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## **EUROPEAN SOCIAL CHARTER**

20<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF NORWAY**

Articles 7, 8, 16,17, 19,27 and 31  
for the period 01/01/2018 – 31/12/2021

Report registered by the Secretariat  
on 22 December 2022

**CYCLE 2023**

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**CYCLE 2022**

# **NORWAY'S 20TH NATIONAL REPORT 2022 RELATING TO THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER**

The report includes replies to the conclusions of non-conformity, deferral and conformity pending information as well as replies to the questions raised and information about changes since the last report on Articles 7, 8, 16, 17, 19, 27 and 31.

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## **Article 7 – The right of children and young persons to protection**

### **Article 7, section 1 - Prohibition of employment under the age of 15**

#### **Question a)**

*“Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, Conclusions 2019).”*

The Norwegian Labour Inspection Authority uses the same measures to detect child labour as to detect other law infringements, such as supervisory activities based on risk analysis and assessments.

The Norwegian Labour Inspection Authority oversees that enterprises comply with the requirements of The Norwegian working environment act. Supervision will mainly be aimed at enterprises with the poorest working conditions, where there is little willingness to correct problems and where the agency's efforts will have the greatest effect. This is done by:

- Internal control audits  
Reviews of enterprises' internal control systems to reveal whether regulations and procedures are being followed. An audit can take place over several days.
- Verifications/inspections  
Intermittent tests are used to check whether internal control systems function well and that companies meet legal requirements.
- Investigating accidents  
All serious and life-threatening accidents are investigated by The Norwegian Labour Inspection Authority.

On a general basis, the Norwegian Labour Inspection Authority uses a risk-based approach to its supervisory activities. This also applies to identifying possible sectors children may be working illegally. As referred to above, are the main means of action internal control audits, verifications/inspections and investigating accidents.

According to the Statistics Norway there are approximately 123,000 people in the age group 15-19 years that are registered as employed.

#### **Question b)**

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

#### **“Conclusions 2015”, Article 7.1, para. 5:**

*“The Committee therefore concludes that the situation is not in conformity with Article 7§1 of the Charter on the ground that, during school holidays, the daily and weekly duration of light work for children under the age of 15 is excessive and therefore cannot be qualified as light work.”*

The Committee concludes that the situation in Norway is not in conformity with Article 7.1 of the Charter on the ground that the daily and weekly duration of light work permitted during school holidays for children under the age of 15 is excessive and therefore cannot be qualified as light work.

Reference is made to Norway's response to the Committee's conclusion at the hearing of the 134th meeting in Strasbourg 26-30 September 2016. The relevant sections from the report are included below:

“73. The Representative of Norway stated that in Norway the minimum age of admission to employment was 15. She further indicated that the Norwegian regulation allowed for certain exceptions. However, in her opinion, the rules defining and limiting these exceptions, combined with the duties of the employers and clear working hour limits of such work, secured that the Charter's requirements regarding light work was fulfilled.

74. Firstly, as stated in the Working Environment Act that work performed under the age of 15 had to be light. Minimum age for performing such light work was 13 years. The Act also allowed for cultural work and for work that formed part of their schooling or practical vocational guidance. Secondly, light work was strictly defined in the Norwegian regulation as work which would not affect children's safety, health or development in an unfortunate way, and did not go beyond their schooling, participation in vocational guidance or vocational training, or their ability to benefit from education. Thirdly, employers had to assess the risks to which the children were exposed. The risk assessment shall be based on the organisation of the work and the unfortunate psychological strains that the work may entail. The employer was obliged to implement necessary measures to safeguard the health, safety and development of young workers. The employers also had obligations to obtain a written consent from the parents, to inform the parents of any risks and to consult the safety Representatives before involving them in work.

75. The Representative of Norway emphasized that the Norwegian regulation clearly set out the conditions for the performance of light work as well as a maximum permitted duration of such work. She concluded that in the light of all the requirements mentioned above, it was understood that the Norwegian regulation was in compliance with Article 7§1 of the Charter. She stated that the Government took note of the ECSR's conclusion. It will be examined if the regulation regarding the employment of children was to be reviewed.”

It is our view that the number of rules in the Norwegian regulation aiming to protect young workers against work which is not light or which may harm their health, morals or education, meets the Charter's requirements regarding light work, and that the Norwegian regulation is in compliance with Article 7§1.

However, we take note of the Committee's interpretation, which is that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 30 hours per week and 6 hours per day. As a result of the Committee's conclusion, we will look further into the possibility to revise the regulation regarding the employment of children to align with the Committee's interpretation of Article 7§1.

In the next report we will provide the Committee with updated information concerning the subject in question.

**‘Conclusions 2015’, Article 7.1, para. 7:**

*‘The Committee recalls that the situation in practice should be regularly monitored. It asks the next report to provide statistical data on the employment of children under the age of 15, as well as information on the number and nature of contraventions reported and sanctions imposed on employers.’*

Unfortunately, we do not have other representative and relevant statistics other than the chart below which shows violations of the Norwegian Working Environment Act § 11-3.

According to the said provision “children who are under 15 years of age or are attending compulsory education shall not work between 8.00 p.m. and 6.00 a.m.” and “young persons between 15 and 18 years of age who are not attending compulsory education shall have an off-duty period of at least 8 hours including the time between 11 p.m. and 6.00 a.m. Work between 9 p.m. and 11 p.m. is night work, and is not permitted unless necessitated by the nature of the work or unless there is an exceptional and time-limited need for night work.”

The provision applies to both children under 15 years and young persons between 15 and 18 years of age. The statistics do not distinguish between the said age groups, and thus it is not which age group the violation applies to.

### **The Working Environment Act**

	<b>Number of inspections</b>	<b>Number of sanctions</b>
<b>Paragraph 11-3 Work by children and youth – night time work</b>		
2012	141	1
2013	130	3
2014	111	12
2015	73	3
2016	102	8
2017	49	14
2018	12	13
2019	12	15
2020	10	9
2021	4	4
2022	10	4
Working hours for persons under the age of 18		
2016	1	1
<b>Total</b>	<b>655</b>	<b>87</b>

### **Article 7, section 2 – Prohibition of employment under the age of 18 for dangerous or unhealthy activities**

#### **‘Conclusions 2015’, Article 7.2, para. 4**

*‘The Committee recalls that the situation in practice should be regularly monitored. It therefore asks the next report to provide information on the number and nature of violations*

*detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment under the age of 18 for dangerous or unhealthy activities.'*

We do not have statistics for the age group 15-17. Statistics Norway possesses statistics for the age group 15-19, and they provide the following data:

- 2018: 503 accidents (4,8 accidents per 1000 employees in the age group)
- 2019: 439 accidents (4,0 accidents per 1000 employees in the age group)
- 2020: 429 accidents (4,3 accidents per 1000 employees in the age group)
- 2021: 443 accidents (3,9 accidents per 1000 employees in the age group)

As to the requested information on sanctions imposed for breach of the regulations regarding prohibition of employment under the age of 18 for dangerous or unhealthy activities, we refer to the statistics provided under Article 7.1.

### **Article 7, section 3 – Prohibition of employment of children subject to compulsory education**

#### **'Conclusions 2015', Article 7.3, para. 8:**

*'The Committee recalls that the situation in practice should be regularly monitored. It invites asks the next report to provide information on the number and nature of violations detected by the Labour Inspection Authority as well as on measures taken/sanctions imposed on employers for breach of the regulations regarding prohibition of employment of children subject to compulsory education.'*

Due to very few inspections regarding the number and nature of violations detected by the Labour Inspection Authority, The Norwegian Labour Inspection Authority does not have representative statistics regarding this matter.

Due to very few inspections regarding measures taken/sanctions imposed on employers for breach of the regulations regarding prohibition of employment of children subject to compulsory education, The Norwegian Labour Inspection Authority does not have representative statistics regarding this matter. But generally, in dealing with enterprises that do not comply with the requirements of The working environment act, The Norwegian Labour Inspection Authority may respond with:

- Orders  
When statues and regulations are violated, the authority may give the enterprise an order to correct the situation within a given time limit. This is done in writing, and the recipient has the opportunity to lodge an appeal.
- Coercive fines  
If the order is not complied with, coercive fines may be imposed. The size of the fine is dependent upon several factors, but the main rule is that it shall be unprofitable to violate The Working Environment Act.
- Shutdown of operations  
An enterprise may be shut down with immediate effect if the life and health of it's employees are in imminent danger. Shutdowns may also be imposed when enterprises fail to comply with orders given.
- Police

The Norwegian Labour Inspection Authority may report enterprises to the police for serious breaches of the act. A serious violation can result in fines, or, in the worst case, imprisonment.

**‘Conclusions 2015’, Article 7.3, para. 9:**

*‘The Committee concludes that the situation in Norway is not in conformity with Article 7§3 of the Charter on the grounds that:*

- *the daily and weekly working time during school holidays for children subject to compulsory education is excessive and therefore cannot be qualified as light work;*
- *it is possible for children who are 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;*
- *young persons under 18 years of age who are still subject to compulsory education are not guaranteed an uninterrupted rest period of at least two weeks during summer holiday.’*

**1st ground of non-conformity**

The first ground concerns the daily and weekly working time during school holidays. In this connection, we refer to our response to article 7§1.

**2nd ground of non-conformity**

The Committee's second ground of non-conformity concerns the fact that it is possible for children who are 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.

Reference is made to Norway’s response to the Committee’s conclusion at the hearing of the 134th meeting in Strasbourg 26-30 September 2016. The relevant sections from the report are included below:

“118. The Representative of Norway indicated that the ECSR seemed to have based its conclusion on this matter on the guidelines published by the Norwegian Labour Inspectorate, where the deliverance and sale of newspapers was considered “light work”.

119. She further emphasized that these guidelines mentioned the deliverance of newspapers as an example of what kind of work could be performed by children between 13 and 15 years of age, such as working in a shop or in an office. In relation to these examples, the guidelines clearly specified that such work may only be performed if the work was “light”. It was possible that some newspaper delivery, office work or work in a shop may be considered as too heavy for this age group and it had to be subject to a specific assessment.

120. She added that employers had a duty to assess the risks to which young workers would be exposed in order to determine if the work fell within the strict definition of light work. The light work was defined as work that, due to the nature of the tasks and the special conditions under which they were to be carried out, did not have any unfortunate effect on the children’s health, safety or development, and which did not affect their schooling, participation in vocational guidance or training, or their chance of benefiting from education. The Working Environment Act clearly determined that working hours for persons less than 18 years of age would be so arranged that they did not interfere with their schooling or prevent them from benefiting from their lessons.

121. The Representative of Norway pointed out that the delivery of newspapers by school children in the morning seemed to be a very limited or maybe even non-existing case in Norway today. Information from big distribution firms in Norway indicated that they did not use school children for their morning deliveries and normally adult workers were used for the morning deliveries. The previous practice of hiring children from 13 years of age for the delivery of the afternoon issue had also ended.

122. She further mentioned that the Labour Inspectorate did not have any recent cases or complaints concerning the subject of delivery of newspapers by children.”

Delivery of newspapers by schoolchildren in the morning are still very limited or maybe close to non-existing case in Norway today. However, as a result of the Committee’s conclusion of non-conformity, we will look closer into the possibility to change the regulation regarding employment of children to align with the Committee’s interpretation of article 7§3.

### **3rd ground of non-conformity**

The Committee's third ground of non-conformity is that young persons under 18 years of age who are still subject to compulsory education are not guaranteed an uninterrupted rest period of at least two weeks during summer holiday.

Reference is made to Norway’s response to the Committee’s conclusion at the hearing of the 134th meeting in Strasbourg 26-30 September 2016. The relevant sections from the report are included below:

“127. The Representative of Norway indicated that the Working Environment Act provided that persons under 18 years of age who attended school would have at least four weeks of holiday a year, of which at least two weeks were to be taken during the summer holiday. As opposed to other employees – who only have a right to take holiday during the summer - children and young persons under the age of 18 had an obligation to take at least two of the four holiday weeks over the course of the summer holiday. The statute did not stipulate that these two holiday weeks must be taken without interruption.

128. She further informed the GC that the Labour Inspectorate had never experienced that it was a problem/or that it had ever been questioned that young workers were given too short holidays or that they had not been allowed to take consecutive holidays during the summer.”

In our opinion, the Norwegian regulation is in compliance with the wording of the Article, which is to ensure 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. The set of regulations in Norway protecting young workers who attend to school, including the rights concerning holiday weeks, is from our understanding sufficient to fulfil the obligations according to the Charter. However, we take note of the opinion of the Committee, and will look further into the possibility to revise the regulation regarding the employment of children to align with the Committee’s interpretation of Article 7§3 which requires two consecutive weeks free from any work during the summer holidays.

In the next report we will provide the committee with updated information concerning the subject in question.

## **Article 7, section 5 – Fair pay**

### **Question a)**

*“Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers:*

- i) In atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)*
- ii) in the gig or platform economy and*
- iii) having zero hours contracts.”*

**i)** In Norway we have no statutory minimum wage. Nevertheless, (temporary) minimum wages have been introduced in certain industries through general application of collective bargaining agreements. In some of these agreements, it is also separate minimums wages for employees younger than 18 years. Unfortunately, we do not have any statistical information on wages in different types of atypical jobs.

**ii)** Please see answer to question 7 a) i) above.

**iii)** Please see answer to question 7 a) i) above.

#### **Question b)**

*“Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions) (General question, Conclusions 2019).”*

The Norwegian Labour Inspection Authority supervises compliance with the rules from general application of collective agreements. If the rules are violated, the Labour Inspection Authority may impose injunctions and or coercive fines, stop the work or report the matter to the police.

Also, some of the labour organizations offer information campaigns focused on youth. For example, LO's summer patrol has for several years visited young people and their summer jobs. The purpose of LO's summer patrol is to inform young people about the duties and rights in working life, to organize more young people, and to help them deal with different job challenges.

#### **Question c)**

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

#### **Conclusions 2015, Article 7.5, ‘Young workers’, para. 6:**

*“As regards adults’ wages, the Committee noted in its conclusion on Article 4§1 that the gross average wages in the State, municipal and regional public sectors and in the private sector come close to the gross average wage, and it therefore concluded that the situation is in conformity with the Charter on this issue. However, the Committee noted that the gross minimum wages agreed for seasonal agricultural workers, unskilled shipyard workers, unskilled construction workers and workers in the local and regional civil service did not come close to the gross average income. The Committee notes from the report that 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. It asks information on the young workers’ wages (illustrated with examples) working in the above mentioned sectors. Pending receipt of the information requested, the Committee reserves its position on this point.”*

We have information on average salary and quartile salary for employees under 25 years of age, but not for lower aggregates. The table below shows monthly earnings for the average and lowest quartile in the above-mentioned industries for all employees and for those under 25. As an approximation, we assume that the youngest are probably in the lower quartile.

We would still like to point out that everyone in the age group under 18 has the right to free upper secondary education. When this age group works, it will mainly be work alongside full-time studies.

*Monthly earnings (NOK) 2021*

	Years, total	Years, total	0-24 years	0-24 years
	Average	Lower quartile	Average	Lower quartile
28 Machinery and equipment	56 870	42 280	32 380	21 990
29-30 Other workshop industry	52 640	39 660	34 180	26 820
41 Construction of buildings	48 970	37 350	31 320	21 760
42 Civil engineering	54 620	42 350	39 950	29 780
43 Specialised construction activities	45 610	37 350	32 870	23 380
01-03 Agriculture, forestry, and fishing	43 830	30 540	32 000	24 240
97 Households as employers' activities	42 700	35 250	:	:
Local government	46 070	38 380	32 560	26 620

*Source: Statistics Norway, Table number 11421: 'Monthly earnings, by sector, age, industry, sex and working hours'*

**'Conclusions 2015', Article 7.5, 'Young workers', para. 7:**

*'The Committee noted previously that in sectors not covered by sectoral collective agreements, wages are determined by the parties to the employment contract (Conclusions 2014 on Article 4§1). The Committee asks information on wages paid to young workers in sectors or for jobs (e.g. domestic work) which are not covered by collective agreements.'*

Unfortunately, we do not have any representative information or statistics available to answer this question. Please also see answer to question 7 a) i) above.

**'Conclusions 2015', Article 7.5, 'Apprentices', para. 2:**

*'The report indicates that apprentices in Norway are considered as employees of the relevant company and are therefore paid as stipulated by the collective wage agreements. The Committee asks information on the allowances paid to apprentices in sectors or for jobs which are not covered by collective agreements. Pending receipt of the information requested, the Committee reserves its position on this point.'*

When it comes to wages for apprentices, we only have figures showing average wages by industry. We do not have figures available whether they work in a company with a collective agreement or not.

The table below shows the monthly earnings for average, upper quartile and lower quartile divided by industry for all employees in the industry and only for apprentices. As an approximation, we assume that apprentices with wages in the lower quartile are first-year apprentices, while apprentice wages in the upper quartile are in second-year apprentices.

In general, apprentice salaries vary from just over 20 per cent to almost 80 per cent of the average salary in the industry. If we only look at apprentice salaries in the upper quartile, the salary varies from just under 50 per cent to almost 90 per cent.

*Monthly earnings by industry for apprentices in lower and upper and in quartile in percent of average earning of non-apprentices. 2021(NOK)*

	Earnings apprentices			Earnings non-apprentices	Earnings apprentices (lower and upper quartile) in percent of average earnings of non-apprentices %	
	Average	Lower quartile	Upper quartile		Average	Lower quartile
31 Science and engineering associate professionals	33 970	21 010	44 420	61 960	34 %	72 %
32 Health associate professionals	23 110	15 090	27 040	46 110	33 %	59 %
35 Information and communications technicians	17 050	12 000	20 940	54 900	22 %	38 %
41 General and keyboard clerks	18 910	11 560	26 820	42 930	27 %	62 %
42 Customer services clerks	21 270	13 580	28 450	38 210	36 %	74 %
43 Numerical and material recording clerks	25 980	19 470	32 050	44 560	44 %	72 %
51 Personal service workers	18 200	12 340	21 880	37 440	33 %	58 %
52 Sales workers	22 100	15 600	27 340	35 390	44 %	77 %
53 Personal care workers	20 240	14 710	28 770	38 870	38 %	74 %
54 Protective services workers	19 070	13 440	21 490	42 440	32 %	51 %
61 Market-oriented skilled agricultural workers	20 710	11 000	28 210	33 860	32 %	83 %
62 Market-oriented skilled forestry, fishery, and hunting workers	31 350	23 680	38 550	47 140	50 %	82 %
71 Building and related trades workers, excluding electricians	24 190	16 970	31 120	42 060	40 %	74 %
72 Metal, machinery, and related trades workers	20 670	14 220	25 980	44 060	32 %	59 %
73 Handicraft and printing workers	19 310	11 850	26 150	41 640	28 %	63 %
74 Electrical and electronics trades workers	24 300	15 430	32 530	48 370	32 %	67 %
75 Food processing, woodworking, garment and other craft and related trades workers	23 300	14 740	29 550	42 370	35 %	70 %
81 Stationary plant and machine operators	27 210	19 180	33 720	45 040	43 %	75 %
83 Drivers and mobile plant operators	25 710	19 280	30 850	41 380	47 %	75 %
93 Labourers in mining, construction, manufacturing, and transport	28 740	22 250	34 160	39 270	57 %	87 %

Source: Statistics Norway, Table 12851 'Monthly earnings, by occupation, contents, year, sex, Apprentices and non-apprentices and measuring method'

## **Article 7, section 6 – Inclusion of time spent on vocational training in the normal working time**

*“No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.”*

### **‘Conclusions 2015’, Article 7.6, para. 2:**

*‘The information provided in the report as well as in the Report of the Governmental Committee concerning Conclusions 2011 is intended to bring clarification with regard to the Government’s previous report. The Government states that under national law, apprentices and trainees are considered as full employees of the relevant company and are therefore paid according to the collective wage agreement for the trade concerned. The Committee asks information on the regulations applicable to time spent on vocational training in the situation of trainees/apprentices who are not covered by collective agreements.’*

Under national law, apprentices and trainees are considered as full employees of the relevant company according to the Working Environment Act. Additionally, rules regarding vocational training for persons under the age of 18, are found in ‘Regulations concerning Organisation, Management and Employee Participation’, Section 12-7 and 12-7A (Regulations concerning Organisation, Management and Employee Participation - Lovdata Pro):

#### Section 12-7. Exemption from the prohibition on work for vocational training

If the work is carried out as part of the practical training under the auspices of the school, or practical training under an apprenticeship contract or training contract, young people between the age of 15 and 18 who are not required to go to school, may perform work as mentioned in Section 12-5 (b) to (d) and Section 12-6 (b) to (p).

On the same terms as mentioned in the first paragraph, young people aged between 16 and 18 who are not required to go to school may perform work as mentioned in Section 12-6 (a) when the effective dose equivalent does not exceed 5 mSv over a period of 12 months. In the event of irradiation of individual organs, the dose limit must not exceed 50 mSv/year for the eye lens and 150 mSv/year for the skin, hands and feet.

