the importance of completing compulsory education. The parents now view the schools as less threatening. In May 2012, the schools reported that the former challenge of unauthorised absence was non-existent.

5. ARTICLE 19 – RIGHT OF MIGRANT WORKERS AND THEIR FAMILY TO PROTECTION AND ASSISTANCE

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;
4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:
 - a. remuneration and other employment and working conditions;
 - b. membership of trade unions and enjoyment of the benefits of collective bargaining;
 - c. accommodation;
5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.
11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Appendix to Article 19§6

For the purpose of applying this provision, the term "family of a foreign worker" is understood to mean at least the worker's spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker

5.1 Article 19§1

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.*
 - Question from the ECSR: The Committee asks that the next report provide information on the free services made available to unskilled migrant workers who are nationals of States Parties to the Charter which are not members of the EU or EEA.
 - Question from the ECSR: the Committee asks that the next report provide up-to-date information on free services and information for national workers who are moving out of Norway or wish to do so.

Reference is made to our previous report.

Migrant workers, who are nationals of States Parties to the Charter which are not members of the EU or EEA, and their families, 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 via free download in Norwegian, English, German, Lithuanian and Polish languages at <http://www.nyinorge.no/>.

The web portal workinnorway.no was launched in 2013. [Workinnorway.no](http://workinnorway.no) is a step-by-step guide to working or doing business in Norway – how to find a job, get registered, tax and reporting, social security, etc. [Workinnorway.no](http://workinnorway.no) is a collaboration between the Norwegian

Tax Administration, the Norwegian Directorate of Immigration, the Labour Inspection Authority, the Police and the Norwegian Labour and Welfare Service.

The Norwegian Labour and Welfare Service provides free information on how to apply for work abroad. Information for workers who are moving out of Norway can also be found on the Norwegian Labour and Welfare Services web page:

<https://www.nav.no/no/Person/Flere+tema/Arbeid+og+opphold+i+utlandet/Soke+jobb+i+utlandet>

The Service Centres for Foreign Workers (SUAs) are a collaboration between the Labour Inspection Authority, the Police, the Norwegian Tax Administration and the Norwegian Directorate of Immigration, where foreigners who come to Norway to work can receive good guidance and short processing times for their applications. Those who can seek assistance at a SUA office are people from the EU/EEA who are going to work in Norway, and their family members, people from countries outside the EU/EEA who are applying for a residence permit in order to work in Norway, and their family members, and employers of foreign workers.

A new SUA office opened in Bergen on 7 October 2014. There were already SUA offices in Oslo, Stavanger and Kirkenes.

- Question from the ECSR: The first 'Action Plan for Integration and Inclusion' was launched in 2007. A new 'Action Plan to Promote Equality and Prevent Ethnic Discrimination 2009 - 2012' was adopted in 2009. This plan contains a number of measures specifically referring to immigrants and their families. The Committee asks that the next report provide full and up-to-date information on the implementation of the above-mentioned plans and their impact on the discrimination of migrant workers with respect to employment.
- Question from the ECSR: The Committee asks that the next report provide information on the measures taken in order to avoid that the expression of anti-immigrant views in public debate do not take aggressive or accusatory forms and to emphasise the positive contribution made by immigrants to Norwegian society.

As of 1 January 2014, Norway has four separate Anti-Discrimination Acts: the Ethnicity Anti-Discrimination Act, the Anti-Discrimination and Accessibility Act, the Gender Equality Act and the Sexual Orientation Anti-Discrimination Act. The Ethnicity Anti-Discrimination Act primarily represents technical amendments to the former Anti-Discrimination Act. The Act prohibits discrimination based on ethnicity (which includes national origin, descent, skin colour and 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 and belief.

Action Plan for the Integration and Social Inclusion of the Immigrant Population 2007 - 2010
The Action Plan for the Integration and Inclusion of the Immigrant Population 2007-2010 was an important tool for working on integration and inclusion during this period. The action plan resulted in a substantial financial boost for the field of integration. The four focus areas in the action plan were work and resettling refugees, adolescence, education and language, equality and participation.

Most of the actions developed and initiated through the action plan are now part of the ordinary policy implemented in Norway. The action plan helped strengthen and hold the different sectoral ministries accountable for their responsibility for integration and to promote equality and prevent ethnic discrimination.

Grants to NGOs that provide information and guidance to labour migrants : The Ministry of Children, Equality and Social Inclusion provides grants to NGOs that provide information and guidance to new immigrants, especially to labour migrants and other immigrants who are not covered by the Introduction Act.

Directorate of Integration and Diversity: The Directorate of Integration and Diversity is a policy implementing agency on behalf of the Ministry of Children, Equality and Social Inclusion, and a competence centre on integration and diversity. The objective of the Directorate is to promote and contribute to equal opportunities and equality in living conditions and diversity through employment, integration and participation. The Directorate's areas of responsibility are the settlement of refugees in municipalities, customised qualification measures for immigrants through the Introduction Program for newcomers (refugees and their family members), Norwegian Language Training and Social Studies, job opportunity program and municipal development funds. The Directorate works for equitable public services in partnership with other public authorities and municipalities. The Directorate is the public authority for interpreting in the public sector and follows up measures in the National Action Plan for combating forced marriages, genital mutilation and severe restrictions on young peoples' freedom. The Directorate of Integration and Diversity has a role in area-based interventions to promote good living conditions.

Action Plan to Promote Equality and Prevent Ethnic Discrimination (2009-2012): The Action Plan to Promote Equality and Prevent Ethnic Discrimination (2009-2012) was extended throughout 2013. The action plan was evaluated by the Norwegian Institute for Urban and Regional Research. According to this evaluation, the plan resulted in increased awareness of ethnic discrimination in different areas as a consequence of the number of actors involved in the plan. The tripartite cooperation with the employer and employee organisations was one of the most successful elements in the plan.

Documentation and knowledge development: The plan included measures to gain increased knowledge of the nature and scope of ethnic discrimination. For instance, discrimination in hiring constitutes a substantial obstacle for access to employment for people from an ethnic minority background. A study carried out by the Institute for Social Research has shown that the probability of receiving a call-back for applicants with foreign-sounding names is about 25 per cent lower than for equally qualified applicants with a Norwegian name.

The PROGRESS programme: Norway has taken part in the EU's multi-year framework programme PROGRESS 2007-2013. The Equality and Anti-discrimination Ombud (LDO) has received funds from the programme in the period 2009-2013. In 2012, the LDO developed the project Promoting Equality in Public Health Services. The project's goal was to achieve greater awareness among public agencies about their legal obligation to actively promote equality as public health service providers. The project included cooperation with the Health and Social Ombud in Oslo, and this resulted in an internal report on complaints made about primary care physicians. The LDO also held a workshop for nurses, professionals and students, as well as regional seminars in cooperation with local municipalities about equality

in the health services. In addition, the LDO has produced the training manual *A practical approach to equality in public services*.

In 2013, the LDO developed the project Promoting Equality in Public School Services. The project's goal was to promote equality and anti-discrimination in public schools by raising awareness among public authorities about discrimination, their legal positive duty to promote equality and prevent discrimination and how to achieve this. The LDO also worked to raise awareness among students about discrimination, their rights as students and where to seek help when needed.

Young people combating hate speech online: In 2014, the Ministry of Children, Equality and Social Inclusion funded the Norwegian campaign Young people combating hate speech online. This campaign is part of the European No Hate Speech Movement. The movement was initiated in the Council of Europe with the Joint Council of Youth and subsequently supported by the Secretary General.

The Norwegian campaign aims to combat discrimination, harassment and hate speech on the Internet, as well as supporting young people and groups in society that can be especially subjected to this. The campaign aims to combat discrimination on the grounds of gender, ethnicity and religion, sexual orientation and disability. The campaign is organised by a campaign committee consisting in a large number of non-governmental youth organisations.

The Directorate for Children, Youth and Family Affairs: As of 2014, the Directorate for Children, Youth and Family Affairs has been tasked with developing its own expertise as regards equality and anti-discrimination related to ethnicity, religion and belief. This includes knowledge concerning immigrants, indigenous peoples and national minorities. Additionally, they must use all tools available to promote equality and prevent discrimination on all discrimination grounds.

Article 19§2

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.*

- Question from the ECSR: The Committee asks that the next report provide a full, up-to-date description of the situation.

There are no specific measures to facilitate the departure, travel and reception of migrant workers. Neither are there any administrative formalities or restrictions on departure from Norway.

Migrant workers from outside of the European Union

Upon arrival in Norway, migrant workers are subject to ordinary border control (passport control, visa check, etc.). Any foreign national who has been granted a residence permit

(permit to stay and work for an employer in Norway) before entry, shall, no later than one week after entry, report (by personal appearance) to the local police, cf. Section 19(1) of the (Norwegian) Immigration Act. The same applies to a foreign national who has submitted an application from abroad, but who enters the realm before processing of the application has been completed. A first-time residence permit shall be issued prior to entry into the realm. This requirement does not apply to foreign nationals who are qualified skilled workers, seasonal workers or foreign nationals who are employed by an international company². Some migrant workers who are only staying for a short period, are exempt from the duty to report to the police after entry, but they have to submit a written notification to the police before arrival³.

A temporary right to work can be given while the application for a residence permit is under consideration.

The employer can apply for a residence permit on behalf of the employee, provided that he or she has written authorisation to do so.

Migrant workers from the European Union (EEA national)

An EEA national who has a valid identity card or passport has a right of residence for up to three months, provided that the person in question does not become an unreasonable burden for public welfare systems. Workers from EU do not need to apply for a residence permit to stay or work in Norway⁴. EEA nationals who are going to reside in Norway for more than three months are obliged to register regardless of their grounds for residence, while family members who are not themselves EEA nationals are obliged to obtain a residence card within three months of entering Norway.

Labour and Welfare Administration

The Norwegian Labour and Welfare Administration consists of the municipalities' social services and the Norwegian Labour and Welfare Service, and includes 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 provide these services, including ensuring income in the event of unemployment and following up people who need vocational assistance to find employment. These services are guaranteed to all citizens, including migrant workers.

The Directorate of Integration and Diversity (IMDi) 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.

Foreign nationals who lawfully reside in Norway are entitled to emergency care services and necessary health care from the municipal health service and from the specialist health service. This also applies to migrant workers and their families. Persons who are covered by the Norwegian National Insurance Scheme or mutual corresponding agreement with another country are provided with free or subsidised treatment. As a main rule, all employees in Norway, including their supported spouses and children, are members of the Norwegian

² Immigration Regulations section § 10-1

³ Section 1-1(10) of the (Norwegian) Immigration Regulations

⁴ The Immigration Act implements Directive 2004/38/EC on the right of citizens in the Union and their family members to move and reside freely within the territory of the Member States in Norwegian law.

National Insurance Scheme. Persons who are not covered by the Norwegian National Insurance Scheme or mutual corresponding agreement with another country must pay for medical treatment they receive.

5.2 Article 19§3

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.*

- Question from the ECSR: The Committee asks for up-to-date information on the practical co-operation promoted between social services, public and private, in emigration and immigration countries.

Reference is made to our previous report. There are no special regulations regarding contact or cooperation between the social services in Norway and the corresponding services in the migrant workers' home countries. If necessary, contact must be made on a case by case basis.

5.3 Article 19§4

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, in particular concerning the number of migrant workers, if possible, which have had access to subsidised housing.*

a) Remuneration and other employment and working conditions

Reference is made to the previous report.

In the white paper Meld. St. 29 (2010-2011) *Joint responsibility for a good and decent working life*, the Government presented a broad description of the status in Norwegian working life. In the white paper, the Government proposed additional measures to improve conditions for all employees in exposed industries. The Storting showed broad support for these measures.

- Question from the ECSR: At present, there are three [such regulations] in force, regarding the construction industry, shipyards and the green sector. The Committee asks whether, in the future, the extension of collective agreements to migrant workers will apply to other sectors as well.

The Regulations relating to general application of collective agreements for cleaning companies entered into force on 23 May 2013. Pursuant to Section 2, the Regulations apply to private companies that sell cleaning services, as well as for employees in such companies who perform cleaning. The Regulations do not apply to apprentices under Reform 94 and persons

on labour market measures. The employer and those who operate the enterprise on his/her behalf are tasked with ensuring that the provisions in the Regulations are followed. The employees' minimum wage pursuant to Section 3 is NOK 161.17 per hour. Young employees under the age of 18 shall be paid at least NOK 121.01 per hour. A wage supplement for work between 21:00 and 06:00 hours shall be agreed in each individual case. This wage supplement shall be at least NOK 26 per hour.

As regards work assignments on construction sites, in the shipping and shipyard industries and within cleaning, where accommodation outside the home is necessary, the employer shall, according to agreement, cover necessary travel expenses at the start and end of the work assignment, and for a reasonable number of trips home. An agreement concerning food and accommodation must be in place before an employer sends an employee to work outside his/her place of residence. The employer must, as a main rule, provide food and accommodation, but a fixed per diem, payment on a reimbursable basis and similar can be arranged.

As the Committee is asking about what will happen in the time ahead, we can inform the Committee that the Regulations relating to general application of collective agreements for fishing industry companies were adopted in 2014. The Regulations relating to partial general application of the National Agreement Regarding Electrical Work will be adopted in 2015.

Pursuant to Section 11 of the General Application Act, the Labour Inspection Authority conducts audits to ensure that wages and working conditions that follow from the general application resolution are adhered to. The Regulations relating to the duty to provide information, the duty to supervise and the duty to provide access entered into force on 14 March 2008 and establishes two key obligations for the principal when using subcontractors and contractors: the obligation to inform contractors or subcontractors about wages and working conditions, and the obligation to ensure that general application regulations are complied with. These Regulations apply to areas with generally applied collective agreements, and the objective is to ensure compliance with wages and working conditions pursuant to the general application regulations.

The Labour Inspection Authority's role is to conduct audits to ensure that these rules are observed. If the rules are broken, the Labour Inspection Authority can issue a business order, compulsory fines, charges, stop work, or report the matter to the Police.

- Question from the ECSR: The Committee asks that the next report provide detailed information on the implementation of the measures aimed at reinforcing the regulation and monitoring of working conditions and their impact on the problem of discrimination of migrant workers.

The measures described below are the same for Norwegian and foreign employees and businesses and are particularly important in industries with a large number of foreign employees.

Approval scheme and ID cards in the cleaning industry

The Government has introduced a scheme which requires approval of cleaning companies, including a requirement for ID cards for employees in cleaning companies. This scheme is governed by a separate regulation pursuant to the WEA (Regulation No. 408 of 8 May 2012 relating to authority approval of cleaning companies and relating to the purchase of cleaning

services, cf. Section 4-1 of the WEA). Under the scheme, all enterprises that provide cleaning services must be approved by the Labour Inspection Authority. In order to be approved, the enterprise must be registered in specific public registers (the Central Coordinating Register of Legal Entities, the Register of Business Enterprises, the National Population Register, the VAT Register, the Register of Employees and Employers, the Staffing Enterprise Register and the Central Tax Office for Foreign Tax Affairs). The enterprise must furthermore document that precisely defined requirements in the Working Environment Act, the General Application Act, the Occupational Injury Insurance Act and the Immigration Act (requirements concerning a safety delegate service, occupational health service, written employment contracts, wages and working conditions, occupational injury insurance and residence permits) have been met. There is also a requirement to ensure that all employees and sole proprietorships have ID cards. The scheme entails that it is prohibited to purchase cleaning services from businesses that are not approved. Approved businesses are registered in a publicly accessible register.

The objective of the scheme is to safeguard health, safety and the working environment in the workplace. The approval and ID card requirement contributes to a better overview of the players and thus better control of HSE conditions. This is particularly important in the cleaning industry because work often takes place in different and/or temporary locations.

The rules came into force on 1 September 2012.

Regional safety delegates in the cleaning industry and hotel and restaurant industry

The Government has expanded the scheme involving regional safety delegates, which was previous only in effect in the building and construction industry, to now also apply in the cleaning industry and the hotel and restaurant industry. The purpose of regional safety delegates is to help ensure that health, safety and environment conditions are in compliance with the requirements of working environment legislation. The regional safety delegates are tasked with carrying out safety work in workplaces that have not set up a dedicated safety delegate service, and to contribute to establishing a safety delegate service in workplaces that do not have one, as required by the legislation. The scheme is based on tripartite cooperation and is financed by the industry itself. The scope of the regional safety delegates' authority and tasks follows from the WEA rules concerning the safety delegate service, and is also governed in more detail by a regulation.

The rules came into force on 12 May 2011.

Rules concerning equal treatment of temporary agency workers

On 1 January 2013, Norway introduced new rules in the Working Environment Act and the Civil Service Act concerning equal treatment of temporary agency workers, as well as several measures to ensure compliance. The rules concerning the equal treatment principle, etc. are in compliance with and satisfy the requirements in EU Directive 2008/104/EC on Temporary Agency Work. The draft bill pointed out that, independent of the Temporary Agency Work Directive, there was a need for regulation that ensures equal treatment of temporary agency workers and permanent employees in important areas, primarily to ensure that the scope and work conditions of temporary agency workers does not undermine the goal to have a labour market with an emphasis on permanent, direct employment. For example, the draft bill states that, with the introduction of an equal treatment principle, employers would be less inclined to be motivated by reduced wage costs when they hire temporary agency workers, and that this would also help prevent conditions that could be described as social dumping.

The rules stipulate that the staffing enterprise shall ensure that the employee is ensured, as a minimum, the same terms and conditions that would have been used if the employee had been hired directly by the hiring enterprise to perform the same work, as regards e.g. wages and benefits. Temporary agency workers who are hired out must have the same access to shared benefits and services from the hiring enterprise as the enterprise's own employees, unless objective reasons indicate otherwise.

Several measures were introduced in the Working Environment Act to ensure compliance with the equal treatment rules:

- When temporary agency workers are hired, the hiring enterprise must give the staffing enterprise the information necessary for it to satisfy the requirement for equal treatment. The staffing agency shall, when requested by the employee, provide the information necessary for the employee to be able to assess whether his/her own wages and working conditions satisfy the requirement for equal treatment
- The staffing enterprise shall, when requested by the hiring enterprise, document the wages and working conditions agreed with the employee hired out to the hiring enterprise.
- The hiring enterprise shall, when requested by the hiring enterprise's employee representatives, document the wages and working conditions agreed between the temporary agency worker and his/her employer.
- A provision was introduced as of 1 July 2013 concerning joint liability for the hiring enterprise for disbursement of salaries, wages, etc., holiday pay and any other remuneration according to the requirement for equal treatment.

It also bears mentioning that, as of 1 January 2014, the Labour Inspection Authority has been assigned a (limited) supervisory authority for parts of the staffing enterprise rules. A legal basis was also introduced for the Labour Inspection Authority to issue *administrative fines* for breaches of the Working Environment Act, etc. The objective of the proposal was to give supervisory authorities an appropriate and effective sanction to supplement and complement the sanctions currently at their disposal. As this entered into force after the reference period for the report, this will be addressed further in next report.

b) Membership of trade unions and enjoyment of the benefits of collective bargaining
Reference is made to the previous report.

- Question from the ECSR: The report does not contain specific information on the enjoyment of the benefits of collective bargaining by migrant workers. The Committee asks that the next report contain specific information on this point.

In Norway, wages are negotiated by the social partners. They are not determined by law, and no legal minimum wage applies, with the exception of areas covered by general application regulations, see above for more details. Migrant workers have the same rights as other workers to join trade unions and to enjoy the benefits of collective bargaining.

c) Accommodation

- Question from the ECSR: The last report mentioned that in 2010 the Government set up a committee to study and put forward proposals about social housing, with specific reference to 'disadvantaged groups'.

The Committee asks that the next report contain information on the conclusions of the above-mentioned committee.

See information under Article 31.

- Negative conclusion: The Committee considers that with respect to accommodation it has not been established that migrant workers enjoy treatment which is not less favourable than that of nationals.

Reference is here made to information provided via letter to the Governmental Committee dated 18 July 2012.

- Question from the ECSR: The Committee asks that the next report provide information on the measures adopted at national and local level to counter the discrimination of migrant workers with respect to housing.

There is little research, studies or investigations in Norway concerning migrant workers and their living conditions. In 2012, about 56 600 people immigrated to Norway. 45 per cent of these came for work. Two-thirds of migrant workers were from the newest EU member states, and nearly half were from Poland. Migrant workers are not a uniform group. Migrant workers should, as main rule, participate unassisted in the housing market on equal terms with others, and they face the same challenges as e.g. young people when they establish themselves in the housing market. Immigrants who are registered in the National Population Register and have legal residence in Norway, are qualified for housing allowances and have the right, on equal terms with others, to be considered for the other financial housing instruments. Most municipalities require two years of residence in order to be assigned municipal housing.

On average, it takes longer for migrant workers to establish themselves in the housing market than is the case for Norwegians. Migrant workers must document that they will stay in the country while they apply for home loans. Once they decide to stay, surveys show that they take a long-term and goal-oriented approach to planning⁵. Residence in the country is key; often those who have been here a short time, desire an affordable place to stay so they can save up money. With increasing length of residence the demands and preference change and they are more similar to the preferences of Norwegians. The same survey shows that most foreign workers are able to establish themselves with acceptable housing solutions. The high level of family reunifications can be interpreted as an expression of the fact that most eventually manage to acquire satisfactory living conditions.