Young people who have turned 17 may be given practical training in the use of work equipment as mentioned in Section 12-6 (q) to (u), if the training complies with the requirements for safety training set out in Chapter 10 of the Regulations concerning the Performance of Work. Such training can also be provided to upper secondary school students when the student has turned 16 and the training takes places under the qualified supervision of the school.

When young people are put to work as mentioned in the first, second and third paragraphs, the employer shall organise and adapt the work to the individual person's work experience and level of maturity, and otherwise implement measures as necessary to safeguard their health, safety and development.

The employer shall ensure that young people who are put to such work are supervised by an experienced, qualified person to the extent that this is necessary.

#### Section 12-7A. Exemption from Section 11-2 third paragraph and Section 11-5 third paragraph relating to vocational training in building and construction

The employees' elected representatives may consent to invoking working hour arrangements pursuant to Section 10-5 second paragraph and Section 10-12 fourth paragraph of the Working Environment Act in excess of the limits laid down in Section 11-2 third paragraph and Section 11-5 third paragraph of the Working Environment Act for young persons between the age of 17 and 18 who, as part of their practical training, carry out work under an apprenticeship contract or training contract relating to subjects founded on vg2 Construction.

The Labour Inspection Authority may consent to invoking working hour arrangements pursuant to Section 10-5 third paragraph and Section 10-12 sixth paragraph of the Working Environment Act in excess of the limits laid down in Section 11-2 third paragraph and Section 11-5 third paragraph of the Working Environment Act for young persons between the age of 17 and 18 who, as part of their practical training, carry out work under an apprenticeship contract or training contract relating to subjects founded on vg2 Construction.

The working hours arrangement mentioned in the first and second paragraphs can only be invoked to the extent that it is not in breach of other provisions in Chapter 11 of the Working Environment Act.

Young persons who are put to work as mentioned in the first or second paragraph must have a continuous off-duty period of at least 36 hours per seven days. Overtime work cannot be imposed on young persons.

**‘Conclusions 2015’, Article 7.6, para. 3:**

*‘The Committee notes the Government’s statement that all time spent in the company is remunerated, whether it be when receiving training or participating in value-adding activities. The Committee understands that this means that time spent on vocational training is included in the normal working time. It asks the Government to confirm this understanding.’*

We confirm the Committee’s understanding that time spent on vocational training is included in the normal working time.

**‘Conclusions 2015’, Article 7.6, para. 4:**

*‘The Committee recalls that the satisfactory application of Article 7 cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised. It therefore asks the next report to provide information on the activity of the Labour Inspection Authority of detecting situations in practice when the time spent on vocational training has not been considered as normal working time and thus remunerated as such.’*

The Norwegian Labour Inspection Authority uses the same measures to detect such situations as it uses to detect other law infringements, such as supervisory activities. Please see our answer above to Article 7, section 1, question a).

**Article 7, section 7 – Paid annual holidays**

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.*

**‘Conclusions 2015’, Article 7.7, para. 5:**

*‘The Committee recalls that the satisfactory application of Article 7 cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised. It therefore asks the next report to provide information on the activity of the Labour Inspection*

*Authority of detecting situations of breach and on the measures taken/ sanctions applied in cases of non-observance by the employers of the obligation to grant at least four weeks holiday a year to young persons under the age of 18.’*

We refer to our answer under Article 7.3.

## **Article 7, section 8 – Prohibition of night work**

*“No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.”*

### **‘Conclusions 2015’, Article 7.8, para. 3:**

*‘The report indicates that the Labour Inspection Authority does not record information on the number of young people performing night work in Norway and the Government states that it cannot provide relevant figures in this sense. The report further indicates that according to Statistics Norway’s Labour Force Survey, 56,000 young people aged 15-24 work at night. According to Statistics Norway, the vast majority of the persons performing night work are aged 19 and above. The Committee takes note of the data provided by Statistics Norway. It asks what are the sectors in which young workers work at night and which is the estimate number of young workers aged 15-18 who perform night work. Pending receipt of the information requested, the Committee reserves its position.’*

Approximately 123,000 people in the age group 15–19 years are registered as employed, according to Statistics Norway. According to STAMI<sup>1</sup>/NOA<sup>2</sup>, 20 per cent of these report having night work to varying degrees (24,600).

### **‘Conclusions 2015’, Article 7.8, para. 4:**

*‘As regards supervision, the report provides information on the number of orders issued by the Labour Inspection Authority for breaches of the regulations regarding prohibition of night work for young persons (Section 11-3 of the Working Environment Act) as follows: 16 orders in 2010, 2 orders in 2011, 2 orders in 2012 and 3 orders in 2013. The Committee asks which were the sanctions imposed on the employers.’*

The number of sanctions is listed in the statistics table under the answer to Article 7.1. The Labour Inspection Authority does not have data on which type of sanctions that have been imposed.

## **Article 7, section 10 – Special protection against physical and moral dangers**

### **Question a)**

*“Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.”*

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<sup>1</sup> STAMI - The National Institute of Occupational Health in Norway.

<sup>2</sup> NOA - The Department of Occupational Health Surveillance.

In order for children and adults who are unsafe at home to be recognised, the most important thing is to keep services such as health services, police, kindergartens, schools and leisure facilities open and accessible. After the first period of lockdown during the pandemic, the authorities worked hard to ensure that services for children and young people and victims of violence were kept open as far as possible. Information and advice on this was sent out to the county governors and the municipalities.

Emergency services such as the child welfare service and the crisis centre service were kept open. Employees in the child welfare service and at the crisis centres were defined as critical community personnel during covid-19. The crisis centres experienced slightly fewer users during the first phase of the pandemic. In December 2020, The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) therefore launched a campaign that if someone is not safe at home, advice regarding staying at home does not apply.

It is a challenge to reach out with sufficient information about the support services to all groups of the population. A national online-guide to domestic violence has been established, which is operated by Norwegian centre for Traumatic Stress Studies (NKVTS). Here you will find information about help services in different languages.

During the pandemic the Government was concerned that reduced services and activities may have contributed to less uncovering of violence and abuse. Efforts to combat violence and abuse were strengthened. Among other things, funding for family counselling services, child welfare services and Alternativ to Violence<sup>3</sup> were strengthened. Additional fundings were also provided for national helplines for children.

When Russia invaded Ukraine, women and children fled the country. Concerns were raised in regard to possible sexual abuse and fear of trafficking. In April 2022 awareness was raised and general information given to all Municipalities in Norway in a letter signed the four relevant authorities. A circular on how to deal with suspicions of trafficking is made available and there is a guidance service at the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir).

Furthermore, an Escalation Plan against Violence and Abuse (2017–2021) was adopted by the parliament ('Stortinget') in April 2017. The plan includes 88 measures, and the aim was to reduce the incidence of domestic violence, with particular emphasis on combating violence and abuse affecting children and young people. The plan contains both short-term and long-term measures and strategies for meeting these challenges.

There is little research-based facts on the extent of domestic violence during the COVID-19 pandemic. How violence has affected different groups in the population has only been documented to a very limited extent as to date. A knowledge summary compiled by the Norwegian Institute of Public Health (FHI) in respect of existing studies in OECD countries confirms research findings during previous crises. This review showed – among other things – a significant decline in reported cases of child abuse in a number of countries. This suggests that many children and adolescents were not identified by the services and did not receive the help they needed.

In June 2020, the Norwegian Centre for Violence and Traumatic Stress Studies conducted a school-based study among adolescents in Norway (young people aged 13 to 16). This study shows that adolescents have generally coped well with the initial phase of the COVID-19

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<sup>3</sup> ATV is a non-profit non-governmental organization that provides treatment and professional expertise on violence with particular focus on domestic violence. ATV's threefold mandate is to provide psychological treatment, develop professional knowledge and disseminate knowledge on domestic violence.

pandemic. A slower pace of life and more interaction with the family are potential explanations for this. That said, one in six respondents reported that they had been subjected to at least one form of violence or abuse during the eight weeks in spring 2020 when schools were closed. 20 per cent of these people experienced mental or physical violence for the first time during the lockdown.

The Norwegian Centre for Violence and Traumatic Stress Studies highlights two worrying tendencies in particular: some adolescents experienced unwanted sexual interaction online for the first time during the lockdown. Moreover, adolescents in low-income families and adolescents with disabilities of various kinds were at greater risk of experiencing violence during the lockdown.

Furthermore, the Norwegian Social Research (NOVA) conducted a study of the family counselling service during the COVID-19 pandemic in May and June 2020. This survey showed that the situation was exacerbated by the radical infection control measures in families facing major challenges. Escalation and greater pressure in an already difficult situation were reported. This was particularly evident in families where strong control and/or violence are exercised, where physical space is important so as to prevent escalation of conflicts.

NOVA has also conducted a study into the work of the child welfare authorities during the COVID-19 pandemic. This study was based on interviews with managers at 20 child welfare authorities. The researcher examined the impact of the COVID-19 pandemic on the general running and organization of the child welfare authorities and found that the services were proactive. Significant planning took place early on to safeguard operations. The case portfolio was assessed in terms of risk and vulnerability to clarify which families had to be given priority at a time when services were reduced. Cases relating to violence and abuse were generally given priority, as the managers noticed them, and were followed up more closely and more quickly than in a normal situation.

### **Question b)**

*“Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.”*

The Norwegian centre for Traumatic Stress Studies (NKVTS) has carried out a national survey on child abuse and neglect among a representative sample of Norwegian 12- 16 year-olds (The UEVO-study from 2019). A new study was carried out during the pandemic. The main findings are:

- Violence and abuse against young people in Norway has generally remained stable from before until during the pandemic, according to self-reports among 12-16-year-olds.
- In total, 1 in 4 young people (25%) say that they have at least one experience of violence or abuse. This figure applies to the measurement time before the pandemic and the latest measurement time in spring 2021, and is therefore stable from before to during the pandemic.
- One exception is sexual assault by an adult, which increased from 2.9% in 2018 to 4.5% in 2020. However, as the numbers are low, even small changes in absolute numbers can lead to a large increase.

Following the Covid-19 pandemic the Norwegian Government took a number of measures to prevent transmission of the coronavirus, including closing of schools and children's day care centers. In addition a number of public services were closed, such as the administrative services provided by the police. Services for victims in general were mostly open, but often based on on-line chat and telephone consultations to reduce risk for contamination.

In April 2020 the Government decided to set up a coordination team at directorate level to ensure that vulnerable children and adolescents were looked after during the COVID-19 pandemic, and that there was a comprehensive knowledge base in place regarding the impact of the pandemic. And, it implemented infection control measures for this group.

This group was coordinated by the Directorate of Children, Youth and Family Affairs and was otherwise made up of representatives of the Directorate of Integration and Diversity, the Directorate of Education, the Norwegian Directorate of Health, the National Police Directorate, the Directorate of Labour and Welfare, the National Mediation Service and the Norwegian Institute of Public Health. This group has compiled regular status reports for the Minister for Children and Family Affairs during the pandemic.

#### **Question c)**

*“Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).”*

As part of the follow up of the Escalation Plan against Violence and Abuse (2017-2021), a separate strategy to combat internet-related abuse of children was launched in August 2021. The strategy aims to improve the work towards many identified challenges and follows the recommendations of the National Response Model developed by the WePROTECT Global Alliance against online child sexual abuse and exploitation.

#### **Question d)**

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

#### **‘Conclusions 2015’, Article 7.10, ‘Protection against sexual exploitation’, para. 1:**

*‘The Committee notes that there have been no changes to the legislative framework regarding sexual exploitation of children. The Committee asks the next report to provide updated information about legal provisions protecting children( until 18) from all forms of exploitation, i.e. child prostitution and pornography (including simple possession of child pornography) and trafficking of children.’*

Prohibitions against various forms of child sexual abuse are regulated in Chapter 26 of the Norwegian Penal Code of 2005 (please see: [Penal Code - Lovdata Pro](#)). Sections 302–305 protect children under the age of 16, whereas Sections 299–301 protect children under the age of 14. The younger the victim, the more severe the penalties are.

As of 2015, sexual acts as described in Section 299 are classified as rape on children under 14 years of age. This provision was included to emphasize that children cannot consent to sexual acts and to underline the severity of committing sexual abuse against children.

Furthermore, intentional conduct involving the exploitation of children for prostitution is a criminal offence pursuant to the Penal Code, Sections 257 and 309. Intentional conduct

involving depictions of the sexual abuse of children or depictions that sexualise children (that are equivalent to ‘child pornography’) is a criminal offence pursuant to the Penal Code, Section 311. The term ‘child pornography’ is not used in Norway as the term is seen as unclear, imprecise and misleading.

Norway is an international advocate for the improved use of terms and terminology in line with ‘Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse’ (Luxembourg Guidelines). Interpol emphasises the importance of appropriate terminology use, both to signal that this is abuse and serious criminality and to facilitate easier data collection and cooperation in the area based on the uniform use of terms.

Intentional conduct involving the participation of children in pornographic performances is a criminal offence pursuant to the Penal Code, Sections 257, 305, and 310.

Intentional conduct involving the solicitation of children for sexual purposes (‘grooming’) is a criminal offence pursuant to the Penal Code, Section 306.

Intentional conduct involving aiding and abetting, and attempts to commit, such acts, is a criminal offence pursuant to the Penal Code, Sections 15 and 16.

The new Child Welfare Act enters into force 1 January 2023. The new act strengthens the legal safeguards of children. Although the legislative framework regarding sexual exploitation of children has not been specifically changed, new amendments will further protect children against sexual exploitation. In NOU 2017:12 Failure and betrayal, the Child Violence Committee proposed several measures relating to legislative changes in the child welfare area. Some of the measures have already been followed up in Prop. 169 L (2016-2017). The new Child Welfare Act contains provisions on restrictions on next of kin's right of access if access could expose the child or others to harm or danger. The new law also clarifies how a survey shall be conducted. In addition, a legal basis is introduced to plan a new examination within six months, when a case is dismissed because parents have declined support measures. The reason is that it can often take time to uncover serious neglect.

**‘Conclusions 2015’, Article 7.10, ‘Protection from other forms of exploitation’, para. 3:**

*‘The Committee asks the next report to provide up-to-date information concerning the factual situation indicated in the recommendations of GRETA.’*

Norway has not established a National Referral Mechanism for children that are victims of trafficking. The system of identification and referral works in the same manner as outlined in the 2013 GRETA report. However, a central guidance unit for minor victims of trafficking was established within The Norwegian Directorate for Children, Youth and Family Affairs in 2019. The central guidance unit is tasked with improving procedures for the identification of children that are victims of trafficking, provide guidance, training and capacity building activities, and support and strengthen the coordination between different authorities in protection of minor victims of trafficking. The unit shall enhance cooperation between agencies as well as establish knowledge-based procedures for ‘best practice’ in how to assist children that are victims of trafficking.

The child welfare authorities still accommodate unaccompanied children under the age of 15, while those aged 15-18 are accommodated in centres run by The Norwegian Directorate of Immigration.

## **Article 8 – The right of employed women to protection of maternity**

### **Article 8, section 1 - Maternity leave**

#### **Question a)**

*“Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).”*

In April 2020 the Government introduced two temporary exceptions in the Norwegian parental benefit scheme:

Firstly, normally a parent intending to postpone his or her parental benefit period, due to illness or injury, is required to provide a medical certificate for the application to be considered at the Norwegian Labour and Welfare Administration. Similarly, a medical certificate is required if a parent wishes to transfer his or her parental benefit quota to the other parent because he or she is too ill or injured to take care of the baby (the Norwegian parental benefit scheme includes so-called quotas of parental benefit weeks reserved for each parent). To relieve pressure on the health services and to give parents increased flexibility, the requirement of providing a medical certificate in these situations was temporarily repealed. Instead the parents were allowed to have a self-declaration of health status when applying for postponement of the parental benefit period at the Norwegian Labour and Welfare Administration.

Secondly, normally a parent can postpone the parental benefit period if being in a full-time job during the postponement. Furthermore, if a parent intends to work part-time during the parental benefit period, the parent can receive parental benefit with a reduced compensation rate in combination with working part-time and expand the parental benefit period correspondingly (so-called grading the parental benefit).

In both cases, the parent needs to apply to the Norwegian Labour and Welfare Administration, and is required to provide a written agreement with the employer. Parents working in so-called vital functions in society (i.e., health personnel) could risk to be called in to work on short notice during the Covid-19 pandemic. To guarantee that these parents did not lose their parental benefit rights, parents working in vital functions in society was no longer required to actively apply for postponing or grade the parental benefit.

The regulation consisting of these two exceptions ceased from December 31st 2020.

Employed mothers eligible for parental benefit from the National Insurance Scheme can, as a main rule, choose between receiving 100 per cent income compensation for a total of up to 35 weeks or 80 per cent income compensation for a total of 40 weeks. A parent is allowed to receive parental benefit at a lower compensation rate and for a longer period of time in combination with part-time work. The Ministry of Children and Families therefore consider that employed women eligible for parental benefit from the National Insurance Scheme were able to receive at least 70 per cent of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis.

#### **Question b)**

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

**‘Conclusions 2015’, Article 8.1, ‘Right to maternity benefits’, para. 3:**

*‘The Committee refers to its Statement of Interpretation on Article 8§1 (Conclusions 2015) and asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.’*

For the sake of clarity, we note that the Committee considers the situation in Norway to be in conformity with article 8§1 of the Charter. With this in mind, we will provide the Committee with the requested additional information about the minimum rate of maternity benefit.

A mother living in Norway can receive a one-time lump-sum grant from the National Insurance Scheme if she has not had an income entitling her to the parental benefit or if she chooses the lump-sum grant. The rate of the lump-sum grant is NOK 90,300 since January 2021. The rate of the lump-sum grant is approved by the Parliament in the yearly national budget and is not automatically adjusted or corresponding to any threshold value. Please see the table below for information about the rate of the lump-sum grant from 2018 to 2021. For comparison’s sake we add information about the Norwegian yearly median equivalised income (NOK), obtained from Eurostat, from the same period.

**Table – rate of the lump-sum grant and the yearly median equivalised income (NOK)**

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<i>Rate of the lump-sum grant (NOK)</i>	63,140	83,140	84,720	90,300
<i>Norwegian yearly median equivalised income (NOK) from Eurostat</i>	340,304	352,961	390,447	---

**Article 8, section 3 – Time off for nursing mothers**

*“No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.”*

**‘Conclusions 2015’, Article 8.3, para. 3:**

*‘The Committee asks the next report to clarify whether women working for example two full working days twice a week are entitled to paid nursing breaks.’*

According to the Norwegian Working Environment Act Section 12-8, a nursing mother is entitled to request the amount of time off necessary for breastfeeding. At least 30 minutes time off may for example be taken twice daily or as a reduction in working hours by up to one hour per day. Further, women with time off for breastfeeding are, during the child's first year, entitled to paid nursing breaks for a maximum of one hour on workdays with agreed working hours of seven hours or more. Accordingly, women working for example two full working days twice a week (with a child up to 12 months old) will be entitled to one hour paid nursing break each working day.

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

### **Question a)**

*“Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.”*

Norway ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence in July 2017. The Convention entered into force, as regards Norway, on 1 November the same year. The ratification of the Convention was an important signal from the Norwegian government that this work will be given high priority.

In August 2021, the Norwegian Government launched an Action plan for preventing and combating violence in close relationships for the period 2021 to 2024. The plan aims to facilitate better coordination between agencies and sectors at all administration levels so that the population perceives the services provided by the police and the support services as coherent and comprehensive. For the first time, the plan has a separate section on violence and abuse in Sami communities. Through measures in the plan the Sami language and cultural skills shall be incorporated in all sectors and at all levels to ensure that the existing support programmes is equal.

An escalation plan against violence in close relationships and violence and abuse against children is announced in the government's political platform from October 2021. The plan is drawn up by eight ministries and is to be presented in October 2023.

In 2014 a nationwide survey on domestic violence was conducted by the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS). The study showed that in Norway, 8,2 percent of woman and 1,9 percent of men reported severe partner violence (that is life threatening violence including attempted strangulation, use of weapons and/or beating head against an object or wall). The prevalence of lifetime rape was 9,4 percent in women and 1,1 percent in men.

The survey will be repeated in 2022 and the results will be available in February 2023.

### **Question b)**

*“For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.”*

Not applicable for Norway.

### **Question c)**

*“Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?”*

The Norwegian Child Benefit (barnetrygd) and Cash-for-care Benefit (kontantstøtte) are not subject to a means-test, and they are both non-taxed benefits regardless of income.

### **Question d)**

*“Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.”*

Please see tables 1, 2 and 3 below. When reviewing table 1 and rates of Child Benefit during the reference period, please note that the Child Benefit is paid on a monthly basis and that the

rate of Child Benefit was adjusted in course of the reference period. We have therefore chosen to report the monthly rates with information of the timing of the rate adjustment.