A number of information measures aimed at refugees/immigrants have been developed within the subject of housing. Together with Migranorsk AS, the Norwegian State Housing Bank has developed "Å bo" (Living), an online education tool on various aspects of acquiring a home and living in Norway. The tool is available in seven languages. Moreover, a website www.nyinorge.no has been established with information in several languages about subjects including the purchase and rental of housing and other housing-related topics. Together with the Norwegian Inclusion and Diversity Directorate (IMDi), the Norwegian State Housing Bank has prepared an information brochure about housing subsidies for refugees and immigrants.

⁵ The white paper on a housing policy for individuals, society and future generations (Meld. St. 17 (2012-2013) Bygge – bu – leve, Ein bustadpolitikk for den einskilde, samfunnet og framtidige generasjonar)

Some major housing laws (the Tenancy Act, Housing Cooperatives Act, Joint Housing Ownership Act and Building Societies Act) contain provisions that prohibit discrimination on the basis of, among other things, skin colour, language skills, national or ethnic origin and creed. The Housing Cooperatives Act, Building Societies Act and Joint Housing Ownership Act prohibit setting conditions for part owners/co-owners that can be discriminatory in relation to, among other things, religious affiliation and national or ethnic origin. Provisions on unfair discrimination of a tenant due to ethnicity, religion and beliefs have been introduced in the Tenancy Act. The Anti-Discrimination Act otherwise applies as regards ethnicity. The Norwegian Equality and Anti-discrimination Ombud may make statements on violations of the above provisions. It is free to obtain advice and guidance and to have their case dealt with by the Ombudsman. The opinion of the Ombudsman may be appealed to the Equality and Anti-Discrimination Tribunal.

Studies have shown that there are selection and discrimination mechanisms in the rental market that cause individuals to face particularly poor and expensive rent offers, and that disadvantaged and ethnic minority groups consistently pay higher rents than others and that they experience arbitrary lay-offs and rent increases.⁶ However, discrimination is difficult to prove, as discrimination is legitimised or explained through other causes.

5.4 Article 19§5

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Reference is made to the previous report. Nothing new has happened in this area.

5.5 Article 19§6

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, in particular on the number of applications for family reunion, and the percentage of applications which were granted and turned down, respectively.*
 - Question from the ECSR: the Committee asks that the next report provide detailed, up-to-date information on the new rules introduced by the new Immigration Act and their implementation.
 - Question from the ECSR: the Committee asks for the next report to provide specific information, including figures, on any rejections of

⁶ NOU 2011:15 ”Rom for alle – En sosial boligpolitikk for framtiden” (Room for all – a social housing policy for the future)

applications for family reunion based on the criteria relating to available means and housing.

As a general rule, an assured means of subsistence is required in family immigration cases. The subsistence requirement was tightened in connection with the new Immigration Act and regulations that came into force on 1 January 2010. One of the purposes behind the tightening was to increase the likelihood that whoever receives a residence permit can be supported by the family member in Norway and does not need public benefits. Other objectives were to ensure that conditions are more conducive to integration and to discourage forced marriages. The tightening was also a measure to deal with the increasing influx of asylum seekers in 2008 and 2009.

The subsistence requirement means that the person living in Norway (the sponsor), regardless of whether he or she is Norwegian or a foreign citizen, as a rule must document a future income of just over NOK 250 000 per year. Previous income must also be documented.

The calculation to determine whether the future income requirement has been met, may include employment income, sickness benefit, parental benefit, benefit under the Introduction Act and educational support. The requirement is also met when the sponsor receives retirement pension or disability pension of a certain extent. In some cases, the future income requirement can also be ensured by someone other than the sponsor: If the applicant is lawfully employed in the realm, the applicant's income shall also be included. When the sponsor is pursuing an education at a certain level, the applicant's funds shall also be included if both parties have turned 23 years of age. In exceptional cases, this requirement may also be met by a third party financial guarantee.

A sponsor must demonstrate that she or he had a similar income for the year prior to the application for family reunification according to the tax certificate or confirmation from the tax authorities. The sponsor must have also maintained a sufficient level of income during the period after the tax settlement. An exception is made if the sponsor is a Norwegian citizen, Nordic citizen or foreigner with permanent residency who can demonstrate that they have had such income abroad. Exceptions are made to the requirement for previous income when the sponsor is a Norwegian citizen, Nordic citizen or foreigner with a permanent residence permit and has completed a certain level of education. Furthermore, an exemption is made when, for example, the sponsor has had a net worth of over NOK 1 million in the last two tax settlements and is over 23 years of age.

An exception is made from the subsistence requirement when the applicant is a spouse, cohabitant or child and the sponsor has a residence permit as a refugee. For spouses, the marriage must have been contracted before the sponsor's entry into Norway. In principle, the application must then be submitted within one year after the sponsor received a residence permit. There are also exceptions when the sponsor is under 18 years of age or the applicant is a child under 15 years of age without caregivers (usually parents) in their home country. An exception may also be made when warranted by strong humanitarian considerations. This is a narrow exception rule.

It is also a condition that the sponsor has not received financial support under the Act relating to Social Services in the Labour and Welfare Administration in the last 12 months before permission is granted. An exception from this rule is made if the benefit was paid in

anticipation of national insurance benefits or housing allowance, or if the benefit was paid to a foreigner who has received a benefit under the Introduction Act.

If the sponsor has a residence permit in Norway following an asylum application or on the basis of family reunification, the person must have worked or completed an education in Norway in four years to be permitted to establish a family with a life partner. Norwegian language training according to the Introduction Act counts in this context. The condition does not apply if the marriage was entered into or the parties have conceived children prior to the date of the sponsor's entry into the realm or the parties have entered into marriage or conceived children while both have had a residence permit in Norway.

The number of applications from spouses and children processed in the first instance for family immigration has been between about 13 000 and 15 500 over the last three years. The percentage granted has remained steady at 75%. The grounds for around 60% of the rejections is that the subsistence requirement has not been met. If the sponsor has a residence permit as a migrant worker, 99% of such applications are granted, and very few are rejected because the subsistence requirement is not met.

Table: Initial Decision, application for family immigration from spouse, partner and children

Decision	2010	2011	2012	2013	Total
Granted	9 192	11 697	11 251	10 442	42 582
Rejected	3 094	3 871	3 772	3 526	14 263
Total	12 286	15 568	15 023	13 968	56 845

Table: Share of rejections due to failure to meet subsistence requirement.

Subsistence requirement	2010	2011	2012	2013	Total
Met	51%	40%	37%	44%	43%
Not met	49%	60%	63%	56%	57%
Total	100%	100%	100%	100%	100%

- Question from the ECSR: The Committee requests information about whether Norwegian language training pursuant to the Introduction Act is a condition for family immigration, or an obligation for family members who come to Norway.

Completed Norwegian language training is not a condition for family immigration in Norway. If the foreign national already has a life partner abroad, he or she may be brought to Norway as soon as the subsistence requirement and any other conditions are met. Because of the aforementioned requirement of four years of work or education in Norway, many will have completed compulsory Norwegian training before it is relevant to apply for family establishment.

5.6 Article 19§7

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action

plans, projects, etc.) to implement the legal framework.

3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

- Question from the ECSR: The Committee asks for the next report to state whether domestic legislation makes provision for migrant workers who are involved in legal or administrative proceedings and who do not have counsel of their own choosing to be advised to appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if they do not have sufficient means to pay the latter, and whether migrant workers may have the free assistance of an interpreter if they cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated.

Free legal aid: Under the Norwegian legal aid scheme, the local or central government can cover the costs of legal assistance entirely or partially. Assistance is given as free legal advice (mainly before trial), free legal representation (mainly during proceedings) or waiver of court fees. The right to assistance depends on the applicant's finances and type of case.

Foreigners applying for legal aid in Norway shall be treated the same way as Norwegians. Applications are processed by the general rules for free legal aid.

Regarding authorisation of free legal aid, Norway has a treaty obligation under the Hague Convention on Civil Procedure of 1 March 1954. Foreigners are given access to free legal representation by the same rules that apply to Norwegian citizens, regardless of whether the alien resides in Norway or not.

No similar convention applies to free legal advice. The practice is still that foreigners resident in Norway are treated in the same way as Norwegian citizens, when the applicant's problem has special connection to Norway and there is a need to engage a lawyer in Norway.

Under the Legal Aid Act, the party's own expenses for interpreters in connection with free legal advice is covered to the extent expenses are essential and necessary. In litigation matters, coverage may be granted for such expenses even if legal aid is not applied for.

According to the same provision which may authorise coverage of the costs for an interpreter, expenses for the translation of documents can in principle also be covered. In practice, however, it is assumed that a public body that has an underlying case to be heard itself arranges translation of relevant documents, if this is considered necessary for making a proper decision in the case. Such costs are therefore not covered under the Legal Aid Act in practice. Expenses for necessary written translation is otherwise covered only exceptionally in cases involving free legal advice pursuant to the Legal Aid Act.

Expenses for interpreters in civil cases cf. Section 13 of the Dispute Act Regulations and Section 135 of the Courts of Justice Act: When the court, pursuant to Section 135 of the Courts of Justice Act, has found the use of interpreters necessary because one or more of the parties cannot understand Norwegian, the expenses for an interpreter are covered by the public purse as long as the party is a Norwegian citizen or foreign national with permanent residence in Norway.

When the court has found it necessary to use an interpreter because one or more of the witnesses or experts cannot understand Norwegian, or because one or more of the parties cannot understand Norwegian and is a foreign national without permanent residence in Norway, the expenses for an interpreter are covered by the public purse when the court finds it reasonable.

Expenses for translation of pleadings, etc. in civil cases, cf. Section 14 of the Dispute Act Regulations and Section 136 of the Courts of Justice Act: Expenses for translation of pleadings, exhibits or written evidence that accrued under the provisions of Section 136 of the Courts of Justice Act, are covered by the public purse pursuant to the rules in Section 13, first and second subsections (see above on interpretation). If the interpreting expenses are covered by the public purse because one or more of the parties cannot understand Norwegian, the public purse also bears the expenses of having the decision that concludes the case translated.

5.7 Article 19§9

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Reference is made to the previous report. Note that the correct reference to the directive on payment services in the internal market shall be "Directive 2007/64/EC."

5.8 Article 19§10

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

- Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 19§10 of the Charter on the same grounds for which it is not in conformity with paragraphs 4 and 11 of the same Article.

We refer to information under Article 19§4 and 19§11.