When reviewing table 2 and the annualised rates of Child Benefit, please note that they have been calculated as such (2020 as example): For a child aged 0-5 the parent received eight months of Child Benefit at NOK 1,054 per month (January-August) and four months of Child Benefit at NOK 1,354 per month (September-December). The annualised rate sums up the total amount of Child Benefit received in the course of a year.

When reviewing table 3, please note that the yearly median equivalised income has been obtained from Eurostat (name of Eurostat table: Mean and median income by group of country of birth (population aged 18 and over)).

**Table 1 – child benefit monthly rates in the reference period (in NOK)**

Year	2018	2019	2020	2021
<i>Child benefit per child aged 0-5</i>	970	*1,054	**1,354	***1,654
<i>Child benefit per child aged 6-17</i>	970	*1,054	1,054	1,054
<i>Child benefit per single parent</i>	970	*1,054	1,054	1,054

\*The new monthly rate from 1 March 2019.

\*\* The new monthly rate from 1 September 2020.

\*\*\* The new monthly rate from 1 September 2021.

**Table 2 – child benefit annualised rates in the reference period (in NOK)**

Year	2018	2019	2020	2021
<i>Child benefit per child aged 0-5</i>	11,640	12,480	13,848	17,448
<i>Child benefit per child aged 6-17</i>	11,640	12,480	12,648	12,648
<i>One extra child benefit per single parent</i>	11,640	12,480	12,648	12,648

**Table 3 – Norwegian median equivalised income for the reference period, according to Eurostat (in NOK)**

Year	2018	2019	2020	2021
<i>Yearly median equivalised income</i>	340,304	352,961	390,447	---

### Question e)

*“Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?”*

#### Child Benefit

Pursuant to the Child Benefit Act, child benefit is granted for all children resident in Norway regardless of nationality. A child is considered resident in Norway if he or she will be staying in Norway for more than 12 months.

It is a condition that the child and the person with whom the child lives permanently, have legal residence in Norway. According to the Immigration Act, a residence permit is required for all third country-nationals and a registration certificate for EEA/EU nationals who wants to stay in Norway beyond three months. If a residence permit/registration certificate is not

available, the person in question cannot be considered to have legal residence in Norway. This does not apply for Nordic citizens.

Child benefit can be granted retroactively for up to three years before the calendar month the claim is submitted if the conditions for entitlement to benefit are met during this period. This means that if a residence permit for a third country-national is extended beyond one year, the person in question will be able to submit a new application for child benefit, with the possibility of receiving back payment for up to three years. Alas, if at the time of an application it is not considered probable that the duration of the stay will be at least 12 months, Norwegian authorities, that is the Norwegian Labour and Welfare Administration (NAV), may await the payment of child benefit until the duration of the stay has been clarified. When it is clarified that the stay will be at least 12 months, NAV can then pay child benefit with effect from the month after the child came to Norway, if the other conditions in the Child Benefit Act are met. This assessment also applies for a Norwegian family who moves back to Norway from a country outside the EEA. In such cases, it is not necessary to obtain information about residence permits, but the family must, like third country-nationals, indicate how long they are planning to stay in Norway.

It is emphasized that according to the Child Benefit Act, a child who comes to Norway is regarded as living here if he or she is staying for more than 12 month. This means that the family is entitled to child benefit if they come to Norway and will be staying here for at least 12 month. This does not mean that the family has to wait a year before they are entitled to child benefit. Rather, it means the authorities consider the case, and assess whether it is likely or not that the family intends to stay in Norway for at least 12 months. If so, the family will receive child benefit starting the month following the arrival. This applies to all foreign Nationals who are resident in Norway, registered in the Norwegian population register and who have a residence permit or have a legal residence on other grounds.

This does not mean the family has to wait a whole year before they will receive the benefit. If it is clear that they intend to stay in Norway for at least 12 months, then the mother or father will receive the child benefit, starting the next month. Nationals of an EEA country who are working in Norway, may be entitled to child benefit even if they will be residing in Norway for less than 12 months. In EEA cases the definition of residence in article 1 j) in Regulation (EC) 884/04 is used to determine residence, not the rules in the Norwegian Child Benefit Act.

If a person intends to stay in Norway for 12 months, then he or she is generally regarded as living in Norway. If the child is born in Norway after the mother is registered in the population register, the child benefit will, as a general rule, be granted automatically.

According to the Child Benefit Act, an asylum seeker (the child itself or the child and its parents) is first considered to be resident in Norway with effect from the calendar month in which the decision on a residence permit has been signed. Child benefit can then be granted from the following month. This applies even if the decision on a residence permit has retroactive effect.

### Cash-for-Care Benefit

Pursuant to the Cash-for-Care Benefit Act, cash-for-care benefit is granted to all children resident in Norway between the ages of 13 and 23 month, regardless of nationality. A child is considered resident in Norway if he or she will be staying in Norway for more than 12 months. The most important condition for receiving the full rate of the cash-for-care benefit is that the child does not attend day care centre that receives public grant.

An amendment to the Cash-for-Care Benefit Act Section 3 came into force 1 January 2017. Cash-for-care benefit is provided to the person with whom the child lives permanently. The

beneficiary must be resident in Norway and have been a member of the Norwegian National Insurance Scheme for at least five years. If the child lives with both parents, both parents must have been members of the Norwegian National Insurance Scheme for five years.

**Question f)**

*“What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?”*

The biggest threat to vulnerable families meeting their energy needs, is the record high energy prices. The government has introduced several measures to help people cope with their electricity bills. A temporary household support scheme was introduced in December 2021. The scheme provides support to households through a deduction on their electricity bill when prices are extraordinarily high. When the average market rate for electricity exceeds NOK 0,70 per kilowatt hour, the state will provide a rebate beyond this ceiling. Support will be available to households for up to 5000 kilowatt hours of monthly electricity use. The scheme is designed to ensure that households still will benefit from reducing their electricity consumption.

The household support scheme is part of a larger electricity support package. Amongst other measures are increased housing assistance, increased support for students, efficient energy use initiatives (including measures aimed at reducing energy bills in municipal housing) and compensation to municipalities in relation to additional costs incurred around the provision of financial welfare assistance measures.

**Question g)**

*“If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?”*

Norway has a comprehensive welfare system. The main general social insurance schemes in Norway is the National Insurance Scheme, the Child Benefit Scheme and the Scheme for Cash Benefit for Families with Small Children

During the pandemic the benefit rates of Norway’s family benefit schemes (Child Benefit, Cash-for-care Benefit or Parental Benefit) were not increased as a pandemic measure. However, the Ministry of Children and Families allocated additional fundings to different measures to compensate for negative consequences of the pandemic for vulnerable groups:

Firstly, several grant schemes for NGOs and municipalities were strengthened temporarily. NGOs received additional funding to organize activities for vulnerable children and families and provide measures to combat domestic violence, neglect and child abuse. Additional fundings were also allocated to municipalities for parental support measures.

Secondly, several helplines were strengthened during the pandemic, some temporarily and others permanently.

Thirdly, during the pandemic the funding of Family Counselling Services, who offers counselling to anyone about difficult family issues, and the foundation Alternative to Violence (ATV), a non- profit non-governmental organization that provides treatment and professional expertise on violence with particular focus on domestic violence, were increased to strengthen their capacity.

After the pandemic the level of funds allocated to these services have been maintained.

The Ministry of Children and Families do not expect direct negative effects for vulnerable families by not maintaining the temporarily additional grants for abovementioned measures. In the budget proposal for 2023, the Government proposes to strengthen the overall efforts for vulnerable children and young people.

**Question h)**

*'If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.'*

**'Conclusions 2015', Article 16, 'Rights and obligations of spouses', para. 2**

*'The report provides no information on legal means of settling disputes between spouses. The Committee therefore asks the next report to provide information in this respect.'*

The Committee has asked for information about legal means of settling disputes between spouses, in relation to the obligation of spouses to support each other and mutual children.

As mentioned in the previous report, a spouse can be ordered to fulfil this duty by a court, provided that one of the spouses files a court case, following the Marriage Act Section 38. The court may also by order make provisional decisions regarding separation, the right to maintenance or the right to use a residence or ordinary household goods in the common home. Before separation is demanded or proceedings for divorce are instituted, a provisional decision may only be made if there are special reasons for doing so. Unless otherwise provided, a provisional decision shall apply until a legally enforceable decision on the question of separation, maintenance or right of use is made.

If the spouses do not agree on the support obligation, and both parties so desire, the question may also be decided by the maintenance enforcement officer instead of the court. The parties' employers are obliged to disclose necessary information to the maintenance enforcement officer. Administrative decisions of the maintenance enforcement officer may be appealed to the body immediately superior to him or to the body decided on by the Directorate of Labour and Welfare. The parties may demand a decision on the question of maintenance even if they have previously entered into an agreement regarding this question.

Pursuant to the Marriage Act Section 39, spouses are under an obligation to give each other the information necessary to assess their financial position during the marriage. For this purpose, a spouse may demand that the other spouse and the tax authorities provide information concerning the joint tax return and tax assessment or the other spouse's tax return and tax assessment or copies of these documents. A spouse may also demand information from companies, enterprises or other institutions engaged in financing or insurance activities, and from others who manage funds.

**'Conclusions 2015', Article 16, 'Family benefits', para. 4:**

*'The Committee considers that the amount of child benefit of 3% of the monthly median equivalised income is too low to represent a significant percentage. The Committee takes note of the information on tax relief and special deductions, but in order to assess whether benefits and tax relief for families with children taken together represent an adequate income supplement it needs to know whether they apply to all families and their actual amount for different family types. Meanwhile, the Committee reserves its position.'*

Families with children are covered by certain tax relieves through the Norwegian tax system. Described in the following are tax relieves that apply to all families with children, and those

that target certain family situations. Finally, a short overview of certain tax exempted benefits and supports is given.

#### Parental allowance - child care deduction (Norwegian Tax Act Section 6-48)

All parents are entitled to a deduction in their taxable income for documented expenses for the care of children under the age of 12 living at home. For children with special care needs, the deduction can be given even if the child is 12 years or older. The child-care deduction applies to documented expenses related to day care, a childminder, after-school-hours supervision schemes etc. The child-care deduction does not include costs of healthcare or medical treatment. There is a maximum limit to the deduction. For the period 2018–2021 the maximum yearly deduction for one child was 25 000 NOK, and an additional 15 000 NOK for each child in addition to the first. Since the maximum limit is given per child, the maximum limit applies to the total childcare expenses of both parents.

Tax expenditure due to the childcare deduction in the period 2018–2021:

2018	NOK 1 860 million
2019	NOK 1 950 million
2020	NOK 1 960 million
2021	NOK 2 105 million

#### Special allowance to single provider parents (Norwegian Tax Act Section 6-80)

Single provider parents are entitled to a special allowance, which is a standardized deduction against general income. The single-provider allowance is applicable to single parents who receive extended child benefit for single providers. This includes people who care for one or more children under 18 years of age and who are unmarried, divorced, separated or a widow/widower and who do not live with a spouse-equivalent partner on a permanent basis. The single-provider allowance is given on a monthly basis. Where both parents qualify as a single provider, the parents receive half the monthly rate each. The standardized allowance is set every income year. For the period 2018–2021 the allowance was 4 317 NOK per month, and the full allowance was 51 804 NOK per year.

In the years 2018–2021 a single parent qualifying for a full allowance (12 months) would reduce his/her tax by 11 545 NOK per year (22 pct. of the allowance). In 2020, single-provider allowance was given to approx. 144 850 persons. Approx. 7 800 of the single providers qualifying for the allowance did not earn enough to take full advantage of it.

(The current Norwegian government has proposed to abolish the single-provider allowance in the tax system with effect from March 2023, and to increase the direct support given through the extended child benefit).

Tax expenditure due to the single-provider allowance in the period 2018–2021:

2018	NOK 1 360 million
2019	NOK 1 240 million
2020	NOK 1 250 million
2021	NOK 1 225 million

#### Tax exempted benefits and supports

Certain benefits and supports are not subject to taxation. This applies to child benefit (both regular and extended), the cash-for-care benefit scheme, the lump sum grant for a parent that

is not entitled to parental benefits, financial social assistance in accordance with the Social Welfare Act and certain benefits and supports to single parents in accordance with the National Insurance Act (e.g., childcare benefits and support for school fees).

Child support provided by one parent to another in cases where the child only lives with one of the parents is neither deductible for the payer nor taxable income for the person who receives it.

**‘Conclusions 2015’, Article 16, ‘Vulnerable families’, para. 1:**

*‘In its previous conclusion (Conclusions 2011), the Committee asked what measures were taken to ensure the economic protection of Roma families. The report indicates that an Action Plan was presented in 2009 to improve the living conditions for Roma, most of whom live in Oslo. The Action Plan provides that Roma who face difficulties in the housing market can, just as other disadvantaged people, apply for loans and subsidies from the Norwegian State Housing Bank, for municipal rental housing and for other social housing services. In addition, an advisory service for Roma in Oslo has been established in Oslo with a view to providing information and guidance about education, housing, work and health. The Committee takes note of these measures and asks the next report to continue to provide information in relation to the economic protection of Roma families.’*

The Roma Culture and Resource Centre (Romano Kher) which opened in 2018, is the result of the collective reparation to Norwegian Roma. In addition to being a culture centre Romano Kher also houses a bridge-building service for Roma, assisting Roma in their dealings with the public sector, and arranging courses for and giving talks to public agencies.

**‘Conclusions 2015’, Article 16, ‘Equal treatment of foreign nationals and stateless persons with regard to family benefits’, para. 1**

*‘The Committee notes that pursuant to the Child Benefit Act, child benefit is granted to all children living in Norway regardless of nationality. A child is considered as living in Norway if he or she has resided/has been domiciled for more than 12 months. The Committee has held a period of 6 months to be reasonable and therefore in conformity with Article 16 (Conclusions XIV-1 (1998), Sweden). On the other hand it has held periods of 1 year, and a fortiori, 3-5 years to be manifestly excessive and therefore in violation of Article 16 (Conclusions XVIII-1 (2006), Denmark). The Committee therefore considers that the situation is not in conformity with the Charter on the ground that equal treatment of nationals of other States Parties regarding the payment of child benefit is not ensured because the length of residence requirement is excessive.’*

In ‘Conclusions 2015’, please see page 20, the Committee concluded that the situation in Norway is not in conformity with article 16 of the Charter on the ground that equal treatment for nationals of other States Parties regarding the payment of child benefit is not ensured because the length of residence requirement is excessive.

Norway responded to the Committee’s conclusion at the hearing of the 134th meeting in Strasbourg 26-30 September 2016. We refer to the report from the hearing, Section 100-105, and also the extended description of the Norwegian child benefit system above under Questions on Group 4 provisions (Conclusions 2023), Article 16, question e) and h): As indicated, the Norwegian system does not require an excessive length of residence, and Norway’s position is that the Norwegian child benefit system ensures equal treatment of nationals of other States Parties.

With reference to the report from the hearing of the 134th meeting in Strasbourg 26-30 September 2016, Section 105, the Committee asked for additional information in the following up:

‘105. The GC took note of the information provided and asked the Norwegian government to provide additional information on: a) criteria used to establish when a family intended to stay for at least 12 month in Norway; b) statistics on how many third country nationals’ received entitlement to child benefit on this basis. The GC decided to await the next ECSR’s assessment.’

Please see the information in the following.

**a) criteria used to establish when a family intends to stay for at least 12 months in Norway**

Pursuant to article 4 a) and 14 child benefit is automatically granted for all children born in Norway whose mother has legal residence in Norway for a minimum of one year. If the mother at the time of birth has resided in Norway or has a residence permit that indicates that she intends to reside in Norway for more than 12 months, the condition to receive child benefit is fulfilled. If the mother does not have legal residence, but the father has, child benefit is not granted automatically. In such cases the father can apply for child benefit and document that the child shall live with him and that he therefore is entitled to receive child benefit.

The main criteria used to establish that a family or an individual intends to stay for at least 12 months in Norway are:

- Information given by the applicant in the application for child benefit: In the application for child benefit the applicant must state whether he/she resides in Norway and if he/she has been residing in Norway for the last 12 months. If the applicant has not been residing in Norway for the last 12 months, he/she is requested to state the date of arrival in Norway and give additional information regarding the expected length of the stay. He/she is also requested to submit a copy of the residence permit for both the applicant and the child/children.
- Information from the Norwegian National Population register: Clerks handling applications for child benefit have access to information from the Norwegian population register. Child benefit is as a main rule not granted unless the family is registered as residing in Norway. The family will be informed by NAV about the process to register as immigrated in the population register.
- Information from the Norwegian Immigration authority: Clerks handling applications for child benefit have access to information from the Norwegian Immigration Authority and can therefore check the residence permit of the applicant as well as the child/children. This is done on a regular basis.

If a family is registered as residing in Norway, has a valid residence permit that can be renewed on the same terms and states that they are planning to stay in Norway for at least 12 months, child benefit will usually be granted. The Norwegian system is based on trust and if a family with legal residence in Norway states that they will stay here for at least 12 months the conditions to receive child benefit are usually deemed as fulfilled.

**b) statistics on how many third country nationals' received entitlement to child benefit on this basis**

According to information from our case handling system the numbers of third nationals who received child benefit in Norway for the first time has been as follows:

2018: 8356

2019: 7314

2020: 7144

2021: 6048

Child benefit in all these cases have been handled manually and it has been considered that the recipient and the child/children shall stay in Norway for at least 12 months. We do not have statistics on how long the recipient had stayed in Norway when the benefit was granted, but usually child benefit is granted shortly after legal residence has been obtained.

**'Conclusions 2015', 'Equal treatment of foreign nationals and stateless persons with regard to family benefits', Article 16, para. 2**

*'The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.'*

The citizenship of the applicant and the child is of no relevance to the right to family benefits from Norway. Both stateless persons and refugees will be considered on equal terms.

**Article 17 – The right of children and young persons to social, legal and economic protection**

**Article 17, section 1 – Assistance, education and training**

**Question a)**

*Please provide information on measures taken by the State to:*

- i) reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and*
- ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019).*

**Question i)**

The Norwegian authorities are trying to ensure that as few children as possible are left without citizenship. Both those who immigrate to Norway and those who are born here. To reduce statelessness Norway has ensured that stateless persons have less strict requirements for obtaining Norwegian citizenship than others.

Norway is a party to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness, and to the 1997 European Convention on Nationality of the Council of Europe, and various other international and regional conventions relating to stateless persons. Although the conventions are not incorporated into national law, Section 3 of the Norwegian Nationality Act contains a general

provision incorporating international legal obligations, which entails that domestic law must defer to Norway's international obligations if the two are in conflict.

Stateless persons are most often encountered by the authorities in asylum and other immigration procedures. There is no dedicated statelessness determination procedure in Norway, as nationality or statelessness is registered as part of the identity assessment made during the asylum or other immigration processes.

The Nationality Act of 2005 Section 16 provides that applicants who are stateless, are exempt from some of the general citizenship requirements in Section 7, such as the requirement to have reached the age of 12, to have spent a total of seven years in the realm in the last ten years, with residence or work permits of at least one year's duration, and the requirement regarding release from another nationality. A stateless applicant who has reached the age of 18 must have resided in the realm for the last three years with work or residence permits of at least one year's duration.

The criteria for stateless applicants who are born in Norway, are stipulated in Guidelines from the Ministry of Labour and Social Inclusion to the Norwegian Directorate of Immigration (G-08/2016). Stateless applicants who were born in Norway, must be resident in Norway at the time of application and must have been permanently resident in Norway for three consecutive years prior to the application. For stateless applicants under the age of 18, who were born in Norway, there is nevertheless not a requirement for residence in cases where the child has the right to a permanent residence permit without prior residence according to Section 11-1 second paragraph of the Immigration Regulations, or if the child's parents have resided in Norway for the last three years with a right of residence in accordance with Sections 112 to 116 of the Immigration Act, and the child applies for citizenship within one year of birth. An application for citizenship can be submitted electronically or on paper and no fee is required for applications for children.

The Directorate of Immigration (UDI) provides information regarding the relevant regulation for children born stateless in Norway on their website and by contact. When it comes to identifying children, UDI does so as far as possible. For those seeking protection, citizenship or lack thereof, is registered. UDI has guidelines for registering children born in Norway while one or both parents have an application for protection for processing, or have a final decision, and children who come to Norway and who seek protection after the parents have applied. UDI has produced brochures in several languages, which is placed at asylum reception centers and health centers for pregnant women urging them to register their children in Norway.

### **Question ii)**

We place great value in Norway on the appropriate registration of births. This is to ensure equitable access, protect the rights of the individual child and mother and to work together to improve the health of the population. We have two parallel systems that cover, different needs. Both follow the highest practices of data protection and are designed to be as little cumbersome as possible for the families and the health system.