5.9 Article 19§11

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the national language of the receiving State.*

Immigrants to Norway are diverse in many respects. Some have higher education, substantial relevant work experience and are fluent in many languages. Others have little or no formal education. Some start working from day one after arrival, while others are more distant to employment. The programs for acquiring basic qualifications are designed to strengthen new immigrants' chances of finding a job and participating in society. These schemes are the Introduction Program and Norwegian Language Training and Social Studies. The Introduction Act governs both schemes. In addition, a new permanent scheme, the Job Opportunity Program, was established in 2013. The aim is to increase the employment rate among immigrants who are not participating in the labour market, who need basic skills and who are not eligible for other schemes.

Norwegian Language Training and Social Studies: The goal of the scheme for Norwegian language training and social studies is that adult immigrants sufficiently master Norwegian over the course of their initial years in Norway to be able to find employment and participate in society. From September 2005, it has been compulsory for new adult immigrants between the ages of 16 and 55 to participate in the scheme if they have a residence permit that constitutes the basis for permanent residence. This also applies to foreign family members of foreign immigrants in Norway and to Norwegian and Nordic nationals. Note, however, that persons who live in Norway based on the EEA/EFTA Agreement are not covered by the Introduction Act, and are not entitled to free tuition in Norwegian language and social studies, nor are they obliged to participate in these studies. However, Norwegian language courses are available for pay.

The municipalities are responsible for providing tuition in Norwegian language and social studies. The program should consist of 600 hours of tuition, of which 50 hours are social studies in a language the participant understands. Persons who need further training may receive up to 2 400 additional hours depending on individual needs. The municipalities receive government grants to provide the tuition.

Immigrants over 55 years of age, who belong to one of the mentioned groups, have the right – but no obligation – to attend Norwegian language training and social studies. Labour immigrants who live in Norway not based on the EEA/EFTA Agreement are obliged to participate in the scheme, but have to pay for the tuition. Completion of language training or a demonstration of corresponding language skills is a condition for receiving a permanent residence permit and for Norwegian citizenship.

Evaluation of the educational results and evaluation of the effects of the language training are partly based on the number of candidates attending examinations and on the proportion that passed or failed. In 2013, 84 per cent of the candidates passed the oral test. This is nearly the same as in 2012, when 83.4 per cent passed and a slight decline from 2011, when 86 per cent passed. The proportion that passed the written test was 56.5 per cent in 2013, almost 58 per cent in 2012 and 59 per cent in 2011. The policy aim is that 90 per cent pass the oral test and 65 per cent pass the written one.

As soon as possible after settling in a municipality, eligible immigrants are expected to enrol in language training. They should complete the obligatory training within three years. In 2012, almost 11 500 persons were recognised as having a right and obligation to participate in language training. Within 18 months after this recognition, 85 per cent of the qualified women and 91 per cent of the men had started such training. For 2011, the number was just above 10 000 persons. Within 18 months, 86 per cent of the qualified women and 89 per cent of the

men had started the language training. Among almost 8 500 persons, who were granted a residence permit in 2010, and who still had a right and obligation to language training, 86 per cent of the women and 91 per cent of the men had used the opportunity to complete the obligatory training within three years. Of the almost 9 200 persons in the same group who were granted a residence permit in 2009, 85 per cent of the women and 89 per cent of the men had used the opportunity to participate in a minimum of 300 hours of training within three years.

In June 2011, changes in the Introduction Act were adopted. As a consequence, as of January 2012, the scope of the compulsory Norwegian language training was expanded from 300 to 600 hours for persons granted a residence permit after this date. For anyone who, prior to January 1 2012, had the right and/or obligation to language training, the scope is still 300 hours. Labour immigrants comprised by the Introduction Act are still obliged to take part in 300 hours of language training and social studies.

Starting 1 September 2012, the curriculum for the Norwegian Language Training and Social Studies was revised. There is now more emphasis on making the language training more vocational, ICT skills have been added, a basic literacy module for participants who cannot read or write in their mother tongue has been introduced. In addition, the curriculum includes a separate plan for 50 hours of social studies in a language that the participant can understand.

After September 1 2013, all immigrants, who are granted a residence permit that gives them the right and obligation to participate in language training and social studies, are obliged to conclude the education with mandatory tests both in the Norwegian language and in social studies. The aim is to achieve better documentation of the Norwegian skills of the participants, and that a larger share of the participants successfully complete their studies. In this connection, new tests have been designed in Norwegian and Social Studies. The municipalities are responsible for arranging the tests.

To improve the quality of the tuition and the capacity of the municipalities to provide individually adapted language training, the funding of local projects in the municipalities, introduced in 2013, will continue in 2015. The funding can also be used to improve the quality of the Introduction Program.

From 2013, Statistics Norway produces statistics on the participants in Norwegian Language Training and Social Studies. In 2013, 38 700 persons participated in the training. In the period from 2010-2012, the numbers of participants has been around 37 000 per year. In 2012 and 2013, around 1 500 of the participants were labour migrants, the rest were family migrants and refugees. 25 per cent of the participants were from Eritrea and Somalia. There were also many participants from Afghanistan and Thailand.

Over 57 per cent of the participants in 2013 were women. In 2012, 58.1 per cent were women. In 2011, 56 per cent were women and in 2010, 53.4 per cent of the participants were women.

Statistics Norway is in the process of developing a new monitor for entry into the labour market or education for participants in the Norwegian language training courses. The first report will be published by the end of 2014.

Asylum seekers residing in reception centres may receive up to 250 lessons of training free of charge from the municipalities. In the second half of 2013, 4 700 asylum seekers attended the

training. Among the asylum seekers arriving Norway in 2012, 45 per cent of the women and 56 per cent of the men had started the training by the end of the next half year.

Schemes targeting specific geographic areas: There are programs for *free core time in kindergarten* in six districts of Oslo, and in some areas of the cities of Bergen and Drammen. The assumption is that by attending kindergarten, children will achieve improved language and social skills in preparation for primary school. The program entails that *all* children of a certain age in these city districts and areas receive 20 free hours per week in a kindergarten. The program has five aims: (1) to reimburse city districts for lower rates of parental payment, (2) increase recruitment of minority-language children to kindergarten, (3) systematic language stimulation (4) increase competence among kindergarten staff, and (5) implement measures to increase Norwegian language skills among parents, particularly mothers.

This has resulted in an increase in the number of children of immigrants participating in kindergarten. Schools in Oslo report that the language skills of the children are better than previously.

- Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 19§11 of the Charter on the grounds that it has not been established that migrant workers who are not EU/EEA citizens are entitled to free language training when they are unable to pay the fees for compulsory language training.
- Question from the ECSR: it asks whether all those unable to pay the fees by their own means will receive social assistance.

Reference is made to the following information provided in a letter to the Governmental Committee 13 July 2012:

Migrant workers and members of their families might have an equal need for Norwegian language training and social studies, as other immigrants. Language skills and knowledge of Norwegian society are considered to be of great importance for immigrants' integration into society and working life. Despite this, the circumstances of migrant workers and their families differ from those who were granted asylum, residence permits on humanitarian grounds, or collective protection. The last groups mentioned are seen as being a particular responsibility of the Norwegian authorities. The point of departure is different for immigrant workers who, according to their residence permit pursuant to Section 8(1) of the Immigration Act, must have a wage income. On these grounds it is considered that immigrant workers, who are wage-earners, are able to pay for expenses related to public services, such as language training. Thus, the argumentation has not changed since Norway's 8th report.

If immigrants cannot meet the costs, they may apply for economic support from the local social services in the municipality where they live. Persons who are not able to provide for themselves are entitled to economic aid from the municipality in which they are present. Costs connected to language classes may be covered after an individual assessment, if such classes are considered likely to improve the person's possibilities to get work or to overcome or adapt to a difficult situation. There are no available statistics indicating the amount of such applications.

Legal immigrants having difficulties in finding work due to lack of knowledge of Norwegian language can get language classes as part of a qualification program. The courses are free, and the participants in the qualification program are paid for their participation.

It is important to stress that, in general, municipalities as well as employers are free to organise language training free of charge for persons without such rights. We have knowledge of municipalities doing so, although we lack concrete statistic material. For obvious reasons employers should have an interest in having workers who acquire a good command of the Norwegian language and society relatively quickly.

Over the last couple of years both public and non-public actors have started developing online language courses in Norwegian. Some of these innovations have been led or funded by Vox – the Norwegian Agency for Lifelong Learning, a subordinate agency of the Norwegian Ministry of Education and Research. Online language courses are meant to be used as a part of the ordinary training courses, as well as on their own basis. Online language courses are believed to provide increased flexibility and adaptability to the needs of the students and employers wanting to offer training to their employees. By now, most online courses charge a fee from participants without rights to free training. The exception is one entry level online course in Norwegian (NoW), developed at the Norwegian University of Science and Technology, NTNU. This course is designed for foreign students at NTNU, but it is open to anyone wanting to learn Norwegian.

Furthermore it is necessary to stress that the right or obligation to participate in a Norwegian language training course and social studies, shall not apply if it is documented that the person concerned has adequate knowledge of Norwegian or Sami. If special health or other weighty reasons warrant doing so, the municipality may exempt an individual from the obligation to participate.

5.10 Article 19§12

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the mother tongue of their parents.*

- Question from the ECSR: the Committee asks that the next report provide full and updated information, including information on the number and proportion of migrant worker's children receiving mother tongue instruction.

The regulations remain unchanged. Section 2-8 of the Education Act states: *Adapted language education for pupils from language minorities:*

“Pupils attending the primary and lower secondary school 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.

The mother tongue instruction may be provided at a school other than that normally attended by the pupil. When mother tongue instruction and bilingual subject teaching

cannot be provided by suitable teaching staff, the municipality shall as far as possible provide for other instruction adapted to the pupils' abilities."

The Ministry of Education and Research has no statistics on how many of the pupils/share of those receiving mother tongue instruction, are children of migrant workers. Since we do not register the background of the pupils, we do not know what percentage of minority language students are constituted by the children of migrant workers. While there has been a general decline in the use of mother tongue instruction and bilingual teaching in schools, the use of special tuition has been stable (GSI).

We are currently implementing a major initiative, Kompetanse for mangfold (Expertise for Diversity) 2013-2017, which will help school owners improve their knowledge of the regulations. This will facilitate increased use of special language instruction, including bilingual instruction and mother tongue instruction. Multilingualism as a resource will also be emphasised in the program.

6. ARTICLE 27 - RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND TREATMENT

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake

1. to take appropriate measures:
 - a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
 - b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements;
2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Appendix to Article 27

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms "dependent children" and "other members of their immediate family who clearly need their care and support" mean persons defined as such by the national legislation of the Party concerned.

6.1 Article 27§1

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

(Norway has only accepted Article 27§1c)

- Question from the ECSR: It asks how qualifications of personnel and the quality of child care services in general are monitored.

In the following text the Department of Early Childhood Education and Care in the Ministry of Education and Research will give information on the following subjects:

- Access
- Provision of places
- Financing (including parental fees and subsidy schemes for low-income families)
- Monitoring
- Measures for better quality in kindergartens

Definitions:

Ordinary kindergartens cover the age group 0–5 years and are the most common form of Early Childhood Education and Care in Norway. 98 per cent of the children in ECEC attend an ordinary kindergarten.

Family kindergartens (family day care) are a type of ECEC where an assistant works in a private home with a maximum of five children, supervised and mentored by a qualified kindergarten teacher. The homely quality of family kindergartens is to be ensured by the regulations, while at the same time having an organisation that supports family kindergartens as a pedagogical undertaking. Family kindergartens usually provide for children younger than three years of age, and 97 per cent of the 735 family kindergartens in 2013 were privately owned. In 2013, only 2% of all children with a kindergarten place attended a family kindergarten.

Open kindergartens are part-time drop-in centres for parents/caregivers and children, led by a qualified kindergarten teacher. Parents/caregivers stay with their child and participate in the programme together with the child. The municipalities are not legally obliged to offer open kindergartens.

Access to kindergartens

In 2003, an amendment to the Kindergarten Act placed a statutory obligation on municipalities to provide kindergarten services in addition to health and social services. The amendment meant that all municipalities must ensure that they have enough kindergarten places in order to offer a place in a kindergarten to all parents in the municipality who wish to enrol their child.

The provision of kindergarten in Norway varies widely. A scattered population, long distances and lack of qualified staff are some of the problems facing the municipalities in meeting the requirements of the Kindergarten Act. The funding reform in 2011 that introduced block grants to municipalities in combination with legislation is aimed at strengthening local government and autonomy. It places responsibilities on the municipalities to plan for and provide kindergarten places to meet local needs.

The right to a kindergarten place applies to children who turn one year of age no later than by the end of August of the year for which a kindergarten place application is submitted. Today, the right to a place does not apply to children who turn one on 1 September or later. The municipality or private kindergarten owners can, however, give applicants a place if they have

available places. The number of children with a place in kindergarten who turned one on 1 September or later, was 11 280 by the end of 2013. Of these children, 9 386 had turned one in the period 1 September–31 December and 1 894 who still had not reached the age of one. These numbers include children who have been given a kindergarten place due to rights based on special needs or child welfare considerations.

In its political platform document of 7 October 2013, the present Government set this goal: *The Government wishes to work towards increased flexibility in admission to kindergartens.* Starting in 2015, block funding to municipalities has been increased by NOK 333 million in order to accommodate more flexible admission arrangements. Municipalities are expected to prioritise better solutions for families, and the Ministry will monitor their implementation. The issue of flexibility is also related to other measures such as parental leave and the cash-for-care benefit scheme. In 2012, the numbers of one-year-olds in kindergarten decreased for the first time in many years.

Provision of places

Number of kindergartens (ordinary kindergartens, family kindergartens and open kindergartens):

	2000	2004	2008	2012	2013
Public kindergartens	2 984	2 853	3 082	2 986	2 955
Private kindergartens	2 849	3 182	3 623	3 411	3 341
Total	5 833	6 035	6 705	6 397	6 296

The reason for the reduction in the number of kindergartens from 2008 to 2013 is the establishment of larger units, especially in the cities.

Number of children (ordinary and family kindergartens):

	2000	2004	2008	2012	2013
Public ordinary	110 885	118 604	140 672	150 402	149 570
Private ordinary	68 480	83 528	112 058	129 372	131 949
Public family kindergartens	2 114	1 797	830	375	300
Private family kindergartens	8 358	9 168	8 326	6 004	5 358
Total	189 837	213 097	261 886	286 153	287 177

98 per cent of children in kindergartens in 2013 attend an ordinary kindergarten, and of these, 47 per cent attend a public and 53 per cent a private kindergarten.

As the table shows, the number of children attending family kindergartens has decreased in the last few years, from more than 10 000 in 2000 and 2004 to 5 658 in 2013. Parents seem to prefer ordinary kindergartens if they have the option.

Financing

An important principle in the Norwegian system is that municipalities should mainly be financed by general block grants. The local welfare services then become subject to local

political priorities, which make local politicians responsible for local welfare decisions, while keeping administrative costs at both the central and local level at their lowest. By 2011, the goal of full kindergarten coverage had been reached and the municipalities had been given the responsibility for meeting each child's individual right to a place in a kindergarten. Since the reform of the kindergarten sector was completed, the *Storting* decided to include the kindergarten grants in the general grant in 2011.

Parental fees and subsidy schemes for low-income families

A maximum fee for a full-time place in all kindergartens (both public and private), whatever the age of the child, was stipulated by the *Storting* in May 2004. In the same legislation, siblings in a family are entitled to reduced fees (a 30 per cent reduction for the second child, 50 per cent for third and subsequent children). Municipalities are also obliged to have subsidy schemes for low-income families, but neither the arrangements nor families with low income are defined in detail. The variation between municipalities is therefore quite large.

Statistics for 2013 show that 24 per cent of the municipalities have some sort of income-differentiated parental fees and that these municipalities are among the ones with the highest populations. About 50 per cent of all ECEC-children live in these 24 per cent municipalities. 15 per cent of the municipalities do not offer any other subsidy scheme than the obligatory sibling discount.

A study of subsidy schemes from 2011 shows that a total of 1 520 children, or 0.5 per cent of all children in ECEC, had a free place in 2011.

In 2013, kindergarten coverage among 1–5 year olds was 90.0 per cent, but earlier studies have shown that children from low-income families are underrepresented. The present Government wishes to use greater differentiation of parental fees as a means of increasing kindergarten participation among children from low-income families and as a means of reducing child poverty in Norway.

In the national budget for 2015, the *Storting* decided to increase the maximum parental fee by NOK 100 per month in real terms, to NOK 2 580 per month from 1 May 2015. This gives a nominal increase of NOK 175 per month. The *Storting* decided to grant NOK 235 million to subsidy schemes for low-income families from 1 May 2015. As a result, these families will pay a maximum of six per cent of their income for a kindergarten place, limited upwards by the maximum parental fee. This is estimated to include all families with a yearly income of NOK 473 000 and will provide an average reduction of NOK 650 per month. The sibling discount is continued, so the parental fee for the second child will be 70 per cent of the fee for the first child, and the fee for the third and subsequent children will be 50 per cent of the fee for the first child.

In the national budget for 2015, the *Storting* has decided to grant NOK 51 million to an extension of free core hours in kindergarten for 4- and 5-year-olds from low-income families. The Ministry of Children, Equality and Social Inclusion is responsible for the implementation of this measure in cooperation with the Ministry of Education and Research.

Monitoring

The municipality has a dual role in the ECEC sector. Firstly, a municipality can be the owner of one or several public kindergartens. Secondly, all municipalities are the official kindergarten authority at the decentralised level. Pursuant to the Kindergarten Act,

municipalities, as kindergarten authorities, are responsible for tasks that include supervision and inspections of both public and private kindergartens.

The County Governors are the chief representatives of the Government at the decentralised level. They are tasked with ensuring that the decisions of the *Storting* and the Government are implemented correctly throughout the county. There is an Office of the County Governor in all the 19 counties of Norway (the counties of Oslo and Akershus have a joint County Governor situated in Oslo. Thus, the total number is 18). The County Governor is the first appellate body in legal matters at governmental level. When a municipality, as a result of its supervision of a kindergarten, has ordered rectification of inadequate or unlawful conditions, the decision can be appealed to the County Governor. The same applies to an order for the temporary or permanent closure of a kindergarten.

The County Governor's supervisory role in relation to the municipalities as kindergarten authorities is regulated in the Kindergarten Act. Since 2006, the Ministry has decided to place greater emphasis on the supervisory role. The County Governors are also responsible for providing guidance to owners, municipalities and the general public. The County Governors are still responsible for tasks related to implementing national policies at the local level, such as measures for raising competence in the sector or for the recruitment of new kindergarten teachers.

Since 2012, the Directorate for Education and Training has been responsible for overseeing the work of the 18 County Governors in relation to ECEC and, through them, been responsible for the supervision of municipalities as kindergarten authorities.

As the kindergarten authority, the municipality plays an important role in ensuring equal quality, especially with regard to the supervision of kindergartens. The objective of supervision is to ensure that the kindergartens are operated in keeping with the Kindergarten Act and that they are adequate. Norwegian municipalities own and operate about half of the country's kindergartens. In addition, municipalities are tasked with supervising undertakings pursuant to the Kindergarten Act. A municipality has the same supervisory responsibilities for all kindergartens within its borders, whether they are privately owned or owned by the municipality. When it exercises its supervisory role, the municipality checks whether the municipality meets its responsibilities as kindergarten owner. The dual role of supervisor and owner could give rise to questions about the municipalities' legitimacy as supervisory authority. The question of transferring this responsibility is part of the ongoing review of the Kindergarten Act. A proposal was circulated for consultative comments from 17 November 2014 to 19 January 2015. The Ministry proposes that the County Governor be given the same right as the municipalities to supervise the kindergartens. This will decrease the challenge of the municipality's dual role as owner and kindergarten authority.

Measures for better quality in kindergartens

The professional and personal competence of staff is the most important resource in kindergartens and a prerequisite for ensuring that a kindergarten is a good arena for care, play, learning and social equality. National strategies for quality in the sector are therefore clearly linked to and concerned with staff competence, the recruitment of qualified staff and raising competence in the sector.

There has been a shortage of kindergarten teachers for many years. In 2013, the shortfall was estimated to be 4 400 teachers. Municipalities can, on application from the owner of a

kindergarten, grant dispensation from the qualification requirement if the position has been publicly advertised and no qualified applicant has come forward. In 1997, 19 per cent of those employed as head teachers or pedagogical leaders worked on a dispensation from the educational requirement. In 2008, 4.6 per cent of head teachers and 15.9 per cent of pedagogical leaders worked on a dispensation. In 2013, this proportion was reduced to 2.1 per cent for head teachers and 13.2 per cent for pedagogical leaders.

Even though the percentage of teachers is over one third on average, analyses show that there is relatively large variation between kindergartens in Norway. In the 10 per cent of kindergartens with the highest competence level, 75 per cent of staff had a relevant education. The 10 per cent of kindergartens at the lower end of the scale had a maximum of 28 per cent of staff with a relevant education.