The National Population Register (NPR) contains information on everyone that resides or have resided in Norway. It is operated by the Norwegian Tax authority. When a child is born in hospital, or in the presence of a medical professional, the health service sends an automatic notice to the tax authority. If no health professional is present at birth, it is the mother's responsibility to notify the tax authority within one month of the birth. This process leads to the assignment of a Norwegian national identity number and through this, the protections and rights afforded to all who live in Norway.

The Norwegian Institute of Public Health (NIPH) is responsible for operating the Medical Birth Registry. This is a national register that collects data about pregnancies and births for research and analysis and was set up in 1967 after the global Thalidomide tragedy. The country's maternity units are responsible for notifying births to the MBRN through an electronic system. The register provides information to improve the future health of the population.

**Question b)**

*“Please provide information on measures taken to:*

- i) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and*
- ii) combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.*
- iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.”*

**Question b, i)**

All Norwegian families with children between 0 and 18 years receive a universal tax-exempt benefit per child (the Child Benefit). The child benefit is a redistribution of wealth from those without children to those with children to compensate for some of the costs of raising a child. From September 2022, the child benefit should no longer be counted as income when parents apply for financial social assistance – a public benefit for those temporarily unable to financially support themselves. As these families are financially vulnerable, this measure aims at increasing these families' disposable income.

Single parents are often more financially vulnerable than two-parent households, and according to figures from Statistics Norway the share of single parents with low incomes has increased over the past ten years. Single parents living alone with children are therefore given a tax deduction from their ordinary income. However, many single parents do not receive this deduction due to their income being too low. To simplify the public benefits schemes for this group the government has put forth a proposal to remove the tax deduction for single parents and instead increase the extended child benefit corresponding to the maximum tax value of the deduction in 2022. The change will be implemented from 1 March 2023. With its implementation single parents, who currently do not receive the maximum tax deduction, will receive increased support through extended child benefits.

Other important measures taken to reduce child poverty are price reduction schemes for childcare and after-school programs, including a national scheme with 20 hours free of charge in kindergarten per week for low-income families. The Housing Allowance scheme has also been strengthened; this is a means tested scheme aimed at covering high living expenses for low-income households. Families with children are also a prioritised group for start-up loans, allowing low-income families who cannot get a mortgage from a normal bank and are unable to save up for a deposit to become home-owners. The national grant scheme for including children and youth in leisure and holiday activities, part-time and summer jobs, and to improve secondary-school attendance, has also been strengthened.

The previous Government put forward a national strategy for children growing up in low-income families (2020–2023). The strategy has included several measures within areas such as the family, housing, health, education, leisure activities and employment. The objective of the ongoing strategy is to improve living conditions of children growing up in low-income households and prevent poverty from being passed on from generation to generation.

The incumbent Government has appointed an expert group on children in poor families. The group will recommend which types of measures that should be prioritised to give children who grow up in poverty better living conditions and prevent poverty from being inherited. The expert group will deliver its report at the end of 2023.

### **Question b, ii)**

The government launched a white paper on human rights for people with cognitive disabilities 4 November 2022. Among other things, it states that the main priority for the government is to work for every child's right to a safe upbringing.

The strategy (2020–2030) and action plan (2020–2025) for equality of people with disabilities, titled "A society for all" both emphasizes that people with disabilities shall have the same opportunities as others to be included and participate in all parts of society in equal ways. They both state that the best interests of the child shall be a primary consideration in all actions concerning children with disabilities. In regards to universal design and accessibility, one of the prioritized topics in the action plan for universal design (2021–2025) is education.

The government have multiple grants to combat discrimination and promote equal opportunities for people with disabilities, among them grants to disabled people's organizations, and grant to improve the livelihood and life quality for people with disabilities.

The Equality and Anti-discrimination Ombud shall work to promote genuine equality and prevent discrimination in all sectors on the basis of, among other things, disability. The Anti-Discrimination Tribunal handles individual complaints about discrimination, harassment, sexual harassment and retaliation.

Norway ratified the UN Convention on the Rights of the Child in 1991, the principles are implemented into the Norwegian Child Welfare Act. The paramount consideration in the Norwegian legislation is the best interests of the child. The best interest of the child is a principle also embedded in our Constitution, which in addition states that children must be allowed the opportunity to be heard in all cases that concern them. The Norwegian Child Welfare Act's main purpose is to ensure that children who live in conditions that could harm their health and development receive necessary help and care. The Act applies to all children in Norway, regardless of their residential status, ethnic background or citizenship

Regarding Roma children in particular, the school guidance programme for Roma pupils in Oslo aims to improve Roma pupils' learning outcomes, reduce absenteeism and increase the number of pupils who complete primary and lower secondary education. The school mentors also assist in coordination between school, pupil and home. The school guidance programme also assist Roma pupils living in the municipalities close to Oslo. Recent years many Roma families have moved to Lørenskog municipality which is close to Oslo. Lørenskog municipality also receives funding for measures regarding school attendance.

### **Question b, iii)**

In 2022, the Norwegian government, the Norwegian Association of Local and Regional Authorities (KS) and several national NGOs signed a new declaration of leisure time for children. The declaration is directly based on CRC Article 31 and obligates the Government, municipalities, and NGOs to work to include all children in at least one leisure time activity.

The Government has also strengthened the national grants scheme for the inclusion of children and youth at risk of poverty or social exclusion. Through the grant scheme, municipalities and non-profit organisations can apply for funds for various activities, including local holiday and leisure activities, open meeting places and youth clubs, and part-

time and summer jobs aimed at youth and young adults. The scheme is funded by the state and managed by The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir).

### **Question c)**

*“Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.”*

Experience of the COVID-19 pandemic showed that the emergency response for safeguarding victims of domestic violence in times of crisis could be improved. The action plan for preventing and combating violence in close relationships from August 2021 therefore includes a separate chapter on comprehensive crisis management.

The aim of the measures in this chapter is to ensure that policies and measures in times of crisis have as little adverse impact as possible on people in vulnerable situations by integrating domestic violence consideration into emergency response measures. This involves using the experience gained from the COVID-19 pandemic to place the authorities in a better position from which to manage future emergencies more effectively. Victims of violence and abuse must be identified and receive the assistance and protection they need, even in times of crisis.

Furthermore, the Government established a coordination group at the directorate level. The purpose of the group was to gain knowledge about the consequences for children due to the infection control measures implemented. The group consists of directorates in the areas of children, families, health, justice, culture, kindergartens and schools. The group has provided regular reports to the Ministry of Children and Families.

### **Question d)**

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

#### **“Conclusions 2015”, Article 17.1, ‘Rights of children in public care’, para. 4:**

*“The Committee wishes to receive statistics about the number of children placed in foster or family type care as opposed to institutions. It also wishes to be informed of an average size of an institution.”*

The vast majority of families that receive help from the child welfare services are the beneficiaries of voluntary assistance measure. Of the total of 29.231 children aged 0-17 years that received assistance from Child Welfare Services by the end of 2021, 19.281 received assistance in their own home. The remaining 9.950 were placed in alternative care.

Foster care is the most common alternative when a child is moved out of the family home. Over the last few years, we see a reduction in the number of children placed in foster homes; from 10.345 children aged 0-17 years by the end of 2017 to 8.883 by the end of 2021. Of these, 2.621 lived in family-based foster care or in close network, 5.718 lived in other foster homes. The remaining 544 were placed in emergency care. Children under the age of 13 shall be placed in foster care rather than in a residential childcare institutions (RCCI).

Children above the age of 12 may be placed in a RCCI either for care or treatment. There has been a decline in the number of children and young people living in RCCI, from 1.242 children and youngsters at the end of 2017 to 971 at the end of 2021. 834 were children under the age of 18 years. In regard to children placed in RCCI at the end of 2021, 46 per cent had a care order made by the County Social Welfare Board, 30 per cent were placed in institutions as a support measure with the consent of their parents, and 9 per cent were placed after an

emergency decision. The remaining 15 per cent were in institutions based on behavioural problems, such as serious or repeated criminality, persistent abuse of intoxicants or drugs or in other ways.

These institutions are situated in normal residential areas with no more than a maximum of five to eight children living there at the same time. The children receive daily care and treatment provided by trained staff. These institutions are considered open, and the children participate in the daily life of the institution, attend regular schooling and take part in social activities in the local community.

**‘Conclusions 2015’, Article 17.1, ‘Young offenders’, para. 3:**

*“In its previous conclusion the Committee asked what was the maximum time-limit of pre-trial detention of a minor which could no longer be extended. It notes in this regard that with the above mentioned legislative amendments the previous four week-limits to pre-trial detention in Section 183 in the Criminal Procedure Act has been reduced to two weeks if the Court decides to remand a charged person in custody. It may be extended by order up to two weeks at a time. The Committee considers that the reduction to two weeks is a positive development. However, it asks again what is the maximum overall permissible limit to pre-trial detention, including extensions. It holds that if this information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter.”*

According to the Criminal Procedure Act, there is no maximum overall permissible limit to pre-trial detention of a minor, including extensions. There are, however, other case processing rules that may limit the pre-trial detention period for a minor. As a main rule the prosecution decision shall be prepared within six weeks after the minor was charged. In addition, the trial shall normally be started within six weeks after the case was sent to the district court.

In addition, The Ministry of Justice and Public Security has presented a proposal for the use of electronic monitoring as an alternative to pre-trial detention. The proposal covers all age groups, but may be particularly relevant for young accused between 15-24 years of age.

**‘Conclusions 2015’, Article 17.1, ‘Young offenders’, para. 5:**

*“In its previous conclusion the Committee noted that to avoid the occurrence of juveniles serving their sentences in prisons together with adults, Norway was establishing separate prison units for young offenders. The Committee wished to be informed of the results. The Committee notes that the evaluation is currently in progress and observes that the report does not provide any further information on this point. The Committee asks the next report to provide precise information about the measures taken to separate juveniles for adult prisoners both in pre-trial detention facilities as well as prisons. The Committee holds that if this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.”*

In accordance with the Convention on the Rights of the Child (CRC) Article 37 Section b), the Norwegian Penal Code Section 33 states that persons who were under the age of 18 at the time of an offence, may only be sentenced to unconditional prison when this is ‘particularly necessary’. If it is deemed necessary to imprison a minor, he or she is to be placed in a juvenile unit to separate them from adult offenders. There are two specific institutions established to receive offenders under the age of 18 in Norway. The units accept both detainees and convicts. The juvenile units have a multi-disciplinary team addressing his or her needs, both during pre-trial detention and the execution of sentences. These institutions

are characterized by a high staff-prisoner ratio and a cross-professional approach. There can be 4 young offenders at a time in each of the two juvenile units, 8 in total.

The evaluation report about the juvenile unit in the Bjørgvin prison<sup>4</sup> concluded that the juvenile unit mainly meets the basic requirements of the Convention on the Right of the Child. The exception is restrictions on contact with family due to long distances. There are also problems with isolation when there are few inmates.

From time to time there has been youth in prisons together with adults, due to capacity problems in the juvenile units. To ensure a customized follow-up of the youth there has been established separate youth teams in the adult prison. The youth teams are multidisciplinary and aims to teach the youth new skills related to coping with life and prepare them to a life outside prison. The team was also given special responsibility for young people who are transferred from youth units when they turn 18, and young people who self-isolate for various reasons.

**‘Conclusions 2015’, Article 17.1, ‘Young offenders’, para. 6:**

*‘According to the report, 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) was adopted 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. The Committee wishes to be kept informed of the implementation of these amendments.’*

Two new non-custodial sanctions for young offenders were implemented in Norway in July 2014. These sanctions, called ‘youth punishment’ and ‘youth follow-up’, are based on the principles of diversion and restorative justice, and are alternative criminal sanctions for offenders between 15 and 18 years of age at the time of the offence. The sanctions are executed by the Norwegian Mediation Service, which is a public service that provides restorative processes in penal and civil cases, and is further regulated in the Mediation Service Act.

Youth punishment will normally be an alternative to imprisonment, and youth follow-up an alternative to suspended imprisonment. Both sanctions require extensive supervision with the intention of preventing crime and reintegration of the young offender in society. The length of the sentence is determined by the prosecutor or court, and can be between six months and three years, depending on the type of sanction, the severity of the offence and the offender’s situation.

The aim of the two sanctions is to prevent children and young people from continuing to commit crime. To this end, two prerequisites are necessary: multi-agency cooperation and the involvement of the network of the offender. The offender is obliged to follow a time-limited, personal, interdisciplinary plan that is drawn up together with the offender, and must take responsibility and work on developing in a positive direction.

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<sup>4</sup> Ida Hydle and Elisabeth Gording Stang: Ungdomsenheten og det tverretatlige teamet ved Bjørgvin fengsel. En forskningsbasert evaluering. NOVA-Rapport 1/16.

The evaluation of the new sanctions<sup>5</sup> showed that many young offenders received help for their problems. However, the evaluation also shows that there are still some challenges. The Ministry of Justice and Public Security is working on a proposal to improve the youth sanctions.

From 2014 until September 2022 there are registered more than 450 cases of ‘youth punishment’ and approximately 3000 cases of ‘youth follow-up’.

## **Article 17, section 2 – Free primary and secondary education - regular attendance at school**

### **Question a)**

*“a) What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, Conclusions 2019).”*

Measures against bullying have been further strengthened in recent years. The three most important measures against bullying in schools are:

- The new regulations on school environment that came into force on 1 August 2017 (Act relating to Primary and Secondary Education and Training (the Education Act)).
- A comprehensive competence package that will strengthen the employees' ability to prevent and deal with bullying in both kindergarten and schools.
- The arrangement with bullying representatives in all counties for children in kindergarten and pupils in school. The scheme has been evaluated (Evaluation of the scheme with county-wise bullying representatives for kindergartens and primary schools. Extension to a nationwide scheme 2018–2020.<sup>6</sup>

*“b) What measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children’s specific learning environments)? (General question, Conclusions 2019).”*

In connection with the renewal of the curricula in primary and lower secondary school and joint subjects in upper secondary education, three interdisciplinary themes have been selected. Public health and coping with life, democracy and citizenship, and sustainable development. The interdisciplinary themes are reflected in the curricula and should be worked with on the premises of the individual subjects. The curricula have been introduced from the 2020–2023 school years. From the Core curriculum, Democracy and participation, the following is stated:

‘School shall provide the pupils with the opportunity to participate in and learn what democracy means in practice. The teaching and training shall promote belief in democratic values and in democracy as a form of government. It shall give the pupils an understanding of the basic rules of democracy and the importance of protecting them. Participating in society means respecting and endorsing fundamental democratic values, such as mutual respect, tolerance, individual freedom of faith and speech, and free elections. Democratic values shall be promoted through active participation throughout the entire learning path.’

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<sup>5</sup> Therese Andrews and Ann Kristin Eide: *Mellom hjelp og straff – fungerer nye straffereaksjoner for ungdom etter intensjonen?* NF-rapport nr. 2/2019.

<sup>6</sup> [NOVA Rapport 11/20 \(oslomet.no\)](https://www.oslomet.no/NOVA-Rapport-11/20). Only available in Norwegian.

‘School must be a venue where children and young people experience democracy in practice. The pupils must experience that they are heard in the day-to-day affairs in school, that they have genuine influence and that they can have impact on matters that concern them. They must gain experience and practise different forms of democratic participation in the day-to-day work with their subjects, and through such bodies as pupil councils and advisory bodies. The dialogue between teacher and pupils, and between the school and the home, must be based on mutual respect. When the voices of the pupils are heard in school, they will experience how they can make their own considered decisions. Such experiences have a value in the here and now, and prepare the pupils for becoming responsible citizens in society.’

*“c) What measures have been taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children)?”*

In May 2021, The Norwegian Government set down a working group to assess the consequences of the pandemic on schools and suggest appropriate compensating measures for children, students and employees on all levels of the primary and secondary education system. The working group delivered their report in June 2021 (the Parr-report), and concluded that the consequences of the pandemic on students varied greatly both geographically and between individual students. The report observed that many vulnerable students and groups of students who also struggled before the pandemic, were likely to suffer more negative consequences than other students.

The majority of the measures proposed by the Parr-report concerns strengthening existing structures in the school system, particularly for the most vulnerable students, as well as targeted measures that must be considered and implemented on local level. The findings and recommendations of the Parr working group have later been supported by research and recommendations from the Directorate of Education, and has been influential in shaping the Government’s recovery policies.

In order to give municipalities and counties the necessary economic leeway to implement targeted measures locally, special grants have been allocated from 2020 through 2022. 580 million NOK were allocated in 2020-2021 for measures to compensate for negative consequences of the pandemic in schools, and a further 291 million NOK were allocated for this purpose in 2022. In the allocation of these grants areas that were hard hit by the pandemic, and that consequently had the strictest containment measures in place, were prioritised. From late spring 2021, these resources could also be used for measures in day-care centres. In 2021, 500 million NOK were also allocated to municipalities that arranged summer schools for students, in order to compensate for academic and social loss during the previous school year.

The Ministry of Education continues to monitor the short- and long-term consequences of the pandemic on schools and day-care centres. During the pandemic, the Ministry received regular reports from the County Governors through the Directorate of Education. The Directorate still monitors available statistics, surveys and the national test system for information about possible consequences, and regularly publish reports on this topic. Several research projects have been commissioned by the Ministry through the Directorate to get more information about the consequences for schools and day-care centres, including a long term project to monitor consequences for students in lower secondary education.

*“d) Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to*

*access free, quality public education (based on a Statement of Interpretation from Conclusions 2019)."*

Children and young people have the right to a public primary and lower secondary education free of charge. Young people who have completed primary and lower secondary education or the equivalent have the right to three years' full-time upper secondary education and training free of charge. State allocation of resources to private education does not change these fundamental rights.

*"e) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised."*

**'Conclusions 2015', Article 17.2, para 5:**

*'The Committee wishes to be informed about the statistics as regards absenteeism, enrolments and drop out rates of Roma children as well as all children.'*

Norway does not have this type of statistics on Roma children or any other group or national minority. The table shows the median for the number of days and hours of absence for pupils in the 10th grade, as shown on the certificate ([Tall for fravær på 10. trinn \(udir.no\)](http://Tall%20for%20frav%C3%A6r%20p%C3%A5%2010.%20trinn%20(udir.no))). Share of pupils/apprentices who have completed upper secondary education within five/six years in 2015 to 2021 are 80.4 percent ([Completion rates of pupils in upper secondary education \(ssb.no\)](http://Completion%20rates%20of%20pupils%20in%20upper%20secondary%20education%20(ssb.no))).

**'Conclusions 2015', Article 17.2, para 6:**

*'The Committee also asks whether irregularly present children have a right to education.'*

The right to primary and lower secondary education applies when it is probable that the child will reside in Norway for a period of more than three months. This right must be met as soon as possible and at the latest within one month. The residence status of the child is not decisive in this context - irregularly present children in Norway have the same right to education as legally present children.

## **Article 19 – The right of migrant workers and their families to protection and assistance**

*"No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised."*

### **Article 19, section 1 - Assistance and information on migration**

**"Conclusions 2015", Article 19.1, "Change in policy and the legal framework", para. 1**

*"According to the report, an 'Action Plan to Promote Equality and Prevent Ethnic Discrimination 2009-2012' was adopted in 2009. The Committee asks for details on the initiatives contained within this Action Plan and on the steps taken to implement it. The report mentions that the results of the plan, which was extended throughout 2013, included increased awareness of ethnic discrimination, and a successful tripartite model for cooperation between employers and employees."*



*higher than among those born in Norway. It asks the government to comment on these figures, and to indicate any measures which are being taken to ensure that discrimination against migrant workers is eradicated.”*

### Overall Integration Policy Goals for the Government

The government is carrying out a major integration reform, where the introduction of the Integration Act is central. Investment in education, qualification and competence is central to the new integration act, which will collectively contribute to more immigrants, and in particular refugees, being quickly integrated into Norwegian society, gaining a lasting connection to working life and becoming financially independent.

For successful integration, it is important that those who live in Norway learn Norwegian and get into work or education. There is therefore now a requirement to participate in Norwegian education for recipients of financial social assistance who, due to a lack of Norwegian skills, are not self-sufficient.

### *Registered unemployment, by region of origin. October 2022 and change from October 2021*

	Number of persons	Per cent of work force	Percentage points	Per cent
Total	45 406	1.6	-0.6	-27.3
Non-immigrant population	25 108	1.0	-0.5	-33.3
All immigrants	20 298	3.9	-1.6	-29.1
Europe	9 597	3.2	-1.4	-30.4
North- and South America and Oceania	713	2.7	-1.5	-35.7
Asia	6 101	4.3	-1.8	-29.5
Africa	3 887	6.6	-2.7	-29.0

Source: NAV

Ethnicity is the fourth largest category of cases addressed to The Equality and Antidiscrimination Ombud.<sup>11</sup> In 2021, the Ombud received 257 inquiries concerning ethnic discrimination. Most of these cases concern discrimination in work life. The Anti-Discrimination Tribunal handles individual complaints about discrimination, and complaints about incomplete/lack of statement of equality work by employers.