Several national strategies have aimed to increase the number of educated kindergarten teachers. Between 2009 and 2012, the Ministry of Education and Research established 650 more places in kindergarten teacher education. The number of candidates has increased steadily, reaching 2 076 in 2013. The ongoing strategy for competence 2014–2020 addresses the problem of unqualified kindergarten staff and proposes measures to ensure that a higher percentage of this group acquire a formal competence as regards children and kindergartens. The strategy aims to recruit and retain more staff with relevant competence for work in kindergartens. The strategy proposes a coherent system for raising the competence of all staff groups, directed towards individual employees as well as kindergartens as learning organisations. The system illustrates possible career paths. The strategy covers a time span of 7 years, allowing for long-term planning and strategic thinking for kindergarten owners and staff. The kindergarten owner is responsible for ensuring that employees are given an opportunity to participate, but in order to succeed, more stakeholders need to be engaged and collaborative. Regional networks have been established to develop local measures. Kindergarten owners are encouraged to support assistants to complete vocational training in child and youth care work, or study on a part-time basis to become a kindergarten teacher in order to become a qualified teacher. Associations of municipal and private owners as well as staff organisations and local and regional authorities are important stakeholders engaged in the implementation of the national strategy. The strategy also includes cooperation with universities/university colleges as well as other relevant institutions providing relevant education on different levels.

The present Government is concerned with quality in the provisions. Legislative measures are now being considered in the ongoing review of the Kindergarten Act.

6.2 Article 27§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

Reference is made to the previous report and reporting under Article 8.

7. ARTICLE 31 – RIGHT TO HOUSING

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

7.1 Article 31§1

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to adequate housing, including the length of waiting periods.*

Criteria for adequate housing

- Question from the ECSR: The Committee takes note of the positive results of Statistics Norway's 2007 survey of level of living. It also notes that the next Housing Census will be carried out in 2011. It requests that the next report contain an overview of its results as well as up-to-date data on the adequacy of housing in Norway.

An overriding objective of Norwegian housing policy is that everyone shall live well and safe. Statistics Norway (SSB) conducts population and housing censuses every ten years. The most recent data was collected in 2011 and is based on registry information. This shows that the total is in excess of 2.2 million occupied dwellings in Norway. Four out of five own the dwelling they live in. On average there are 2.2 residents per dwelling. Just over six of ten live in a detached, semi-detached, terraced or other type of small house. Almost half (43 per cent) of all residences are between 100 and 200 m² and only seven per cent of the dwellings are under 50 m². Eight out of ten live in a dwelling with a garden. Overcrowding is objectively defined by dwelling size and number of occupants. On a national basis, 12 per cent of all dwellings have less than 30 m² per occupant. The highest percentage of overcrowding is found in the largest cities. Norwegian housing stock is dominated by high standards and well-equipped residences.

According the latest survey of living conditions on housing conditions (2012) ⁷83 per cent are owner occupiers. This is an increase of two percentage points from the corresponding survey conducted in 2007. Six per cent live in cramped conditions. This is the same proportion as previous studies have shown. Eight percent report that they live in housing with moisture and/or rot. This is a relatively large increase since the last survey (five percentage points), but the indicator for the variable has been changed slightly, so the increase should be interpreted

⁷ Statistics Norway's Survey of Level of Living 2012, a survey involving interviews with a representative sample of the Norwegian population – in all 6 186 people answered the survey, the response rate was 55.6. Registry data was also linked to the respondents' answers.

with caution. Five per cent experienced problems with dust, odours or other contaminants around the residence, while seven per cent said they were bothered by outside noise when they are inside the residence. For all these indicators of living quality there are large variations between residential areas. Those who live in rural areas are the least bothered, while those living in the largest cities live in the most cramped conditions and are bothered the most.

Many are tenants and are in the rental market one or more periods over the course of their lifetime. This occurs when a young person moves out of their parent's home at the beginning of adulthood, upon the breakup of a relationship or due to education or employment. Rental properties are generally smaller and of poorer quality than owner-occupied dwellings. Statistics Norway has developed a statistic⁸ that provides an overview of rental rates for various properties in all regions and in the largest cities. The purpose of the statistics is to make it easier for renters and landlords to find a price level which corresponds to the level of other rental properties in the same area.

Responsibility for adequate housing

The Planning and Building Act of 2008, which entered into force, respectively, on 1 July 2009 (the planning part) and 1 July 2010 (building part) for the period covered by this report. The Act was revised in 2014. The changes will take effect during 2015. However, none of the amendments will affect the quality of buildings. Norway's description of the quality requirements for 2011 are thus still applicable.

- Question from the ECSR: The Committee asks that the next report include the number of structures restored to comply with the necessary adequacy of housing requirements following inspections finding shortcomings. The Committee also asks for more information to be provided in the next report on the procedures in place to verify that buildings comply with security norms.

The Committee has asked for feedback on the number of buildings for which repairs have been demanded in connection with supervision to achieve compliance with the legal requirements for quality. The Ministry of Local Government and Modernisation has overall responsibility for the Planning and Building Act. The responsibility principally entails preparing laws and regulations and a general duty to provide guidance on how the rules are to be understood. The responsibility for handling cases under the Planning and Building Act, including conducting inspections of newly erected buildings and existing buildings, is delegated to municipalities.

Since building permits and inspections are a municipal task, the number of inspections carried out is not reported directly to the Ministry, including the number rectification orders, etc. The municipalities, however, report annually to KOSTRA (Municipal-State-Reporting) about resource allocation, priorities and performance in municipalities, urban districts and counties. The Ministry has obtained information from KOSTRA about municipal inspections under the Planning and Building Act. As indicated by the table below, a distinction is drawn between inspections of measures that have been applied for and granted and measures that have been illegally carried out. In 2013, a total of 7 204 building inspections were conducted and 1 878 rectification orders were issued. The majority of the conditions that were pointed out were corrected, a total of 2 002.

⁸ RMS – Rental Market Survey in Statistics Norway

Some of the conditions, a total of 21, was of such a serious nature that they were reported to the police. Municipalities normally reserve police reports to matters concerning serious environmental crimes, such as destruction of shoreline and/or cultural heritage sites.

	Antall utførte tilsyn med samlerapport, omsøkte byggesaker	Antall utførte tilsyn med ikke omsøkt byggevirksomhet	Antall pålegg gitt, samlet for alle tilsynsystema	Antall forhold rettet opp	Antall forhold rettet opp og ikke fulgt opp videre	Antall gitte politianmeldelser
2009	8 337
2010	3 562	1 972	1 861	620	221	35
2011	4199	2 573	1 929	1 570	189	17
2012	4 813	3 628	2 056	1 718	343	17
2013	4 666	2 538	1 878	1 652	350	21

(Translation of headings, from left:

- Number of performed inspections with summary report, building permit applications
- Number of performed inspections of construction activity without a building permit
- Number of orders issued, total for all inspection topics
- Number of issues corrected
- Number of issues corrected and not followed up
- Number of police reports filed)

The Planning and Building Act has a complex objective. It is an administrative act that regulates the municipalities' processing of building applications, where the municipality shall ensure that the individual's and society's interests are safeguarded, and it is an act that sets direct requirements concerning the quality of the measures. A municipality's case processing tasks are initially confined to the societal framework for buildings and facilities, i.e. frameworks that are incorporated into plans and overriding requirements in laws and regulations, such as architectural design, relation to infrastructure and so on, where the municipality has a clear function to ensure that the requirements are safeguarded in the individual measures.

There are also other quality requirements of a more structural nature to the measures under the Planning and Building Act, so-called "inner frameworks" where the municipality's influence is more indirect. The basis for these requirements is in the Act, while the details are stipulated in the Construction Regulations (TEK10), which specify the minimum requirements for building and construction. When processing the application, the municipality does not assess the technical requirements, but has the power to assess them by inspection. Responsibility for the building's quality, including designing outdoor spaces, layout, universal design, technical installations, etc. lies with the developer. The municipality's task is primarily to ensure that

the measure is within the limits of the land use plan and overriding requirements in legislation and regulations and that the measure is the responsibility of the responsible enterprise, as well as subject to inspection. The municipality has no responsibility for solutions according to the technical requirements, nor does it have any liability to the developer if the firm he uses or the inspection fails.

Safeguarding quality in buildings through planning and building legislation is therefore a complex issue. The complexity is further enhanced by the fact that a number of factors outside the framework of the Planning and Building Act, are important for safeguarding quality, through civil code, contracts, standards, guidelines, insurance and so on. While case processing shall safeguard societal requirements, Planning and Building Act requirements as to *how quality shall be safeguarded* in the measure emerge mainly through the liability and inspection provisions.

Liability provisions

Section 20-1 of the Planning and Building Act provides an exhaustive overview of the measures that require applications and permits and where the developer must use enterprises with the right to accept responsibility (responsible enterprise). The right to accept responsibility is divided into the following functions: responsible applicant, designer and executing party and independent inspector for designer and/or executing party, respectively. The individual responsible enterprises are responsible for ensuring that their own work is in accordance with the requirements in the planning and building legislation. The responsibility means that building authorities may issue orders directly to enterprises. Enterprises must be approved for such responsibility. The responsibility is divided into coordination responsibility and professional responsibility, and those responsible are responsible for documenting their own work vis-à-vis the building authorities.

The regulations set out a number of requirements that apply to obtaining such responsibility. Among other things, they require enterprises to have relevant education and practice for the work they will perform. Furthermore, the enterprises are also obliged to prepare and save documentation for each project showing that the requirements of the Act are met. In principle, the enterprises' responsibilities end when the municipality issues a completion certificate. But for building projects completed after 1 July 2010, municipalities may, even after the completion certificate has been issued and the enterprise's responsibility has been concluded, issue direct orders for rectification to the enterprise if it can be shown that faults and deficiencies can be traced back to the responsible enterprise.

Inspections

Municipalities are responsible for ensuring that the Planning and Building Act is complied with in the municipality. This is done through inspections. However, it is neither practical nor economically feasible for municipalities to undertake inspections of all building projects. It is thus up to the municipality to decide in which cases inspections are to be conducted. In the event of inspection, the municipality may delve as deeply as it wishes into the assessment of all types of quality requirements. The municipality still has no responsibility for the solutions chosen or failure in the engineering/execution. This responsibility rests with the developer and responsible enterprises, but the municipality may upon inspection point out faults and deficiencies, and thus remedy the lack of quality by issuing orders to stop or rectify the project.

Legal protection

In Norway, municipalities do not have a statutory duty to provide disadvantaged persons with housing on a permanent basis. Under Section 15 of the Act relating to Social Services in the Labour and Welfare Administration and Section 3-7 of the Health and Care Services Act, the municipality shall "contribute to ensuring that housing is provided for people who cannot safeguard their own interests in the housing market." The responsibility is often referred to as a contributory responsibility. Current participation is to provide disadvantaged persons with advice, guidance, facilitation and financing where this cannot be otherwise met. The municipality may, for example, provide or arrange housing allowances, housing subsidies, interest and principal free loans and start-up loans. In some cases, the municipality is directly engaged in finding housing for disadvantaged persons. Municipal housing can often be the most appropriate, but contributory responsibility is not directly linked to the establishment of municipal housing.