The Government provides a grant to Agder County Council for the Equal Employment certification scheme. In order to be certified as an equal opportunity business, companies must document systematic work and procedures within seven areas of intervention. The certification can give the company a reputation as an attractive and diverse workplace.

### New policies and measures – Working life and wages

The Government presented its action plan to combat social dumping and work-related crime in October 2022. The action plan was developed through dialogue with the main employer and employee federations. The action plan focuses on, among other things, strengthening

<sup>11</sup> The Equality and Anti-discrimination Ombud shall work to promote genuine equality and prevent discrimination in all sectors on the basis of, among other things, ethnicity (which includes national origin, descent, skin colour and language), religion and belief.

cooperation with the social partners, strengthening labour rights, the prevention of worker exploitation and increased knowledge about work-related crime.<sup>12</sup>

NAV-offices provide social services, and each municipality is responsible for assessing the need for social assistance, including financial assistance. Such assistance is intended to secure a person's income to cover his or her basic subsistence costs temporarily. The aim is to help persons to become financially independent as soon as possible. Many non-labour immigrants, who have poor Norwegian language skills, face great difficulties finding a job. Compared to the rest of the population, there is a higher proportion of immigrants who receive some form of social assistance, especially among those with a refugee background.

To enable immigrants to achieve a higher level of Norwegian language skills, the *Social Services Act* sets language training as a condition for receiving financial assistance.

NAV offers integration support as part of its mainstream services for ordinary job seekers and vocationally disabled and may also provide additional targeted assistance to immigrants in coordination with the municipalities. Immigrants from non-EU/EFTA member countries are given priority for access to *active labour market programs* (ALMPs), like those given to members of other potentially disadvantaged groups. Labour market measures are an important tool for reducing unemployment and increasing employment.

#### New policies and measures – Labour market and social policy

Over the last years the opportunity for adults to complete upper secondary school has been strengthened. Many of those registered at NAV lack qualifications and need adapted education and training to qualify for work. The possibility to combine training and education with unemployment benefits has been eased. As of October 2021, persons who are fully unemployed or fully laid off are eligible for education while receiving unemployment benefits. There are certain conditions they must comply, related to having acquired a certain age and having absolved a prior mandatory job seeking period.

The Diversity Award is awarded each year. This is the government's award for outstanding use of immigrants' competence in the labour market. The purpose of the award is to promote ethnic diversity, improve the utilization of immigrants' competence and increase recruitment of immigrants in the labour market. Through the Diversity Award, good examples are honoured and presented as an inspiration and example for others. The award is presented in all counties and on a national level.

Grants for initiatives to increase ethnic diversity in the labour market are available for enterprises in the private and public sectors, that may apply for grants to implement initiatives to enhance diversity. These initiatives may seek to improve recruitment practices or raise competence in diversity management. IMDi provides advice and guidance to employers on these issues.

#### Unemployment

The COVID-19 pandemic, and the following restrictions, led to a dramatic increase in the registered unemployment rate, both among resident immigrants and among the native population. Much of the increased unemployment was caused by temporary layoffs. The increase in percentage points from 2019 to 2020, was larger among immigrants, but the relative change was somewhat larger among natives. Over the past year, the unemployment rate has dropped for all population groups. The registered unemployment rate among immigrants was 3.9 per cent at the end of October 2022, a decrease of around 1.6 percentage

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<sup>12</sup> [Handlingsplan mot sosial dumping og arbeidslivskriminalitet](#). (only in Norwegian)

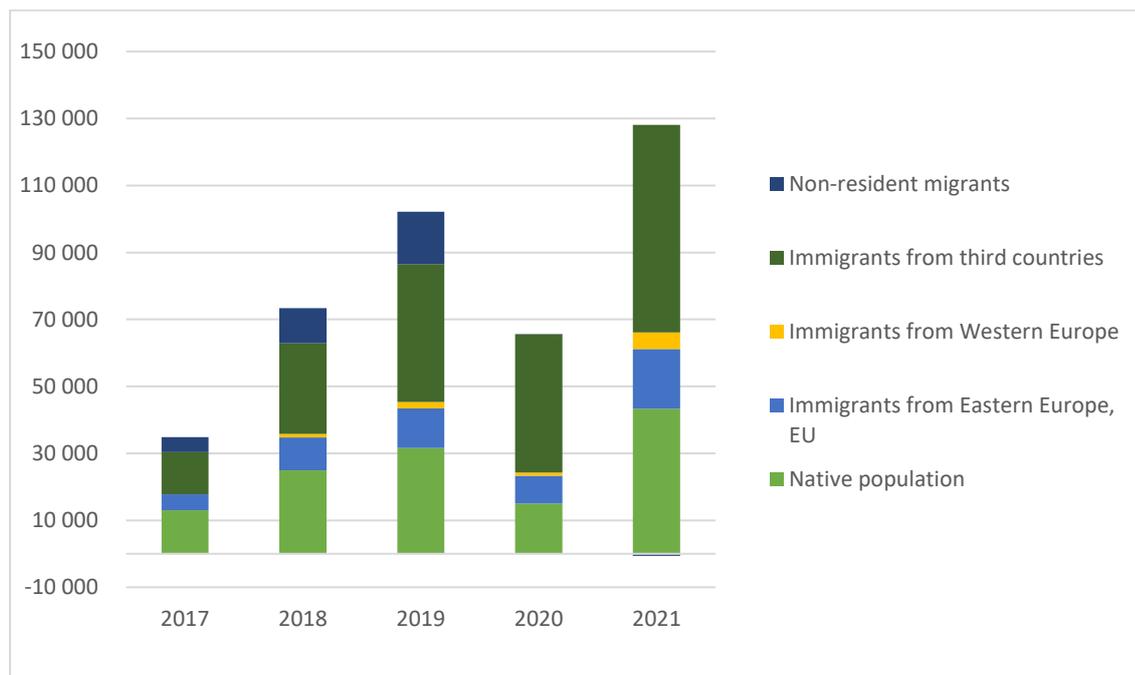
points or 29 per cent from the same period in 2021. Among the rest of the population, unemployment also fell by around 30 per cent in the same period. The unemployment rate was approximately four times higher for immigrants than for the native population at the end of October 2022.

### Employment

Labour migration has had a significant impact on the Norwegian labour market during the past 15–20 years, mainly due to the enlargement of the EU followed by a long period of strong demand for labour in Norway. The economic slowdowns in 2008/2009 and in 2014 did lead to lower labour migration to Norway and to lower employment among immigrants than in the years before and after. Similarly, labour immigration and employment fell during the pandemic. The development in 2021 was characterised by a strong recovery.

The chart below shows the importance of immigrants for employment growth during the economic upturn from late 2016 until 2019. Following the outbreak of COVID-19, the employment declined both among natives and among immigrants, especially non-resident workers. Since then, there has been a sharp increase in employment, especially among third-country nationals who accounted for one third of the employment growth last year.

*Accumulated employment growth 2017–2021 by population group, fourth quarter. Persons. Age 20–66*



Source: Statistics Norway

The share of immigrants and persons on short-term stay in the total employment did increase from roughly 13 per cent in the fourth quarter of 2009 to 21 per cent in 2021. The growth in immigrants' share of the total employment in this period has been mainly due to immigration from EU-member countries in Central and Eastern Europe. There has also been a noticeable rise in the share of persons from outside the EU in the Norwegian labour force.

### **“Conclusions 2015”, Article 19.1, “Measures against misleading propaganda relating to emigration and immigration”, para. 8**

*“The Committee recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on*

*Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information. It considers that in order to combat misleading propaganda, there must be effective organs to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. It therefore asks what mechanisms exist in Norway to perform these functions.”*

The *Norwegian Constitution* article 98 states that ‘All people are equal under the law. No human being must be subject to unfair or disproportionate differential treatment.’

The *Equality and Anti-Discrimination Act*<sup>13</sup> prohibits direct and indirect discrimination on the grounds of ethnicity, religion and belief. National origin, descent, skin colour and language are all aspects of ethnicity, according to the Act. Furthermore, participation in discrimination based on ethnicity is prohibited by law. This covers harassment. It is prohibited to instruct any person to discriminate, harass or retaliate. Retaliating against a person who files or intends to file a complaint about discrimination on the grounds of ethnicity, is prohibited. The Act explicitly prohibits discrimination by association. This applies if a person is discriminated against based on his/her connection with another person, and this discrimination is based on the other person's ethnicity or other personal characteristics.

Furthermore, the *Equality and Anti-Discrimination Act* states that *all employers* have a duty to make active efforts to promote equality and to prevent discrimination on the grounds of ethnicity, religion and belief. This includes a duty to seek to prevent harassment, sexual harassment and gender-based violence. The equality efforts shall encompass the areas of recruitment, pay and working conditions, promotion, development opportunities, accommodation and the opportunity to combine work with family life. All employers, regardless of size and sector, are obliged to document their equality and anti-discrimination work.

Public enterprises regardless of size, and private enterprises with more than 50 employees, shall apply a specified and systematic work method with four steps, when working proactively for equal opportunities in the enterprise. This duty also covers private enterprises with 20 to 50 employees, if requested by the employees or employee representatives. Thus, medium-sized private enterprises shall, to a greater extent than before, systematically investigate and analyse risks and causes of discrimination on the grounds of ethnicity. Enterprises with obligations to follow the four-step method, are obliged to report on their equality work. This report shall be given in the annual report or another document available to the general public.

Labour unions and employer associations are also obliged to promote equality and prevent discrimination on the grounds of ethnicity, religion and belief.

Public authorities have a special responsibility to promote equality and prevent discrimination. According to the *Equality and Anti-Discrimination Act*, public authorities shall make active, targeted and systematic efforts to promote equality and prevent discrimination on (among others) the grounds of ethnicity in all their activities. The duty also includes an obligation for to preclude harassment, sexual harassment and gender-based violence, and to counter stereotyping. Public authorities also have an obligation to issue a statement on what they are doing to integrate considerations relating to gender and non-

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<sup>13</sup> [Act relating to equality and a prohibition against discrimination \(Equality and Anti-Discrimination Act\) - Lovdata](#)

discrimination into their work. Public authorities shall describe what they are doing to convert equality and non-discrimination principles, procedures and standards into action. Public authorities shall provide an assessment as to what has been achieved as a result of these efforts, and outline expectations with regards to future efforts in this area. The statement shall be provided in the annual report, another report issued annually or another document available to the public.

### Agencies promoting equality and non-discrimination

Since 2014, *the Directorate for Children, Youth and Family Affairs*<sup>14</sup> has been given responsibilities related to equality and non-discrimination in connection with ethnicity, religion, and belief. The directorate coordinates the *Forum on Ethnic Discrimination*, a meeting place for central government actors that is intended to help ensure that ethnic minorities do not suffer discrimination in public services. The directorate also organises dialogue meetings with immigrant organisations and representatives of national minorities and the Sami population. The directorate are responsible for implementing several of the Government initiatives against racism and discrimination. The directorate has developed an online resource that gathers figures, statistics and research that address aspects of living conditions and equality of ethnic and religious minority groups.<sup>15</sup>

*The Equality and Anti-Discrimination Ombud (LDO)*<sup>16</sup> acts as a proactive agent for equal opportunities. LDO has a consultative and advisory service for individuals as well as private and public employers. This service is free of charge. Disseminating good examples and methods, and improving the understanding of the issues in question, are important aspects of LDOs work. LDO also monitors that Norwegian law and administrative practice are in accordance with Norway's obligations under the conventions *UNCERD*, *UNCEDAW* and *UNCRPD*. LDO has the mandate to supervise the activity duty of public authorities and employers, as well as their new duties to issue a statement on their equality work according to the *Equality and Anti-discrimination Act*. LDO is entitled to make follow-up visits to enterprises and may require access to the enterprises' documentation relating to the employers' equality and anti-discrimination work.

Ethnicity is the fourth largest category of cases addressed to LDO. In 2021, the Ombud received 257 inquiries concerning ethnic discrimination. Most of these cases concern discrimination in work life. *The Anti-Discrimination Tribunal*<sup>17</sup> handles individual complaints about discrimination, and complaints about incomplete/lack of statement of equality work by employers. The enforcement system consists of only one body. Appeals for the Tribunal's decisions shall be referred to the court system. The Tribunal can award compensation in discrimination cases.

### Action plans and strategies

Racism and discrimination based on ethnicity and religion affect many different groups in Norwegian society. While the challenges they face differ, they also have some common features. In recent years, measures against racism and discrimination have been strengthened through two action plans:

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<sup>14</sup> [Diskriminering og holdninger til etnisk og religiøst mangfold i utdanning \(bufdir.no\)](#)

<sup>15</sup> [Samer, nasjonale minoriteter og personer med innvandrebakgrunn \(bufdir.no\)](#) (only in Norwegian)

<sup>16</sup> [LDO - LDO-English page](#)

<sup>17</sup> [Diskrimineringsnemnda](#)

The *Action Plan against Racism and Discrimination on the Grounds of Ethnicity and Religion* for 2020 – 2023<sup>18</sup> is a comprehensive action plan and contains a total of 50 measures in many different areas, including work life, housing and health, research and knowledge, education, public debate, and public service.

The aim of *The Action Plan to combat Discrimination and Hatred towards Muslims (2020 – 2023)*<sup>19</sup> is to prevent and deter racism and discrimination against Muslims and persons believed to be Muslims. The action plan contains 18 measures within the following four priority areas: 1. Dialogue and meeting places; 2. Safety and security; 3. Knowledge of and competence on discrimination and hatred towards Muslims; 4. Efforts against discrimination and hatred outside Norway.

#### New policies and measures – Equality and discrimination

In 2021, the Government established a dedicated grant scheme against racism, discrimination, and hate speech.<sup>20</sup> The objective of the scheme is to facilitate local, regional, and national involvement and support initiatives and activities that seek to promote diversity and dialogue, and counteract racism, discrimination, and hate speech.

The Government will increase the efforts against online harassment and continue to put these issues high on the political agenda.

The *Freedom of Speech Commission*<sup>21</sup> has examined the extent and conditions for freedom of speech on a broad basis.<sup>22</sup> The commission finds that the current situation for freedom of expression in Norway is very good. There is a wide range of voices and perspectives in public discourse, also from minority groups. However, there appears to be a clear and worrisome trend where vulnerable minorities in society are subjected to considerable harassment when expressing themselves in public. At the same time, the Commission warns against an overly negative portrayal of the public sphere. The Government will consider the Commission's recommendations after a broad public hearing.

The Government has started drafting a new action plan against racism and ethnic discrimination. The plan will be launched in 2023. The focus areas in the plan are racism and discrimination in the labour market and in other areas that particularly affect young people. Public meetings where NGOs and others can present their propositions and give direct feedback to government representatives are an important part of the drafting process.

#### **“Conclusions 2015”, Article 19.1, “Measures against misleading propaganda relating to emigration and immigration”, para. 11:**

*“The Committee recalls that States must also take measures to raise awareness amongst law enforcement officials, such as awareness training of officials who are in first contact with migrants. According to the report, in November 2012, the director of public prosecutions held a seminar on hate crime and racism; in 2013 he issued a circular to the effect that hate*

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<sup>18</sup> <https://www.regjeringen.no/en/dokumenter/the-norwegian-governments-action-plan-against-racism-and-discrimination-on-the-grounds-of-ethnicity-and-religion-2020-2023-extracted-version/id2681929/>

<sup>19</sup> [Action plan to combat discrimination and hatred towards Muslims \(2020-2023\) - regjeringen.no](#)

<sup>20</sup> [Tilskudd til tiltak mot rasisme, diskriminering og hatefulle ytringer | Bufdir](#)

<sup>21</sup> [Ytringsfrihetskommisjonen \(ykom.no\)](#)

<sup>22</sup> The mandate is available in English [here](#). English summary of the report from page 328 and onwards here: [NOU 2022: 9 \(regjeringen.no\)](#)

*crime should be given special attention. The Committee asks for further information on the training of police officers and other officials dealing regularly with migrants.”*

We refer to the information provided under article 19.1 above.

**“Conclusions 2015”, Article 19.1, “Measures against misleading propaganda relating to emigration and immigration”, para. 12:**

*“An action plan on increasing employment among immigrants (2013 to 2016) and the National Strategy for immigrants’ health 2013-2017 were adopted; but according to ECRI, as of December 2014 the new government has not taken any initiative to develop a new general action plan. The Committee requests that the next report provide up to date information on all measures taken in practice to combat misleading propaganda relating to migrants.”*

We refer to the information provided under article 19.1 above.

**“Conclusions 2015”, Article 19.1, “Measures against misleading propaganda relating to emigration and immigration”, para. 13:**

*‘The Committee recalls that States have an obligation to take measures or undertake programmes to prevent the dissemination of false information to departing nationals, as well as to prevent the misinformation of foreigners wishing to enter the country. Authorities should take action in this area as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia). The Committee asks what other steps are being taken to combat human trafficking and other abuses of potentially vulnerable migrants.’*

On Norway’s action against human trafficking, we refer to our latest report and evaluation round on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, transmitted to GRETA.<sup>23</sup>

In addition, we refer to the new Action Plan to combat social dumping and work-related crime, which was launched by the Government 1 October 2022. Safe employees in permanent full-time positions provide the best protection against low-wage competition and exploitation. Pay and employment conditions according to the national standard shall apply to all those who come to Norway to work. This is necessary for us to prevent and combat work-related crime. The Action Plan has several measures to combat human trafficking and other abuses of particularly vulnerable migrants.

We refer to measures 14 to 16 on improving information to migrant workers and their employers, measure 17 on strengthen assistance for workers who are exploited and victims of human trafficking and forced labour, and measure 31 on strengthening inter-agency cooperation. The Action Plan may be found in English here:

<https://www.regjeringen.no/contentassets/d7c0a27fb108424eae30bed75041c2aa/action-plan-to-combat-social-dumping-and-work-related-crime-2022.pdf>

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

**“Conclusions 2015”, Article 19.2, “Departure, journey and reception of migrant workers”, para. 3:**

*“Reception must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures (Conclusions IV (1975), Germany).*

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<sup>23</sup> <https://www.coe.int/en/web/anti-human-trafficking/norway>

*Reception means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV, (1975)) Statement of interpretation on Article 19§2). The Committee asks what specific steps are taken in the period following the arrival of migrants to assist them with matters such as those mentioned in the case-law of the Committee.”*

People who both have legal and habitual residence in Norway have full rights under the Act on Social Services in the Labour and Welfare Administration (Lov om sosiale tjenester i arbeids- og velferdsforvaltningen), including the right to receiving financial social assistance if needed. Membership of the National Insurance Scheme is not a prerequisite for having rights under the act.

Financial assistance is a temporary assistance for those who are unable to financially support themselves. The act also includes the right to temporary accommodation for persons who have no place to stay the following night and are not able to find this on their own. Everyone has the right to apply for financial assistance and temporary accommodation, and to have NAV conduct an individual assessment of their case.

In order to be considered having habitual residence in Norway, it is a prerequisite that the stay is legal and intended to be of a certain duration. It is the connection to Norway that is decisive for whether a person is considered to have habitual residence.

In the absence of habitual and/or legal residence in Norway, a person is only entitled to financial assistance in emergency situations and may be entitled to financial benefits and temporary accommodation until it can be expected that it will be possible to obtain assistance from sources in the home country.

Further, public services shall provide equal opportunities for all. The principle of mainstreaming in the public sector requires that national, regional and local authorities take responsibility for adapting their services to the diverse needs of the qualified users.

The *Interpretation Act* was implemented from January 1, 2022. It covers interpretation services in the public sector. The Act implies a duty for public agencies to use qualified interpreters when this is necessary to ensure the rule law or to provide proper assistance and services. Due to the current lack of qualified interpreters, there is a dispensation from the duty to use qualified interpreters, until 31 December 2026 cf. Section 7, last paragraph.

A commission on how to improve integration of labour immigrants started its work in august 2021. The commission will review the competencies, employment, income and working conditions for labour immigrants over time, as well as participation in the civil society and experiences of discrimination.

The online information webpage “New in Norway” is currently being updated to a new platform: [Nettstedet "Ny i Norge" | IMDi](#)

**“Conclusions 2015”, Article 19.2, ‘Departure, journey and reception of migrant workers’, para. 4:**

*“The report states that the Norwegian Labour and Welfare Administration comprises 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. The report indicates that these services are “guaranteed to all citizens, including migrant*

*workers”. The Committee notes from the Labour and Welfare Office’s website (www.nav.no) that membership of the National Insurance Scheme may be based upon residence or employment in Norway. It is necessary to have permission to stay in Norway for at least one year, in which case, subscription to the Insurance Scheme begins on the day of entry into Norway. It further notes from the abovementioned website that “entitlement to full rights under the law is contingent on being permanently and legally resident in Norway”. The Committee asks that the next report detail clearly what services are available, in particular to migrants with temporary residence permits, upon arrival in Norway.”*

The quoted description of the provisions concerning coverage under the Norwegian National Insurance Scheme may not be altogether accurate. It is true that such coverage may be based on residence or employment in Norway. It is furthermore true that in cases where the coverage is solely based on residence in Norway, there is a requirement that the stay is intended to last at least 12 months or have actually lasted 12 months. In both these cases, the person in question will be covered under the National Insurance Scheme from the day of entry.