In 2010, the Ministry appointed a public committee to make recommendations and propose measures to improve the situation of disadvantaged people in the housing market. The report, NOU 2011: 15 "Rom for alle" (room for all), was issued in August 2011. The committee discussed whether it is appropriate to establish by law the municipal responsibility to provide housing for the disadvantaged. In the committee's opinion, it is desirable to make the municipality's responsibility to ensure sound housing clearer. The committee believed that it should be apparent that it is not sufficient that the municipality provides advice, guidance and assistance "if this does not lead to a satisfactory result." The committee believes that the municipality has to have "a duty to ensure that an unmet housing need for this group finds a satisfactory solution." However, the committee proposed not to empower the individual disadvantaged person with a corresponding demand that the municipality must provide housing, and emphasised that "proposals for new regulations do not give the individual the right to require that the municipality provide him or her with housing." In 2012, the Ministry submitted a white paper to the Storting on housing policy (Meld.St. 17 (2012-2013) Byggje – bu – leve). The Housing Committee's proposal was discussed in the report. The Ministry has not proposed any changes or additions in the statutory provisions that govern the municipalities' contributory responsibility.

The Rent Disputes Tribunal (HTU) is a government agency that offers parties to residential leases quick, affordable and competent processing of rent disputes. HTU works like a court and can both mediate and make decisions. The cases may, for example, involve deposits, rent owed, compensation for damage and defects, termination, defects in the flat, the amount of the rent or the parties' rights and obligations in general. All mediators are lawyers with special expertise in tenancy law. HTU was created in 2001 as a trial arrangement for rent cases within the City of Oslo. In 2009, HTU went from being a trial arrangement to a permanent scheme, and in 2010 the geographical scope was expanded to include Bergen and Trondheim. In 2012, the scheme was extended to include Hordaland and South and North Trøndelag Counties. After the extension Norway thus has rent dispute tribunals in five counties.

In some cases, individuals get their lawyer fees paid wholly or partly by the state. In some types of cases everyone can get free legal aid. In other cases, income and net assets determine whether you qualify under the scheme. The provision of free legal aid applies only in cases that are considered particularly important for people's welfare. Free legal aid can cover both expenses in connection with litigation (legal aid) and other legal assistance (legal advice). If the matter concerns termination of a lease, the allocation of free legal aid is means tested.

Under Section 27 of the Act relating to Social Services in the Labour and Welfare Administration, a municipality is obliged to provide *temporary* accommodation for those who cannot secure housing on their own. The service will be useful in emergency situations, for example in the event of fire, eviction, the breakdown of a family or relationship. Temporary housing is a provision that is not meant to last over time, but will alleviate acute homelessness. Acute homelessness means that the recipient does not have a place to sleep and stay over the next 24 hours. If the municipality rejects an application for temporary accommodation, the refusal can be appealed to the County Governor.

The Social Services Act has been revised. The new Act of 1 January 2010 relating to Social Services in the Labour and Welfare Administration (Lov om sosiale tjenester i arbeids- og velferdsforvaltningen) governs the rights of recipients of social assistance benefits. The new Act does not entail changes in the right to social services. When an applicant satisfies the requirements of the Act and has no other way of supporting him/herself, the applicant is entitled to financial assistance. The Labour and Welfare Service is responsible for safeguarding people's rights under the social security insurance and benefit schemes.

The Directorate of Labour Welfare has prepared national guidelines to ensure acceptable standards for social assistance benefits, including temporary shelter.

These guidelines include descriptions of proper standards for shelters, for example access to a bathroom, kitchen and laundry, etc. The guidelines also limit the use of temporary shelters for not more than a maximum of three months, particularly in the case of families with children. The Labour and Welfare Service is obligated to help find permanent housing after this period.

- Question from the ECSR: The Committee asks whether the LDO has had to deal with complaints of alleged discrimination in accessing adequate housing. It also asks for information on any relevant case law concerning access to adequate housing.

From 2007 till 2013 the Equality and Antidiscrimination Ombud received a total of 14 complaints concerning discrimination on the grounds of ethnicity (11) or religion (3) in the housing market. In the same period, the Ombud provided counselling in 48 cases regarding discrimination on grounds of ethnicity and four cases regarding religion in the housing market. During the first six months of 2014, the Equality and Antidiscrimination Ombud received two complaints concerning discrimination in the housing market. In the same period the Ombud provided counselling in 22 cases regarding housing. The numbers from 2014 are not specified according to discrimination ground.

- Question from the ECSR: The report indicates that the Housing Bank's housing policy instruments, i.e., start-up loan, housing subsidy and housing allowance, are increasingly used to benefit disadvantaged groups in the housing market. They aim to promote broader home ownership. No further specific information is, however, included in the report. The Committee therefore asks that the next report include such details.

Measures in favour of vulnerable groups

In recent years, the housing loan and subsidy schemes economic have been increasingly oriented towards the most disadvantaged in the housing market. In Norway, most people, as

shown, live in decent and safe housing that is either owned or rented. Being disadvantaged or living in unfit housing can therefore be experienced as additionally shameful by people on the fringes of society. Increasing housing and rent prices means that it can be difficult for young and disadvantaged persons with low incomes and little or no equity to get established in the housing market. Through a comparison of various registries, Statistics Norway estimates that about 134 000 people (or 2.7 per cent of the population) fall under the definition of "disadvantaged in the housing market." This includes persons or families who are unable to find and/or maintain a satisfactory housing arrangement on their own. Disadvantaged may be people who are without their own housing, are in danger of losing their homes or live in an unsuitable housing or living environment. Among the disadvantaged, 60 per cent rent their housing. The share of tenants in the general population is 18 per cent. The share of disadvantaged persons is the highest in Oslo.

The Norwegian State Housing Bank administers a number of loan and subsidy schemes that municipalities can use in their efforts to help find housing for persons who are unable to safeguard their interests in the housing market:

- **Housing allowance** is a rights-based support scheme that ensures those with low incomes and high housing costs, suitable housing. Housing allowances help the disadvantaged obtain and keep a home
- **The basic loan** shall finance housing for disadvantaged and others in the establishment phase.
- **Start-up loans** is a means-tested lending scheme for people with long-term housing and financing issues.
- **Establishment grant** is a means-tested scheme to help the disadvantaged buy and keep their own home. The grant is often a top-up loan when financing a home.
- **Grants for re-purposing homes** shall contribute toward securing suitable homes for people with disabilities. The grant is financially means-tested.
- **Grants for rental apartments** shall contribute to more suitable rental apartments being available for the disadvantaged in the housing market. The grant is awarded for the purchase, improvement and construction of housing.
- **Social housing expertise grants** shall help increase expertise on social housing work and social housing policies.

Start-up loans are given by municipalities to persons with long-term housing and financing problems. The target group for the scheme was made clear in the new regulations that came into force on 1 April 2014. These regulations target the start-up loan to persons with long-term housing and financing problems. The scheme is a supplement to the regular credit market and to correct for adverse social housing effects. People in the target group might be low-paid, single parents, refugees and handicapped.

Targeting the start-up loan entails deprioritising young loan applicants who have difficulty obtaining equity, but who have good income prospects. For many of these it will only be a matter of a few years before they can obtain loans from ordinary banks to enter the housing market. The housing savings scheme for young people (BSU) is a tax credit scheme for young people under 34 years of age. The scheme is intended to motivate young people to save for their own housing and help young people in general to get established in the housing market.

Resettling refugees is a municipal task. Housing Bank grants for rental housing are given to municipalities to establish rental housing for refugees. At the end of July 2014 there were 4 911 refugees in asylum centres waiting for a municipality to settle in. Many municipalities report that a lack of suitable housing is an obstacle in efforts to resettle more refugees. In 2013, the Ministry of Children, Equality and Social Inclusion, Ministry of Justice and Public Security and Ministry of Local Government and Modernisation entered into an agreement with The Norwegian Association of Local and Regional Authorities (KS) on increased resettlement of refugees in the municipalities.

An action plan was presented in 2009 to improve living conditions for Roma in Oslo. The target group for the action plan is people who belong to the Roma national minority who are registered in Norway's National Population Register and who define themselves as Roma. The group includes about 700 people, most of whom live in Oslo. Roma who have problems in the housing market can, just as others who are disadvantaged, apply for loans and subsidies from the Norwegian State Housing Bank, for municipal rental housing and for other social housing services. An advisory service for Roma in Oslo has been established as a result of the action plan. The objective of the service is to provide information and guidance about education, housing, work and health. The Norwegian State Housing Bank contributes with information measures and expertise as regards housing issues.

The relationship between national and international law in the residential area was studied in 2012 on behalf of the Ministry of Local Government and Modernisation. The objective was to assess whether Norway followed the international law obligations for this group. The legal assessment shows that the legal situation in this area is dynamic and constantly evolving and provides no clear answer. However, it was pointed out that the Roma are a disadvantaged group in the housing market who are *entitled to measures* to assist the group to be able to live safely and well. This is followed up through aforementioned guidance services, information measures and through the City of Oslo and the Housing Bank's cooperation agreement on social housing.

- Question from the ECSR: The Committee notes that the report indicates that a committee has been set up, *inter alia*, to examine the situation of all vulnerable families with regard to housing. However, the situation of migrant workers is excluded. It requests that the next report include an overview of the conclusions and recommendations resulting from the work of the committee referred to above.

See information under "legal protection" above.

For updated text on migrant workers and housing, see the text under Article 19§4.

- Negative conclusion: The Committee concludes that the situation in Norway is not in conformity with Article 31§1 of the Charter on grounds of discrimination against migrant workers in the Norwegian housing market.

Reference is made to information under Article 19§4.

7.2 Article 31§2

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide pertinent figures, statistics or any other relevant information on the number of homeless, emergency and longer-term measures for homeless, as well as evictions.*

Preventing homelessness

The number of homeless⁹ in Norway was last surveyed in week 48 in 2012. Homeless were previously surveyed in 1996, 2003, 2005 and 2008. The survey is based on a sample of 124 municipalities. The Norwegian Institute for Urban and Regional Research (NIBR) conducted the survey commissioned by the Housing Bank. The registrations were carried out by employees of NAV and other municipal services, correctional services, the health trusts, the police, NGOs and a number of other public and private agencies, totalling nearly 1 500 respondents.

The number of homeless has remained fairly constant since the previous survey, taking into account the population increase from 2008 to 2012. This is a positive trend compared with earlier surveys, which primarily noted an increase between each enumeration. Below is a table showing some highlights:

	2012	2008
Number of homeless - total	6259	6091
Number of homeless per 1000 inhabitants	1.26	1.27
Number of children who are homeless with their parents	679	400
Percentage of homeless under age 25	23%	24%
Percentage of homeless who are addicted to drugs	54%	58%
Percentage of homeless who are mentally ill	38%	38%
Percentage of homeless who sleep outside (rough sleepers)	2%	2%

Furthermore, the survey shows that:

- Seven out of ten homeless are men.
- Homelessness is more common in larger municipalities than in small ones. 2 637 homeless (42 percent of all registered) belong in one of the four largest cities.
- The dominant source of income among the homeless is social assistance.
- The most common whereabouts of homeless people is with friends, acquaintances and relatives (39 per cent). The second most common is temporary housing (23 per cent). This encompasses a variety of forms from bedsits, overnight accommodations, hospices, camping grounds and more.
- 77 per cent of all homeless are born in Norway while eight per cent were born in Africa and five percent in Asia and Oceania.

⁹Norway continues to use the following definition of homelessness: "A homeless person is defined as a person who does not own or rent a home, and is left with random or temporary housing arrangements, who temporarily stay with close relatives, friends or acquaintances, or is under the care of the correctional services or an institution, due for release within two months and without a home. People without arranged accommodation for the next night are also considered homeless".

Homeless with children (under the age of 16) were surveyed for the first time in 2008. According NIBR, a total of 679 children were homeless with their parents in 2012, while the figure in 2008 was around 400 children. Researchers have suggested that the real increase is somewhat less since it most likely was underreported in 2008. In 2012, 357 homeless parents stated that they had care and control of children.

- Question from the ECSR: The Committee considers that all the initiatives taken and planned show that Norway is committed to tackling homelessness in compliance with Article 31§2 of the Charter. It asks for information in the next report on further results towards the Government's established aim of eradicating homelessness and guaranteeing access to a permanent home for all.

Further work on homelessness is now integrated into the national social housing strategy – *Housing for welfare*. The strategy was presented in 2014 and will apply until 2020. The following ministries are behind the strategy: The Ministry of Labour and Social Affairs, Ministry of Children, Equality and Social Inclusion, Ministry of Health and Care Services, Ministry of Justice and Public Security and Ministry of Local Government and Modernisation, which has also coordinated work.

There are three overarching goals for the work. Each goal is concretised through priority areas.

<u>Goal</u>	<u>Prioritised focus areas</u>
1. Everyone should have a good place to live housing	- assistance from temporary to permanent - assistance in obtaining a suitable home
2. Everyone with a need for services, will receive assistance with their living arrangements. home	- prevent evictions - provide follow-up and services in the
3. Public efforts will be work comprehensive and effective	- secure good management and goal orientation of the - stimulate new ideas and social innovation - planning for good living environments.

The goals will help put social housing work on the agendas of the central and local government, as well as partners. The strategy has a special focus on families with children and young people. The following national performance goals have been set:

Performance goal 1:	Rental housing for families with children must be of good quality and in a safe living environment
Performance goal 2:	Temporary housing must only be used in exceptional circumstances for families with children and young people, and such arrangements must not exceed three months

Performance goal 3:

Homelessness among families with children and young people must be prevented and reduced

The Directorate of Labour and Welfare, Norwegian Directorate for Children, Youth and Family Affairs, Norwegian Directorate for Correctional Services, Norwegian Directorate of Health, Norwegian State Housing Bank and the Directorate of Integration and Diversity have been tasked to follow up further work on the strategy. The Housing Bank coordinates the work at the directorate level. A mid-term and final evaluation of the work will be carried out.

The Directorate of Labour and Welfare is responsible for grants for follow-up services in housing for homeless and substance abusers. In 2014, the grant has a total framework of NOK 60 million, and it is an important measure to prevent homelessness. The target group is local authorities.

Forced eviction

- Question from the ECSR: The Committee requests further clarification with regard to accessibility to legal remedies as the report indicates that "when the eviction is actually concluded the tenant is no longer entitled to complain". The Committee asks whether this excludes any possibility to complain about the manner in which the eviction procedure is carried out. Reference to any relevant case law should also be included in the next report.

Appeals against the enforcement authorities' decision on enforcement may be appealed only to the extent that enforcement is not "completed", cf. Section 5-16 of the Enforcement of Judgements Act. An eviction will not be deemed completed until the subjects are removed and the property is emptied of contents. The limited right of appeal must be viewed in the context of the fact that the Enforcement of Judgements Act operates with a number of deadlines for the parties during the proceedings and that there is little opportunity for applying for reinstatement of an exceeded deadline when enforcement is first completed. Enforcement, however, will not preclude a tenant from filing a civil lawsuit to be reinstated in the possession of the dwelling. If the matter is urgent, and a so-called basis for security exists, the tenant may also apply for an interim court order to be reinstated in the possession of the dwelling.

Right to shelter

The term temporary housing embraces a wide range of different accommodations such as bedsits, boarding houses, hotels and camping grounds. Residents can stay in these places 24 hours a day. Overnight shelters are in a different category in that it involves acute overnight accommodation where residents must leave the premises for part of the day. These facilities are operated either by the municipality, private individuals or NGOs.

- Question from the ECSR: The Committee notes from the report that national guidelines have been set for temporary shelters to ensure an acceptable standard for these dwellings. The Committee asks that the next report include details in this regard in light of its comments below.

See information under Article 31§1, "legal protection", above.

- Question from the ECSR: The Committee asks for the next report to clarify

whether:

- a) shelters/emergency accommodation satisfy security requirements (including in the immediate surroundings) and health and hygiene standards (in particular whether they are equipped with basic amenities such as access to water and heating and sufficient lighting);
- b) shelter/emergency accommodation is provided regardless of residence status;
- c) the law prohibits eviction from shelters or emergency accommodation.

a)

Under Section 27 of the Act relating to Social Services in the Labour and Welfare Administration (Lov om sosiale tjenester i arbeids- og velferdsforvaltningen), each municipality shall provide temporary accommodation for persons who have no place to stay the following night and are not able to find this on their own.

The Directorate of Labour and Welfare has prepared national guidelines to ensure an acceptable standard of social assistance benefits, including temporary accommodation used by the municipalities. These guidelines specify requirements that the temporary accommodation must meet. This includes a bathroom and toilet, kitchen for preparing food and washing machine. The temporary accommodation should meet the applicant's needs. This also includes security, electricity and secure environments for children to play and socialise.

Some evaluations and feedback have shown that the quality of temporary accommodations used by the municipalities is inadequate. Measures to increase the quality of temporary accommodations have therefore been an important issue for governments in recent years.

b)

The Act relating to Social Services in the Labour and Welfare Administration (Lov om sosiale tjenester i arbeids- og velferdsforvaltningen) applies to everyone who is in the country legally. Entitlement to full rights under the law is contingent on being permanently and legally resident in Norway. Asylum seekers are entitled to shelter in reception centres.

c)

There are no regulations in the law on eviction. If a person is evicted from a shelter or emergency accommodation, the local municipality is obliged to find a new temporary accommodation, if the person has no other place to stay the following night. However, temporary accommodation is not meant to be a long-term option. According to the national guidelines mentioned above, this kind of accommodation should not be used more for than three months. When temporary accommodation is provided, the local municipality should help find permanent housing as soon as possible.

7.3 Article 31§3

- 1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
- 2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
- 3) *Please provide statistics or any other relevant information on construction of social housing and housing allowances (number of applicants and of recipients, criteria to fulfil to benefit from the allowance).*

- Question from the ECSR: The Committee considers that in order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter must show not the average affordability ratio required of all those applying for housing, but rather that the affordability ratio of the poorest applicants for housing is compatible with their level of income. The Committee asks that the next report indicate whether any measures have been taken in this respect.

See information below.

Social housing

- Question from the ECSR: The Committee asks that the next report provide figures about the eventual shortage of housing.

Of those who live in rented housing, most (eight out of ten) rent in the private rental market. Only about four per cent rent public rental housing. These are dwellings that are owned or arranged through the public authorities. The number of municipal rental housing units has increased steadily over the past decade. Statistics Norway conducts annual surveys of municipal housing through a joint municipal and state reporting form: KOSTRA. All municipalities are obliged to report figures on municipal housing, number of decisions by user group and the number of people staying in temporary accommodations. The number of people on the waiting list is also reported. Here, however, municipalities have different systems and follow-up procedures. These figures must therefore be interpreted with caution. Figures from 2013 show that there are just under 105 000 municipal housing units in Norway. This provides a coverage of 21 dwellings per 1 000 capita. Approximately 13 000 were allocated municipal housing in 2013. Nearly one in four had mental illness and/or substance abuse problems, and almost one in five were refugees. The share of municipal housing that is accessible to a wheelchair user is 48 per cent. This percentage has increased in recent years. Around 40 per cent of those living in municipal housing receive care services. An analysis of data on the allocation of municipal housing from 2013 shows that with fewer applicants, more people were allocated housing and fewer were on the waiting list. There is still an increase in the number of households in temporary accommodations. In recent years, Housing Bank grants for rental housing have been strengthened to increase the number of housing units that the municipality has available for its disadvantaged residents.

To obtain better information on the municipalities' requirements for municipal housing and types of housing, the Housing Bank has contributed to the development of an electronic survey and case management tool (GOBO) for arranging municipal housing. The tool also includes modules for housing follow-ups and surveying housing needs in municipalities. The tool is in use in Oslo and the goal is for other municipalities to also adopt it.

Housing benefits

Housing allowance is a general benefit available to adults (over 18 years of age) with the exception of students and conscripts. These groups have their own benefits through the Norwegian State Educational Loan Fund and National Service Administration, respectively. After the housing allowance became a general scheme in 2009, the number of recipients rose quickly, reaching a preliminary peak of 123 700 on average for the months in 2011. The number has subsequently fallen slightly, to 114 400 in 2013. The number of applicants has

also decreased, from an average of 130 000 in 2011 to an average of 120 600 in 2013. The decline is partly due to the increased income level of the population, particularly among pensioners, and partly because the scheme's regulations prescribe calculation rules with rates in nominal kroner. These rates are not automatically updated. Consequently, the share of recipients who have living expenses in excess of that taken into account in the regulations (living expenses ceiling) increased from 47 per cent in 2010 to 63 per cent in 2013.

Age	Applicants	Recipients	Share with living expenses above ceiling
2010	125 700	119 800	47
2011	130 100	123 700	52
2012	126 800	120 700	56

The average monthly housing allowance has declined slightly (1.76 per cent) in the same period.

Means testing against income and living expenses means that the housing benefit is reserved for disadvantaged households. More than 80 per cent of recipients live in rented housing. When households receive start-up loans to help establish themselves in owned housing, it is nevertheless often reported that housing allowances are included in the calculation.