A person who is staying in Norway for a shorter period than 12 months, will not become insured under the National Insurance Scheme based solely on residence in Norway. However, if the person is occupationally active in Norway, he or she will become insured under the National Insurance Scheme based on the employment. In these cases, there are no requirement regarding the length of the stay or the employment. As a matter of fact, the person in question may live abroad, and commute to Norway for work, and still be covered under the National Insurance Scheme from the first day of employment.

For persons who claim coverage on the basis of residence, it is required that they have a legal right to stay in Norway. For persons who claim coverage on the basis of employment, it is required that they have a legal right to work in Norway. As a general rule, all persons who are working as employees in Norway, are compulsorily insured under the National Insurance Scheme. This includes also migrant workers with temporary residence permit in Norway. Through the membership the migrant workers are entitled to for instance health care in Norway.

Access to specific benefits, like *unemployment benefit*, depends on whether the conditions set out in the National Insurance Act are met. As regards migrant workers from third countries (countries outside the EEA), i.e. qualified skilled workers and seasonal workers, they have no right to unemployment benefits as long as they have a temporary residence permit as workers in Norway. The reason for this is that they have been temporary granted residence in Norway for special types of jobs and are not qualified as genuine job seekers in the National Insurance Act.

Exceptions from the provisions described above may follow from bilateral or multilateral instruments of social security coordination.

Persons covered under the National Insurance Scheme will have access to all the traditional branches of social insurance, as set out in the European Code of Social Security and ILO C102.

Persons who are not covered under the National Insurance Scheme, will not have access to any benefits under the scheme, unless they derive such rights from a person who is covered.

More information can be found on the websites:

<https://www.nav.no/en/Home>

<https://www.regjeringen.no/en/dokumenter/the-norwegian-social-insurance-scheme-2022/id2478621/>

**“Conclusions 2015”, Article 19.2, “Departure, journey and reception of migrant workers”, para. 6:**

*‘The Committee asks that the next report provide a full and up to date description of the situation with regard to the rights and opportunities of migrants upon arrival in Norway.’*

We refer to the information provided above under article 19.2.

**“Conclusions 2015”, Article 19.2, “Services for health, medical attention and hygienic conditions during the journey”, para. 1:**

*“The Committee recalls that the obligation to "provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey" relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. The Committee considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the state is not responsible. In such cases, the need for reception facilities would be all the greater (Conclusions V (1975), Statement of interpretation on Article 19§2). The Committee requests details of any measures taken in regard of collective recruitment, if it should occur.”*

Collective recruitment as described above does not occur in Norway.

### **Article 19, section 3 – Co-operation between social services of emigration and immigration states**

**“Conclusions 2015”, Article 19.3, para. 6:**

*“The Committee asks under what circumstances it is envisaged that contact may be made, and who would be responsible for establishing the connections. It requests that the next report provide evidence that such cooperation is possible and/or occurs in specific situations. It considers that should the next report fail to provide this information, there will be nothing to establish that the situation is in conformity with the Charter.”*

The Act on Social Services in the Labour and Welfare Administration (Lov om sosiale tjenester i arbeids- og velferdsforvaltningen) states that the municipality shall give information, advice and guidance that can contribute to solving or preventing social problems. If the municipality cannot itself give such help, it shall as far as possible ensure that others do. This service is based on the needs of the person and if necessary, contact with corresponding services in the migrant workers’ home country must be made on a case-by-case basis. As regards to claiming unpaid wages or benefits, we would like to note that the NAV-office and/or through information on nav.no (chat or phone calls) can give information regarding benefits from Norway and requirements pertaining to specific countries/national insurance agreements.

We also emphasise that if a worker has returned to his or her home country after having worked in Norway, but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he/she was employed, various resources are still available, such as the Service Centre for Foreign Workers, or the Labour Inspection Authority.

## Article 19, section 4 – Equality regarding employment, right to organise and accommodation

“Conclusions 2015’, Article 19.4, “Remuneration and other employment and working conditions”, para. 9:

*“The Committee asks that the next report provide statistical data and other evidence concerning the work of the Labour Inspection Authority, in particular in relation to the number of violations concerning the employment of migrant workers.”*

Below are statistics available from the Norwegian Labour Inspection Authority regarding the number of inspections and violations of working conditions regarding migrant workers. The statistics are divided into relevant industries:

Number of inspections of violations of rules regarding the minimum wage divided by work areas. Supervision has been carried out in the period 2017 – 2021*		
Industry	Inspections	Violations
Construction	3 451	19 %
Accommodation, serving and catering	2 461	31 %
Freight transport	859	20 %
Agriculture	419	14 %
Cleaning	206	18 %
Passenger transport	206	33 %
Electrical	221	5 %
Fishing	65	14 %
Shipyard	17	18 %
<b>TOTAL</b>	<b>7 647</b>	<b>23 %</b>

\* Several regulations regarding the minimum wage may be checked in the same inspection. The total number of inspections will consequently be lower than the sum of inspections within the various areas.

“Conclusions 2015”, Article 19.4, “Membership of trade unions and enjoyment of the benefits of collective bargaining”, para. 1:

*“The report states that wages in Norway 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 the regulations of general application. Migrant workers have the same rights as other workers to join trade unions and to enjoy the benefits of collective bargaining. The Committee asks how this right is ensured in practice.”*

Through a number of different agency-specific information channels and meeting places, extensive information work is carried out to help migrant workers and employers to safeguard their rights and obligations. There are several websites that are results of collaborative projects between several agencies such as [www.workinnorway.no](http://www.workinnorway.no) (which is an online guide for, among other things, migrant workers and Norwegian employers who are going to recruit migrant workers in Norway) and [www.knowyourrights.no](http://www.knowyourrights.no) (which is an information campaign aimed at migrant workers in Norway, where the purpose is to make

them better informed about rights and obligations as an employee in Norway.). The campaign consists of films, postcards and posters, in addition to the campaign's website at arbeidstilsynet.no. The campaign is available in Norwegian, English, Bulgarian, Romanian, Estonian, Lithuanian, Ukrainian, Polish and Russian.

Further, public authorities have established several measures to reach migrant workers with information and guidance. The Service Centers for Foreign Workers (SUA) is an interagency collaboration between the Swedish Tax Agency, the police, the Norwegian Directorate of Immigration and the Norwegian Labour Inspectorate. The first center was established in Oslo in 2007. Since then, there have also been established such inter-agency centers in Stavanger, Bergen, Trondheim and Kirkenes. The purpose is to contribute to rapid application processing and customized guidance for migrant workers and their family members.

We also want to note that the government's action plan against social dumping and workplace crime also proposes several measures with the aim of increasing the knowledge about the Norwegian labour market, and to increase the degree of organisation among migrant workers.

**“Conclusions 2015”, Article 19.4, “Membership of trade unions and enjoyment of the benefits of collective bargaining”, para. 3:**

*“The Committee refers to the Statement of Interpretation on Article 19§4 in the General Introduction (Conclusions 2015) and asks for information concerning the legal status of workers posted from abroad, and what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining.”*

The national legislation regarding working conditions for posted workers is adopted in the Working Environment Act and Regulation of 16 December 2005 No 1566 relating to posted workers. The Regulation establishes which parts of national labour law that apply to posted workers in Norway, regardless of which country's law otherwise regulates the employment relationship.

The main objective of this legislation is to ensure equal treatment for national workers and posted workers in Norway in the field of labour law, and particularly when it comes to pay and working conditions.

The Regulation requires that national legislation regarding minimum pay, working hours and overtime pay, paid annual leave, occupational safety and health, conditions for temporary agency work and non-discrimination in work life (including the right to trade union membership and collective bargaining), apply to posted workers in the same manner as for national workers from the first day of the posting period.

The Labour Inspection Authorities supervises compliance with Regulation.

The Government has recently adopted amendments in the Posting Regulation, which among other things, imply that if the posting period extends 12 months, additional parts of the national labour law apply to posted workers, e.g. the rules regarding protection of whistleblowers. The amendments will enter into force 1<sup>st</sup> January 2023.

The Norwegian legislation regarding equal treatment for posted and national workers is based on and in compliance with the relevant EU/EEA-law.

**“Conclusions 2015”, Article 19.4, “Accommodation”, para. 6**

*“The Committee concludes that the situation in Norway is not in conformity with Article 19§4 of the Charter on the ground that a two-year residence requirement for eligibility for*

*municipal housing, as applied by some municipalities, is excessive and constitutes a discrimination against migrant workers and their families.”*

Obtaining a home in Norway is primarily a personal responsibility, and most households own their own homes. As a consequence, the public sector's role is to assist disadvantaged in the housing market so that they can take care of themselves. The municipalities have been given the primary responsibility for providing housing for disadvantaged groups. They are required by law to contribute to obtaining homes for people who are not able to ensure their own interest in the housing market. Public social housing is one of several means most municipalities find suitable.

Many municipalities have guidelines as to whom should be given priority, e.g. which groups should be given priority in the allocation of social housing, and residence requirements as part of their criteria for public social housing. This applies to all applicants for municipal housing, both Norwegian citizens moving from one municipality to another and migrant workers and their families.

Municipalities that practice residence requirements state that it is a necessary measure to limit the demand for municipal housing. The public social housing sector in Norway is relatively small (4,5–6,5 percent of the rental housing in the major cities), and the municipalities are dependent on strict rules for allocating the dwellings at their disposal. A two-year restriction will for instance curb the influx of applicants to major cities. Social rental housing is not recommended as permanent accommodation in Norway and is regarded as a temporary solution. The goal is instead to help people to help themselves. In general, public social housing will not be a natural option for people with a stable salary.

#### **“Conclusions 2015”, Article 19.4, “Accommodation”, para. 9**

*“According to the report, 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. However, the government avers that discrimination is difficult to prove, as discrimination is legitimised or explained through other causes. The Committee therefore asks what other steps have been taken to reduce the incidence of discrimination in the housing market, for example, awareness campaigns.”*

The Ministry of Local Government and Regional Development is now working on getting more knowledge on discrimination in the housing market through a research project. The project will also provide an assessment of measures in other countries that have had an effect.

## **Article 19, section 5 – Equality regarding taxes and contributions**

### **“Conclusions 2015”, Article 19.5, para. 3:**

*“The Committee requests, however, that the next report provide a full and up to date description of the legal framework regarding the taxation and contributions of migrant workers in relation to employment.”*

#### Tax liability

An individual becomes a tax resident in Norway if he/she stays in Norway for more than 183 days during a twelve-month period, or for more than 270 days during a thirty six-month period. A tax resident is liable to income tax on their worldwide income.

A non-resident is subject to limited tax liability for certain types of income from Norwegian sources. The limited tax liability applies to employment income from work performed in Norway, on the Norwegian continental shelf and on Norwegian ships. It also applies to employment income in the case of hired labour in Norway. It is important to note that an existing tax treaty, may affect the taxation of a non-resident worker.

A non-resident worker can choose between two ways of paying tax in Norway. They can either pay tax under the “Pay As You Earn” (PAYE)-scheme or under the general rules (simplified tax regime). A non-resident that becomes resident during the income year may continue paying tax under PAYE throughout that income year. The PAYE-scheme does not apply to continental shelf workers and workers on Norwegian ships. Such workers may, however, claim a standard deduction for foreign employees, which is described further below.

#### Pay As You Earn (PAYE)

The PAYE-system was introduced in 2019 to simplify reporting and compliance for temporary employment in Norway. Under PAYE, the worker is taxed at a fixed tax rate of 25 per cent on their gross employment income, and they are not eligible for any deductions. PAYE is only applicable for workers with employment income below a maximum limit per income year. For the years 2019–2021, the maximum limit for PAYE, was 617 500/639 750/651 250 NOK. Workers with income that exceeds the maximum limit is taxed under the general rules.

#### Taxation under general rules

A non-resident worker with limited tax liability may be taxed under the general rules. Both resident and non-resident workers are given a minimum standard deduction of 40 per cent for expenses linked to work. The standard deduction has a lower and an upper limit, which is reduced in the case of non-residents and those who are residents only parts of the year. The reduction corresponds to the number of months spent in Norway. Both non-residents and residents may however claim a deduction of actual expenses linked to work if they exceed the minimum standard deduction. Non-residents are also entitled to other deductions, such as travel and lodging expenses. Certain other general deductions, such as the standard personal allowance, is given proportionally according to the time spent in Norway.

Resident of EU/EEA countries with limited tax liability, may be taxed as if they were residents and claim full deductions as residents if income from the time spent in Norway constitutes at least 90 per cent of their yearly income.

#### Standard deduction for foreign employees

The standard deduction for foreign employees was replaced by the 2019 PAYE-scheme in the case of most foreign workers. As of 2019 the standard deduction only applies to non-resident workers on the Norwegian continental shelf and workers on Norwegian ships.

The standard deduction for foreign employees is a general income deduction of 10 percent of gross employment income, subject to a maximum of 40 000 NOK. The standard deduction comes in lieu of the minimum standard deduction in employment income and other deductible expenses, such as for bord, lodging and travel.

### **Article 19, section 6 – Family reunion**

**“Conclusions 2015”, “Scope”, para. 3:**

*“The Committee notes that under Section 53 of the Immigration Act 2008, a spouse is entitled to renew their residence permit following the death of the sponsor, or after termination of the relationship where there is reason to assume that the spouse or a child has been abused during the cohabitation. It may also be granted where the foreign national, as a result of the breakdown of the marriage or cohabitation, will have unreasonable difficulties in his or her country of origin on account of the social or cultural conditions there. The Committee asks whether the family member is liable to expulsion if the sponsor’s residence permit is rescinded and the sponsor is deported for reasons of national security or public interest.”*

In the case of expulsion of the sponsor, the immigration authorities make an individual assessment of whether dependent family members fulfil the conditions for an independent residence permit. In this regard, the authorities consider whether the family member should be granted a permit on strong human considerations.

**“Conclusions 2015”, “Conditions governing family reunion”, para. 3:**

*“The Committee recalls that social benefits must not be excluded from the calculation of the income of a migrant worker who has applied for family reunion (Conclusions 2011, Statement of interpretation of Article 19§6). It notes that a number of benefits, except unemployment benefit, may be included in the calculation, such as sickness benefit, educational support, and payments under the Introduction Act. Conversely, payments of financial support under the Social Services in Labour and Welfare Administration Act in the year prior to application may disqualify the sponsor from family reunion. The Committee requests confirmation that this refers to a specific category of unallocated financial support, and does not refer to national insurance payments or housing allowances. Furthermore, the Committee notes that if the family member has secured employment in Norway, their future income can also be included in the calculation.”*

Payments of financial support under the Social Services Act in the year prior to an application may disqualify the sponsor from family reunification. This does not refer to other kinds of financial support, such as payments under the National Insurance Act.

**“Conclusions 2015”, “Conditions governing family reunion”, para. 7:**

*“The Committee asks that the next report provide up to date information on any requirements imposed for eligibility for family reunion, including, for example, accommodation, health, or length of residence.”*

The partner or child of a Norwegian citizen or a third country national legally residing in Norway, may be granted a residence permit if certain conditions are met. The reference person must as a main rule hold a permanent residence permit or a permit that can form the basis for permanent residence. The reference person must fulfil the income requirement, at the moment NOK 300 988 per year pre-tax. The reference person cannot have received financial assistance under the Social Services Act during the last 12 months. Adequate housing is also required.

An applicant partner must as a main rule be over 24 years old. If the reference person’s residence permit is based on an application for asylum, it is required that the reference person has worked or studied for at least 4 years. Both the 4-year requirement and the 24-year age requirement only applies to cases of family establishment, and not to cases of family reunion (where the partnership was established before the reference person came to Norway or while both partners resided legally in Norway).

## **Article 19, section 7 – Equality regarding legal proceedings**

### **“Conclusions 2015”, Article 19.7, para. 6**

*“The Committee refers to the Statement of Interpretation on the rights of refugees under the Charter, and asks under what conditions refugees and asylum seekers may receive legal aid.”*

Refugees and asylum seekers may receive legal aid on the same conditions as Norwegians and foreigners in general. In addition, asylum seekers have the right to legal aid without means testing in certain cases.

## **Article 19, section 9 – Transfer of earnings and savings**

### **“Conclusions 2015”, Article 19.9, para. 3:**

*“With reference to its Statement of interpretation on Article 19§9 (Conclusions 2011), the Committee asks whether there are any restrictions on the transfer of the movable property of migrant workers.”*

There are no limits in Norwegian legislation on the right to transfer money into or out of the country. Notification of cross-border money transfer is regulated in the Currency Register Act of 28 May 2004. Banks and other financial institutions must report to the register all cross border transactions in and out of Norway. If a transaction out of Norway exceeds NOK 100.000, the purpose of the transaction must also be registered (in categories). Cross border cash transfers of NOK 25 000 or more (or equivalent in other currencies) must be declared to the Norwegian Customs and Excise Authority, who will report this to the currency register. According to the Act on financing institutions and financial groups (finansforetaksloven) Section 2-5, regular cross-border money transfer operations may only be carried out by banks, finance companies and credit institutions, including branches of credit institutions authorised in the European Economic Area. Branches of credit institutions authorised outside the European Economic Area are required to have authorisation to carry on financing activity in Norway.

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

### **‘Conclusions 2015’, Article 19.10, para. 4:**

*‘The Committee has found the situation in Norway not to be in conformity with Article 19§4. Accordingly, the Committee concludes that the situation in Norway is not in conformity with Article 19§10 of the Charter.’*

Please see response under Article 19.4.

## **Article 19, section 11 – Teaching language of host state**

### **“Conclusions 2015”, Article 19.11, para. 5:**

*“Residents of EEA/EFTA Agreement countries are not covered, and are neither obliged to participate nor entitled to free tuition. The Committee asks whether they are able to participate in the courses as paying students, and whether financial assistance is available for those who cannot afford to pay.”*

Immigrants from countries within EEA/EFTA are able to participate in the courses as paying students. They are then either paying for the language training themselves or they have an employer who is covering the costs. As of 2021, a new voucher scheme

(Norskopplæringsordningen) gives all immigrants, regardless of how long they have been in Norway, the opportunity to register for language training. Notably, via this new system, migrants who are otherwise not entitled to free language training, such as EEA citizens, will be able to receive language training worth up to NOK 10 000 (about EUR 1 000). The scheme aims to contribute for participants to gradually learn Norwegian at an A2/B1 level or higher.

**“Conclusions 2015”, Article 19.11, para. 6:**

*“The Committee notes that refugees and others granted residence permits on humanitarian grounds are provided free tuition. It recalls from its previous conclusion (Conclusions 2011) that costs were between 15,000 NOK (€ 2,000) and 30,000 NOK (€ 4,000) for other students. It asks for clarification of precisely which groups of migrants must pay for the obligatory classes, and who are entitled to free education.”*

Refugees, humanitarian migrants and their families (aged 18 to 67) and family members reunited with persons who have permanent residency from countries outside the EEA/EFTA area (aged 18 to 67) have a right and obligation to Norwegian language training (free tuition).

Third country labour immigrants, if eligible for permanent residence, are obliged to participate in language training and social studies, but only for 300 hours. They must pay a fee to the provider of the course. Citizens from *EEA/EFTA-countries*, using their right to free mobility, have neither the right nor a duty to participate in such training.

**“Conclusions 2015”, Article 19.11, para. 10:**

*“The Committee notes that migrants are expected to enrol as soon as possible in education. In 2012, 11,500 individuals were recognised as being obliged to participate in the course, within 18 months 85 per cent of eligible women and 91% of eligible men had commenced the training. The Committee notes that a similar small discrepancy in the representation of men and women on such courses persists across other years for which data is provided in the report. The Committee asks whether steps are being taken to improve enrolment figures, in particular amongst women.”*

In 2020 4 942 (new) persons got a right and obligation to participate in Norwegian language training. Of these 48 % started the training within three months. 70 % had started within six months. 53 % of eligible men had started the training within three months, while 46 % of eligible women had started within three months. The municipalities hold the responsibility for starting the training as soon as possible or within three months after the person is registered in the municipality. The Directorate for Integration and Diversity (IMDi) has implemented different measures to follow up the municipalities to improve the enrolment figures. Note that the municipalities faced special difficulties concerning facilitation of language training in 2020 due to the pandemics.

The goal of the scheme for Norwegian language training and social studies is that an adult immigrant, after the first years in Norway, should sufficiently master Norwegian to be able to find employment and participate in greater society. As soon as possible after settling in a municipality, eligible immigrants are expected to enrol in language training. They should complete the training within three years or 18 months depending on the participant's former level of education. The former requirement of having completed a fixed number of hours of training is in the new *Integration Act* replaced with the requirement of a minimum level of Norwegian language proficiency. This level is the participant's *Norwegian Goal*. The

indicative minimum level is B1 (*Common European Framework of Reference for Languages*<sup>24</sup>) in all language skills (oral, listening, writing and reading).

Having completed language training or demonstrated corresponding language skills is a requirement for a permanent residence permit and for Norwegian citizenship, irrespective of country of origin.

*Statistics Norway* produces statistics on the participation in *Norwegian Language Training and Social Studies*. During 2021, 21 500 persons participated in the training, compared to 26 100 in 2020. Almost 67 per cent of the participants were women, an increase from 65 per cent in 2020.

Annual reviews of the effects of the language training are partly based on the number of candidates sitting for examinations and on the proportion that passed or failed. A digital test measures the Norwegian skills at four different levels, level A1, A2, B1 and B 2. Level A1 is the lowest level and B2 is the highest. Since the testing was changed in 2014, it is not possible to directly compare the results from before and after this year.

The policy target for the Norwegian language training is that 90 per cent should achieve B1 or higher on the oral test and 70 per cent achieve B1 or higher on the written test. This policy target was not reached in 2021. At the writing test, only 40.5 per cent achieved B1 or B2, at the test in listening 45.2 per cent achieved B1 or B2, and 46.7 per cent achieved B1 or B2 in reading. This is an increase from 2020 at the writing (3.7 percentage point) and reading test (6.3 percentage point), and a small decrease in listening from 2020 (0.4 percentage point) In 2021, 45.4 per cent achieved B1 or B2 on the oral test, an increase on 4.3 percentage point from 2020. There is an expectation that changes implemented through the *Integration Act* will contribute to improved results for the years to come.

From 2014, it has been mandatory for the participants to take a *test in Social Studies* after completing 50 hours of training in a language they understand. The test is available in 27 languages, in addition to two of the official Norwegian written languages. In 2021, 13 250 candidates took the test, compared to 14 000 in 2020. Of these candidates, 10 260 had a right and obligation to take the test. The policy target is that 90 per cent should pass the test in social studies. Of the candidates with a right and obligation, 81 per cent passed in 2021. This is the same level as in 2020.

Asylum seekers residing in a reception centre are offered 175 hours of Norwegian language training by the municipality, free of charge. In 2021, 76 per cent of the asylum seekers residing in reception centres received such training, compared to 51 per cent in 2020.

## **Article 19, section 12 – Teaching mother tongue of migrant**

### **“Conclusions 2015”, Article 19.12, para. 4**

*“The law states that “if necessary, such students are also entitled to mother tongue instruction, bilingual subject teaching, or both”. The Committee asks what is deemed to be meant by “necessary” in this context, and whether all who request it are given instruction in their mother tongue.”*

Pupils with a mother tongue other than Norwegian or Sami have the right to mother tongue instruction after the Education Act Section 2-8 if this is deemed necessary. The mother tongue instruction comes in addition to the adapted instruction in the Norwegian language which these pupils are entitled to until they are sufficiently proficient in Norwegian to follow

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<sup>24</sup> <https://www.coe.int/en/web/common-european-framework-reference-languages/level-descriptions>

the normal instruction of the school. The main purpose of mother tongue instruction is to strengthen the pupils' prerequisites for mastering the Norwegian language, and thus also increasing their learning outcomes. The school will consider whether mother tongue instruction is necessary, based on an assessment of the pupil's needs and pedagogical grounds. Mother tongue instruction can be necessary for pupils that have lived in Norway for a short time, and other minority pupils with insufficient proficiency in the Norwegian language to follow the classes given in Norwegian.

Regarding primary, lower and upper secondary school:

To support schools and newly arrived children, several digital resources have been developed over several years:

- [www.morsmål.no](http://www.morsmål.no): A platform of teaching tools in many languages for mother tongue teachers in kindergartens and schools. LEXIN: Dictionaries developed particularly for language minority students in primary, secondary and adult education. The online version has sound.
- “Bildetema”: A multilingual interactive picture dictionary, with drawings, text, sound and animations.
- [www.skolekassa.no](http://www.skolekassa.no) (‘The School Box’): Gathers teaching material based on the Norwegian curricula in various subjects, in several languages. Its aim is to help teachers teach newly arrived students.

The scheme Flexible education offers distance education organised by the National Centre of Multicultural Education (NAFO) and offers bilingual subject teaching online within mathematics and science (according to the Norwegian curricula) for these languages: Arabic, Somali and Tigrinya. In addition, it is expanding with beginner training in the subject English with support in same languages. The distance learning is aimed for municipalities that do not have local bilingual teachers. Furthermore, NAFO has engaged Ukrainian teachers to develop bilingual subject teaching in Ukrainian, in the subjects Norwegian and Social Science, starting autumn 2022.

**‘Conclusions 2015’, Article 19.12, para. 6**

*The report indicates a decline in the use of mother tongue instruction, however it notes that special tuition has been stable. The Committee asks that the next report provide statistics concerning the number of children eligible for and receiving education in their mother tongue.*

Please see the statistics below.

Mother-tongue	Pupils with only mother-tongue training	Pupils with mother-tongue training and bilingual subject training	Pupils with only bilingual subject training	Pupils with only facilitated training	Total
ABKHASIAN	2	0	0	0	<b>2</b>
AKAN (TWI)	0	0	0	4	<b>4</b>
ALBANIAN	7	3	120	13	<b>143</b>
AMHARIC	17	2	33	12	<b>64</b>
OTHER	8	1	29	16	<b>54</b>

ARABIC	492	261	1 927	245	<b>2 925</b>
ARMENSK	0	0	0	2	<b>2</b>
AZERI-TURKISH	0	0	0	1	<b>1</b>
AZERBAIJAN	0	0	0	2	<b>2</b>
BAHASA INDONESIA	1	4	10	2	<b>17</b>
BENGALI	3	0	1	3	<b>7</b>
BERBER	0	0	4	1	<b>5</b>
BISS	0	0	0	1	<b>1</b>
BOSNIAN	30	8	48	4	<b>90</b>
BULGARIAN	11	6	34	1	<b>52</b>
BURMESE	6	3	16	4	<b>29</b>
CEBUANO	0	0	6	0	<b>6</b>
DARI	28	13	117	23	<b>181</b>
ENGLISH	133	22	194	36	<b>385</b>
ESTONIAN	5	0	5	2	<b>12</b>
FILIPINO	18	4	84	12	<b>118</b>
FINNISH	1	1	3	1	<b>6</b>
FLEMISH	1	0	0	0	<b>1</b>
FRENCH	17	8	24	3	<b>52</b>
FULANI	1	0	0	1	<b>2</b>
GREEK	2	1	18	7	<b>28</b>
HINDI	11	0	3	4	<b>18</b>
ILOCANO	0	0	2	0	<b>2</b>
ICELANDIC	6	0	6	0	<b>12</b>
ITALIAN	5	0	13	6	<b>24</b>
JAPANESE	0	0	2	1	<b>3</b>
CANTONESE	0	0	2	1	<b>3</b>
KAREN	0	0	0	2	<b>2</b>
CATALAN	0	0	2	0	<b>2</b>
KHMER	0	0	2	2	<b>4</b>
KIKONGO	0	0	3	0	<b>3</b>
CHINESE	25	5	36	5	<b>71</b>
KINYARWANDA	3	7	31	15	<b>56</b>
KIRUNDI	0	0	1	2	<b>3</b>
CONGO	0	0	0	1	<b>1</b>
COREAN	0	0	2	3	<b>5</b>
KRIO	0	0	0	1	<b>1</b>
CROATIAN	10	2	34	6	<b>52</b>
KURDISH (Kurmanji/Sorani/Kermansahi)	133	24	360	78	<b>595</b>
LATVIAN	22	12	30	5	<b>69</b>
LINGALA	0	0	0	3	<b>3</b>
LITHUANIAN	60	37	253	16	<b>366</b>

LUGANDA	1	0	3	4	<b>8</b>
MABAN	0	0	2	1	<b>3</b>
MAKEDONIAN	0	0	4	0	<b>4</b>
MALAYALAM	0	0	0	4	<b>4</b>
MALAY	0	0	1	0	<b>1</b>
MALTESE	0	1	0	0	<b>1</b>
MANDINGO	0	0	2	0	<b>2</b>
MARATHI	0	0	1	1	<b>2</b>
MOLDOVIAN	3	0	2	1	<b>6</b>
DUTCH	9	0	7	2	<b>18</b>
NEPALI	1	0	1	9	<b>11</b>
OROMO	8	1	14	9	<b>32</b>
PASHTO	11	10	49	24	<b>94</b>
PERSIAN(FARSI/IRANSK)	36	10	52	11	<b>109</b>
POLISH	206	80	655	34	<b>975</b>
PORTOGUESE	28	3	41	8	<b>80</b>
PUNJABI	4	0	3	4	<b>11</b>
ROMANI	2	0	0	1	<b>3</b>
ROMANIAN	42	21	81	13	<b>157</b>
RUSSIAN	76	28	206	13	<b>323</b>
SANGO	0	0	0	1	<b>1</b>
SERBIAN	30	10	88	8	<b>136</b>
SINGHALESE	0	0	0	1	<b>1</b>
SLOVAKIAN	1	0	3	2	<b>6</b>
SOMALI	138	35	619	58	<b>850</b>
SON	0	0	0	2	<b>2</b>
SPANISH	36	19	122	16	<b>193</b>
SWAHILI	7	16	105	33	<b>161</b>
SYRIAC - ASSYRISK	1	0	9	3	<b>13</b>
TAMIL	18	0	42	1	<b>61</b>
TELUGU	0	0	1	2	<b>3</b>
THAI	22	11	191	24	<b>248</b>
TIGRINIA	116	37	421	62	<b>636</b>
TIGRÈ	0	0	0	3	<b>3</b>
CZECH	0	0	3	0	<b>3</b>
CHECENIAN	8	6	42	1	<b>57</b>
TURKMEN	0	0	1	0	<b>1</b>
TURKISH	53	12	199	29	<b>293</b>
GERMAN	34	1	19	3	<b>57</b>
UGURIAN	10	1	5	4	<b>20</b>
UKRAINIAN	2	2	5	5	<b>14</b>
HUNGARIAN	9	1	16	3	<b>29</b>
URDU	12	1	90	17	<b>120</b>

UZBEK		0	0	0	4	<b>4</b>
VIETNAMESE		7	1	95	30	<b>133</b>
WOLOF		0	0	0	1	<b>1</b>
<b>Total amount of pupils with mother-tongue training and/or bilingual subject training and facilitated training</b>	GK	<b>1 989</b>	<b>731</b>	<b>6 655</b>	<b>999</b>	<b>10 374</b>

## Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

### Article 27, section 1 – Participation in working life

#### Question a)

*‘Please provide information on whether the Covid-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment.’*

Not relevant for Norway.

### Article 27, section 2 – Parental leave

#### Question a)

*“Please provide information on whether the Covid-19 crisis had an impact on the right to parental leave.”*

Firstly, normally a parent intending to postpone his or her parental benefit period because he or she either is too ill or too injured to take care of the baby, is required to have a medical certificate for the application to be considered at the Norwegian Labour and Welfare Administration. Similarly, a medical certificate is required if a parent wishes to transfer his or hers parental benefit quota to the other parent because he or she is too ill or injured to take care of the baby (the Norwegian parental benefit scheme includes so-called quotas of parental benefit weeks reserved for either parent). To relieve pressure from the health services and to give parents increased flexibility, the requirement of having a medical certificate in these situations was temporarily repealed: The parents were allowed to have a self-declaration of health status instead of a health certificate issued by a medical professional when applying for postponement of the parental benefit period at the Norwegian Labour and Welfare Administration.

Secondly, normally a parent can postpone the parental benefit period if being in a full-time job during the postponement. Furthermore, if a parent intends to work part-time during the parental benefit period, the parent can receive parental benefit at a reduced compensation rate in combination with working part-time and expand the parental benefit period correspondingly (so-called grading the parental benefit). In both cases, the parent needs to

apply to the Norwegian Labour and Welfare Administration, and it is required to have a written agreement with the employer. Parents working in so-called vital functions in society (i.e. health personnel) could during the Covid-19 pandemic be called in to work on short notice, not having the time to apply for either a postponement of parental benefit or grading the parental benefit. To guarantee that these parents did not lose their parental benefit rights, parents working in vital functions in society was no longer required to actively apply for postponing or grade the parental benefit.

The regulation consisting of these two exceptions ceased from 31 December 2020.

## Article 31 – The right to housing

### Article 31, section 1 – Adequate housing

#### Question a)

*“Please provide full, up-to-date information on the percentage of the population living in inadequate housing including overcrowded housing, and the practical measures taken to improve the situation.”*

Most housing in Norway is adequate, and the number of homeless persons is low, and decreasing. Most Norwegians have a high standard of living, with access to basic services, waste management, transport systems, good air quality and green and safe public spaces.

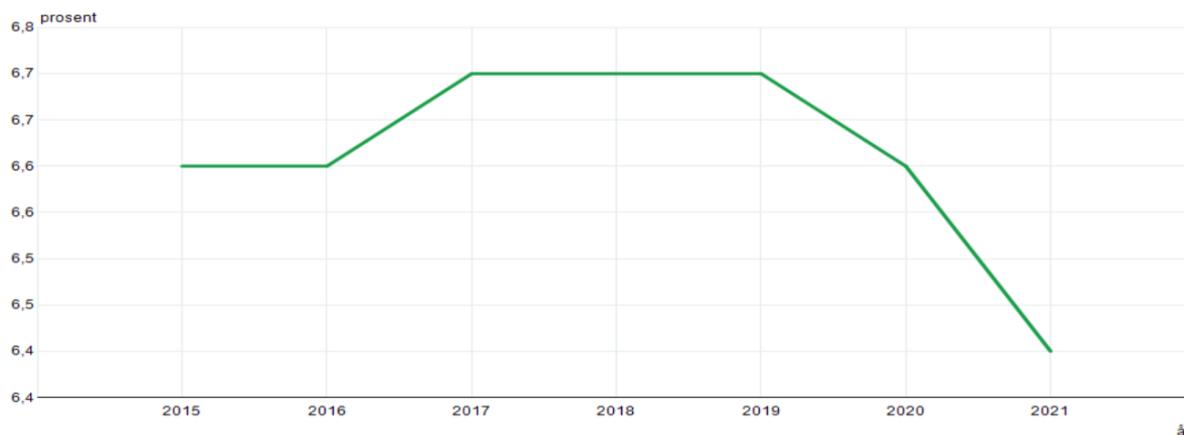
A study of living conditions conducted in 2018, based on EU-SILC, found that 98 percent of the households were overall content with their dwelling. The same study found that 6 percent of the population had problems with rot and dampness, and 6 percent was bothered with outside noise. See table 1 for more indicators of housing standards.

*Table 1: Indicators of housing standard from study of living conditions conducted by Statistics Norway (based on EU-SILC), percentage of persons, 2012, 2015, 2018*

	2012	2015	2018
Living in house with at least two bathrooms/toilets	38	39	38
Housing with rot and/or dampness	8	7	6
Lacking daylight in house	4	3	4
Water borne heat/water pump most important heating source	30	38	38
Electricity most important heating source	46	46	48
Wood, pellets or open fire most important heating source	22	16	13
House is accessible for wheelchair users	33	33	35

Registry data from 2021 show that around 6 percent of Norwegian households have crowded housing conditions<sup>25</sup>. The number has been relatively stable the last years, with a small reduction since 2019.

*Percent of households with crowded housing conditions, registry data, 2015-2021 (source: Statistics Norway)*



The Planning and Building Act promotes sustainable development in the best interests of individuals, society and future generations. Regulations on technical requirements for construction works intend to ensure that projects are planned, designed and executed on the basis of good visual aesthetics, universal design, and in a manner that ensures that the project complies with the technical standards for safety, the environment health and energy.

The overarching goal for the Norwegian government is that everyone should have a good and safe place to live. Most people are able to provide for this on their own. For many in Norway, home ownership is the best way to ensure good and stable housing conditions. In 2021, 82 percent of the population lived in a home they owned.

Statistics Norway estimates that approximately 165 600 people were disadvantaged in the housing market in 2021. This is a reduction of around 10 000 disadvantaged persons from 2020. The nationwide mapping study of homelessness in Norway 2020 found a total of 3325 homeless persons. This is a reduction of 15 percent from the last mapping study conducted in 2016.

People who struggle to obtain or keep a home, are entitled to public assistance. The Ministry of Local Government and Regional Development is responsible for the national housing policies. The municipalities are obliged to aid persons who are disadvantaged in the housing market following The Social Welfare Act and The Act Relating to Municipal Health and Care Services. In 2022, the government proposed a new law clarifying the municipalities' responsibilities in the social housing area. The proposed law also strengthens the municipalities' duty to have an overview of the housing needs of those disadvantaged in the municipality, and to make plans on how those housing needs should be met.

Municipalities provide social housing for people who are unable to secure suitable housing on their own. Social housing is a strictly needs-tested benefit for people who are disadvantaged in the housing market. A detailed description is provided further down.

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<sup>25</sup> Defined as 1) number of rooms are less than the number of persons, or one person living in one room, and 2) number of square meters is under 25 per person.

The Government is implementing a national strategy for social housing policies, called ‘We all need a safe place to call home’ (2021–2024). The strategy contains the state level goals and measures to improve the housing conditions for people who are disadvantaged in the housing market, e.g. the population living in inadequate housing. The strategy has four goals:

1. More people shall be in the position to own their home
2. Renting shall be a safe alternative
3. Social sustainability in housing policies
4. Clearer roles, and necessary knowledge and competence

In addition, the strategy has three prioritised focus areas:

- No-one should be homeless
- Children and young people must have access to good housing
- Persons with disabilities must have the opportunity to choose where and how they want to live, on an equal basis with others

The Norwegian Housing Bank is responsible for implementing the social housing policies. They provide loans and grants to municipalities and others to improve the housing conditions for disadvantaged in the housing market. The most important economic measures offered by the state is housing allowance and start up loans. The Housing Bank also offer advice and support to municipalities in the social housing area.

With regards to the Committee’s request, we confirm that there is a no discrimination policy in respect of Norwegian Roma and travellers. Norwegian Roma and travellers 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.

#### *Housing allowance*

Housing allowance is a means-tested, rights-based government grant for people with low income and high housing expenses. It targets permanent residence, and application is open to individuals that have legal residence in Norway according to the National Population Register. Students and certain enrolled military personnel are however covered by other regulations and are therefore exempt. In 2021, some 160 000 households applied, and about 116 000 households received housing allowance for a total of 2.7 billion Norwegian kroner.

The housing allowance depends on monthly income and on monthly housing expenses limited by a cap. Income limits are quite narrow. The amount to be awarded is automatically calculated each month. Refusals can be appealed. In most appeals the topic is factual errors. Therefore, appeals are first reviewed manually by the Norwegian Housing Bank and such errors are corrected. Appeals that are dismissed, will on the applicant’s request be submitted to a specially appointed appeals board. The board makes final decisions. 57 appeals concerning housing allowance were brought to the board in 2021.

#### *Key numbers for Housing Allowance, 2018–2021*

		<b>2018</b>	<b>2019*</b>	<b>2020**</b>	<b>2021*</b>
Yearly overall***	Applicants	157 174	153 023	152 371	149 638
	Receivers	129 257	123 473	124 250	116 304

	Total amount awarded (NOK)	2 692	2 716	3 326	2 714
	Average monthly payment (NOK)	2 535	2 713	3 208	2 863
	Average monthly housing expenses (NOK)	7 936	8 252	8 580	8 784
	Average monthly income (NOK)	11 128	11 217	12 053	12 567
	Fraction with housing expenses exceeding cap	78 %	77 %	73 %	75 %
December****	Fraction of households with children	27 %	29 %	29 %	29 %
	Fraction in owner-occupied housing	12 %	12 %	11 %	11 %
	Fraction in rented housing	88 %	88 %	89 %	89 %
Cause for refusal – yearly overall*****	Income too high compared to housing expenses	80 %	77 %	74 %	80 %
	No qualified recipient in household	2 %	6 %	6 %	4 %
	Not in National Population Register	13 %	11 %	11 %	8 %
	Other	6 %	6 %	9 %	8 %

\* Households awarded Housing Allowance in March 2019, March 2021, November 2021 or December 2021, were also granted extra payments due to high electricity prices. These were not rooted in regulations and are not included in the table. Extra payments amounted to 274 MNOK in 2019 and 580 MNOK in 2021. Electricity prices were also met by temporary changes in regulations for December 2021, effective for allowance paid in January 2022.

\*\* More liberal regulations temporarily applied in April through October.

\*\*\* Numbers apply to housing allowance paid in said year

\*\*\*\* These criteria can change for each household over the year, making identification difficult for yearly overalls. Therefore the table cites distribution for December, except in 2021. This year distribution is cited for November due to temporary regulations applying in December

\*\*\*\*\* Distribution of total number of refusals through the said year. Many households will receive several refusals, as refusals due to high income, lead to automatic entry of the application for re-evaluation the following two months.

In 2021, the Government set up an expert group to conduct a thorough evaluation of the housing allowance scheme. The expert group submitted their report in the spring of 2022. The report considers how well the housing allowance is set up to aid the target group, and provides recommendations for the future development of the housing allowance. The

Ministry of Local Government and Regional Development are now going through the report and considers how to follow up on the recommendations.

### *Support to buy a house*

Start-up loans help people who have long-term problems with getting a mortgage from a normal bank to buy or make adaptations to their own home. Start-up loans are state financed and managed by the municipalities. In some cases the municipality may provide a grant as well as the start-up loan. In 2021, 7 391 households received a start-up loan. Most of the loans went to households that bought a home (around 5 700 households), while close to 1000 of the households got start-up loans to refinance previous loans. Close to 60 percent of the borrowers were households with children.

To help more people to buy a home, different rent-to-buy schemes are being tested and offered, some including start-up loans. In 2021, the Government established a network of municipalities, building companies and consumer representatives to exchange experiences and provide input on rent-to-buy schemes. Several building companies now have different types of rent-to-buy-offers. The network is encouraged to point out obstacles for rent-to-buy schemes, such as legal or organizational boundaries.

### **Question b)**

*“Please provide relevant and updated figures relating to the adequacy of housing (e.g. number of substandard dwellings; overcrowding, water, heating, sanitary facilities, electricity).”*

Please see the provided information above.

### **Question c)**

*“Please provide information on the measures taken, in particular also during the Covid-19 crisis, to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers.”*

### Extraordinary measures during the pandemic

The pandemic called for extraordinary measures in many areas of society. Because of requirements for social distancing (a minimum of 1 meter distance), there was need to take more buildings into use. This was particularly the case for hospitals, schools and refugee centres. To tend to acute needs for short term change of use of existing buildings and placement of temporary buildings, the Government implemented temporary adjustments to the Plan- and Building Act. This enabled the municipalities to make quick decisions, with less requirements for applications and permits.

For many households, the Covid-19 pandemic caused acute financial difficulties, with many being laid off from work. To assist low-income households that had high housing costs, the Storting (the Norwegian Parliament) decided to increase the housing allowance allocation by NOK 500 million for the period from April to October 2020. Several adjustments was made in the housing allowance scheme to support the recipients of housing allowance during the pandemic. Over 100 000 households received increased housing allowance in 2020 as a result, for a total of NOK 407 million. Measures were also taken to ensure that delays in payment of unemployment assistance would not lead to undue reduction of housing allowance.

The Storting also decided to increase the Housing Bank’s loan facility for 2020 by NOK 5 billion. Mortgage holders with The Housing Bank were offered repayment deferrals for up to

six months. The Housing bank gave repayment deferrals for a total of six million kroner without demanding a documented reason. The municipalities increased their use of start-up loans in 2020. Within the frameworks of strict infection control practices, the municipalities processed more applications for start-up loans than the year before, and still kept processing time down. Few municipalities experienced defaulted start-up loans after March of 2020, and we do not find evidence that fewer persons were able to make down payments.

Because of the pandemic, the municipalities expected an increase in applications for refinancing of loans with the help of start-up loans. They did experience a slight increase following the summer of 2020, but the number was quickly reducing again. The Housing bank contributes this to the commercial banks being solution minded for their costumers experiencing economic difficulties.

All the extraordinary measures for housing aid were available for everyone fitting the criteria and who was registered in Norway's National Population Register.

## Article 31, section 2 – Reduction of homelessness

### Question a)

*“Please provide information on measures and actions, undertaken, in particular also during the Covid-19 crisis, to prevent categories of vulnerable people from becoming homeless.”*

Eliminating homelessness is reliant on a systematic and joint effort across the welfare sectors. People experiencing homelessness often have a combination of issues, such as health issues, economic problems and lack of work, in addition to lacking a place to live.

The Norwegian definition of homelessness is as follows:

“A person is considered homeless if he/she has no privately owned or rented accommodation and is reliant on occasional or temporary lodging, lives temporarily with friends, acquaintances or relatives, lives in an institution or in a correctional facility and is due to be released within two months without access to accommodation, or who sleeps rough/has no place to sleep. Persons who live permanently with next of kin or in sublet accommodation are not considered homeless.”

Since the beginning of 2000, elimination of homelessness has been on the public agenda. Several national strategies have been implemented to reduce homelessness. A turning point was the turn away from a staircase model, built on the premise that people must gradually earn their way to a suitable home. The model was replaced by a housing led strategy, that considers suitable housing as a basis for recovery. Following this, the municipalities work to provide people at risk of homelessness with suitable housing and services at the same time. The gradual reduction in homelessness, from 6 259 persons in 2012 to 3 325 persons in 2020, indicates the success of this strategy.

*Table 2: Number of homeless persons (source: Dyb and Zeiner 2021)*

Year	Number of homeless persons	Per 1000 inhabitants
2020	3 325	0,62
2016	3 909	0,75
2012	6 259	1,26

The national social housing strategy *Housing for welfare* (2014–2020) was completed in 2020. The Committee has asked for information on the results of the national strategy in eradicating homelessness and guaranteeing access to a permanent home for all. In addition to the reduction of homelessness during the strategy period, the evaluation of the strategy shows overall good results. The evaluation found that housing support for households with children have improved, and that the housing conditions for persons with drug addictions and psychiatric issues are better. According to the evaluation, the municipalities work more strategically with social housing issues, more knowledge based and more cross-sectionally. The evaluation found a more positive development in the larger municipalities than in the smaller ones. The evaluation also indicated a need to strengthen the user participation in the social housing area.

The national strategy ‘We all need a safe place to call home’ (2021–2024) has three prioritised focus areas, one of which is that no one should be homeless. This effort entails collaboration both across welfare sectors and between state actors and the municipalities. The focus is on reducing the number of homeless persons, and to prevent that more people become homeless. In working with the strategy, the Housing Bank has established a collaboration with the municipalities with the highest registered number of homeless persons. Together, they share knowledge, best practices, and develop new innovative efforts to reduce homelessness. With help from grants from the Housing Bank, several municipalities are trying out new ways to provide housing and services for people at risk of homelessness. People with long term addiction problems and psychiatric illnesses receive special attention, as they are often at high risk of experiencing homelessness.

#### **Question b)**

*“Please provide information whether the Covid-19 crisis had an impact on the prevention of homelessness. In particular address whether measures been taken:*

- i) to provide safe accommodation for persons in situation of homelessness. If so, how many persons were housed, in what form, where and for how long?*
- ii) to ensure that persons provided with temporary accommodation will have access to housing after the crisis.”*

#### Extraordinary measures for homeless persons during the pandemic

During the pandemic, several municipalities had special housing offers for homeless people. Reports from municipalities indicate that these were put little to use, as many found housing elsewhere. Municipalities also report that they put extra efforts into securing suitable housing for vulnerable households with children during the pandemic. We do not have systematic knowledge about how the pandemic effected homeless persons, but the general impression is that the pandemic had significantly less impact on homelessness than what could have been expected.

We do not have detailed information on how many homeless persons was provided accommodation, in what form, and for how long in relation to the pandemic. Meanwhile, the seventh national mapping study of homelessness was conducted in November 2020 (Dyb and Zeiner 2021), and the results show a decrease in homeless people from 2016 by 15 percent. This indicates that the municipalities managed to uphold their efforts to reduce homelessness during the pandemic.

The national mapping study of homeless persons found that among the 3250 homeless persons registered, 3,6 % did not have any type of shelter (‘rough sleepers’). The most

common place the homeless persons stayed was temporary housing (31 %) and temporary living with friends and relatives (30 %).

#### Extraordinary measures to help people keep their home during the pandemic

The most important financial measure that was put in place for disadvantaged households during the pandemic was the raise in housing allowance. On average, the receivers that were effected by the increase in housing allowance received approximately 800 NOK extra each month. This was important to aid vulnerable households to cover their housing expenses.

As previously described, mortgage holders with the Housing Bank were offered repayment deferrals for up to six months. The Housing bank gave repayment deferrals for a total of NOK 6 million without demanding a documented reason.

The Housing Bank reports that the number of dept collection claims for mortgage holders with start-up loans have been stable the last years, but that the number went down in 2021. The trend is especially positive considering that the start-up loan is increasingly going to more economically disadvantaged groups the last years.

Many forced sales were exposed during the pandemic. Several of these were conducted in 2021, evening out the temporary dip in the statistics. To avoid forced sales, the Housing Bank has derived effective measures the municipalities can implement, such as close follow up of persons that miss down payments, and to use grants as risk reducing measures for especially vulnerable households.

The number of evictions was reduced by 20 percent in 2020, probably due to the pandemic. Data shows that 7 105 motions to evict were registered, but only 1 804 evictions were carried out. In 2021, the number of evictions were about the same as in 2020, with 1 886 evictions. The national study of homelessness shows that 20 percent of the homeless persons have been evicted. Others have become homeless due to unpaid rent (8 percent). Not all have been evicted with the help of official authorities.

	2018	2019	2020	2021
Number of households evicted	2 348	2 314	1 804	1 886

#### **Question c)**

*“Please provide:*

- i) information on measures in place to reduce the number of homeless (e.g., measures aiming at raising the employment rate, increasing the stock of social and non-profit housing, allocating social benefits to those in urgent needs, developing social security programmes and supporting NGOs’ activities) and figures on the overall number/rate of homeless persons.”*

We refer to the information provided above.

#### **Question d)**

*“Has your country declared a moratorium/prohibition on evictions during the pandemic?*

- i) If so, indicate its legal basis and how long it will last.*

- ii) *Please specify if it is a general prohibition. Is the prohibition of evictions restricted to tenants or mortgage payers who have been unable to pay their rent or serve their mortgages, or broader?*
- iii) *If no general prohibition on evictions was declared, please provide information on procedures in place to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned.*
- iv) *Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills? Please provide figures on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps in which Roma or Travellers are installed) and the cases brought for lack of alternative accommodation offered or compensation awarded.”*

### **Question i)**

No, Norway has not declared a moratorium/prohibition on evictions during the pandemic.

### **Question ii and iii)**

#### The Tenancy Act

The Norwegian Tenancy Act regulates the tenant's and the lessor's rights and obligations in the tenancy, including terminations of contracts.

The Tenancy Act protects the tenants from termination by the landlord. The landlord must have a just cause for terminating the contract, and the tenant has the right to object. The landlord can terminate the contract if:

- the residence is going to be used by the landlord himself or anyone who belongs to his household
- the residence is going to be torn down or remodelled in such a way that it is necessary for the tenant to move out
- the tenant has breached the contract, or
- the landlord has other just causes for terminating the contract.

The landlord's notice of termination must be in writing and include specific information. The notice must:

- be in writing
- include an explanation
- inform the tenant that they have a right to object in writing within one month of the notice being received
- inform the tenant that if they do not object within the deadline, the tenant loses their right to claim that the termination is against the Tenancy Act

The tenant has a right to object in writing to the termination within one month from when the notice was received. The tenant's right to object applies even if the landlord has a just cause for terminating the tenancy.

If the tenant gives a written objection within the deadline, the landlord has a deadline of three months to bring action (submit a complaint to the Rent Disputes Tribunal) against the tenant to settle whether the termination is valid. The deadline of three months runs from when the tenant's deadline to object the termination expired. If the landlord does not submit a

complaint within the deadline, the termination is void, and the tenant can continue to live there.

If the tenant does not object within one month after the notice was received, the termination is considered accepted. If the tenant still does not move out, the landlord can ask the enforcement officer to evict the tenant.

In a case where the landlord has terminated the contract, the Rent Disputes Tribunal can decide if the termination is valid. Even if the landlord has a just cause for terminating the tenancy, the Rent Disputes Tribunal can set the termination aside if it will be considered to have unreasonable effects. The landlord's need to end the tenancy agreement must be weighed against the tenant's need to stay in the residence.

In some circumstances, the landlord or tenant has a right to immediately end the contract, meaning that they can terminate the contract with immediate effect. This is an extraordinary way to terminate the tenancy. For terminating the contract with immediate effect, the other party must have committed serious breaches of contract. If the tenant has committed a serious breach of contract, the Rent Disputes Tribunal will not make an assessment of whether or not the termination will have unreasonable effects; if the landlord's termination is valid, the Rent Disputes Tribunal cannot set the termination aside.

### The Housing Cooperatives Act

The Housing Cooperatives Act regulates housing cooperatives in Norway. Housing cooperative means a cooperative society whose purpose is to give the shareholders (members) the right to use their own dwellings in the society's property (right of residence). The shareholders/members are considered as owner of the dwelling.

The Housing Cooperatives Act Section 5-22 declares that if, despite a warning, a member is in serious breach of his obligations, the cooperative may order the member to sell the share. Before the cooperative can demand a sale, it must issue a warning in writing and inform that a serious breach of contract entitles the cooperative to demand the sale of the share. The sale order must also be issued in writing, and it shall inform that enforced sale of the share may be demanded if the order is not complied with within a time limit that shall be set at no less than three months from the date such an order is received.

If the order is not complied with within the time limit, enforced sale of the share may be ordered by the district court pursuant to the provisions regarding enforced sale (where appropriate). If within the time limit, pursuant to the Enforcement Act Section 11-7, objections that are not clearly groundless are raised against the enforced sale, the demand for enforced sale shall not be upheld without being heard according to the rules of civil procedure.

The Housing Cooperatives Act Section 5-23 states that if a member behaves in such a manner that there is a risk of destruction or considerable degradation of the property or such behaviour constitutes a serious nuisance or inconvenience to other users of the property, the cooperative may demand eviction from the dwelling pursuant to the Enforcement Act chapter 13. The demand shall be submitted to the district court. If within the time limit pursuant to the Enforcement Act Section 13-6, objections are raised against the eviction that are not clearly groundless, the demand for eviction shall not be upheld without being heard according to the rules of civil procedure.

### The Joint Housing Ownership Act

The Joint Housing Ownership Act has the same rules regarding forced sale and eviction as the Housing Cooperatives Act.

## Legal Aid

In certain cases concerning eviction from the tenant's dwelling, an application for *free legal advice* may be granted for tenants with income and capital below certain limits, according to the Legal Aid Act Section 11.

According to the Legal Aid Act Section 16, an application for *free legal representation* may be granted for a tenant with income and capital below certain limits in certain cases concerning the termination of the tenancy.

## The Debt Collection Act and the Enforcement Act – provisions which applies both to evictions and forced sale of homes

According to the Norwegian Debt Collection Act Section 8, debt collection must be fair and, accordingly, the creditor must try to collect the debt out of court before filing a petition for enforcement.

According to the Enforcement Act Section 4-18, the creditor must usually (e.g. not if the ground of enforcement is a judgement) send the debtor a notice about the planned petition for enforcement, and the creditor cannot file a petition for enforcement until 14 days after that notice. The creditor cannot send the notice about the planned petition for enforcement before the due date. Section 4-19 regulates notifying the debtor about planned petitions for enforcement in special cases (e.g. if a petition for enforcement has not been sent within a year).

According to the Enforcement Act Section 5-10, the enforcement officer/the court must be respectful and cautious, as long as it is possible. As long as it is possible, they shall take into account the defendant's interest and wishes. The enforcement shall not be more extensive than necessary. Enforcement can be proceeded in the night, on Sundays or on public holidays only if it is urgently necessary.

According to the Enforcement Act Section 5-11, the enforcement officer/the court may defer the enforcement under certain conditions, e.g. if the defendant has filed a suit about the claim (and the ground of enforcement is not a judgement).

## Evictions

Evictions from real property (e.g. when tenants must leave their home) are decided by an enforcement officer (part of the police), according to the Enforcement Act Section 13-1 to 13-7, 13-11 and 13-12.

According to Section 13-6, the enforcement officer shall submit the petition for eviction to the defendant, his spouse and any other adult persons in the household which the enforcement officer knows about, with a deadline of two weeks for commenting the enforcement or complying with the claim. However, the enforcement officer can choose not to send the notice if the eviction would become significantly more difficult if the notice was sent. The enforcement officer should notify the social service if needed.

If an evicted person has no other place to stay the next 24 hours, and cannot find an accommodation on his own, the local municipality is obliged to find a temporary accommodation, according to the Act relating to Social Services in the Labour and Welfare Administration Section 27. (This municipality's obligation is not limited to homelessness due to eviction.)

In the Enforcement Act Section 13-11, there are rules concerning care of the defendant's movable property. According to Section 13-12, the enforcement officer shall notify the parties about time and place for the eviction. However, the enforcement officer can choose

not to notify the defendant if the notice would have made the eviction significantly more difficult.

### Forced sale of homes

The local court decides forced sale of homes, according to the Enforcement Act Chapter 11 and 12.

According to the Creditors Recovery Act Section 2-10, the court can decide that a forced sale of home which will make the debtor lose his or his family's necessary dwelling, can only be executed if the debtor or his family is provided with another dwelling which in terms of location, size, price and other factors meets reasonable requirements. However, such decision cannot be made if the debtor or the debtor's family has failed to do what they can to procure another dwelling themselves, or if the forced sale is executed for the collection of rent or other compensation which the debtor is to pay for his right to use the dwelling. Nor may such a decision be made in connection with a forced sale to collect interest or ordinary matured repayments of loan secured by mortgage on the property, the lease or documents of access.

According to the Enforcement Act Section 11-7, the court must serve the petition for forced sale for the debtor with a deadline of one month for commenting the forced sale, paying the claim, or demanding another dwelling.

According to Section 11-8, the court can serve a notice as mentioned in Section 11-7 for persons who are assumed to own the property, but without being sued. In cases concerning forced sale of the defendant's spouse's home, the spouse shall be sent a notice as mentioned. The same rule applies to any other adult persons in the defendant's household whom the court knows about. The court can notify the social service if needed.

When the defendant and the persons who have been informed according to Section 11-8 have given their comments, or their time limit to give comments has expired, the court decides whether the forced sale will be executed, according to Section 11-9. If the defendant or his family have demanded a substitute dwelling according to the Creditors Recovery Act Section 2-10, the court decides whether the plaintiff shall procure the dwelling. Bids cannot be affirmed before either the plaintiff has procured a dwelling which the court has accepted, or there is a legally binding decision that the plaintiff does not need to procure a substitute dwelling.

The Enforcement Act Section 11-12 to 11-42 regulates the procedure when a real estate agent or an attorney is selling the property, e.g. care of the property and notifying the parties and holders of rights.

If the defendant has temporary difficulties paying the claim, due to illness, unemployment or other special circumstances, the enforcement officer can defer the enforcement if the defendant pays a fifth of the plaintiff's total claim and get obliged to pay the rest in monthly instalments. However, if a forced sale of home will make the defendant or his family lose their necessary dwelling, the court can in special circumstances decide deferring the enforcement according to Section 6-1, even though the defendant does not pay a fifth of the total claim.

Eviction according to the previous mentioned Section 13-11 and 13-12 can be decided under certain conditions in cases concerning forced sale of homes. According to Section 11-14, eviction may be decided if there is an obvious danger that the immovable property can be destroyed or the sale made complicated. If the defendant or his family has demanded a substitute dwelling, eviction cannot be executed before either the plaintiff has procured a dwelling which the court has accepted, or there is a legally binding decision that the plaintiff

does not need to procure a substitute dwelling. The defendant and persons who have been notified according to Section 11-8, can also be evicted according to Section 11-31 if they do not leave the property voluntarily after the sale.

#### **Question iv)**

Households that cannot pay for water, sewer, household waste collection, or heat/electrical energy, may be entitled to social benefits, according to the Act relating to Social Services in the Labour and Welfare Administration.

Cutting-off from water and sewer due to non-payment, is not regulated specifically by national law, but may be regulated by the municipalities. Cutting-off from water and sewer due to non-payment does not seem to be common. The creditor can easily collect the payment by other means, e.g. by attachment of the debtor's earnings or attachment lien of the debtor's assets. We can also mention that outstanding payment of the yearly fee after some time will result in the municipality holding a security interest in the relevant house.

The local government (municipality) is responsible for making sure that household waste is collected. The municipality is also responsible for determining the waste management fee. The municipality may not suspend waste collection in the event a household is not paying its waste management fee. However, an outstanding payment will, after some time, result in the municipality holding a security interest in the relevant house. These regulations have not been changed during or after the covid 19 pandemic.

The Consumer Purchases Act Section 48a regulates when the power grid companies can disconnect the consumer's supply of electrical energy if the consumer does not pay. The non-payment must represent a material breach of contract, and the disconnection cannot be effected if there is a risk to life, health or significant material damage. At least four weeks before a disconnection may be effected, the power grid company must give the consumer a written notice thereof. The warning must e.g. inform that the consumer may contact Social Services to clarify whether the law entitles the consumer to financial assistance. Disconnection may not be effected if the Social Services, within the four weeks deadline in the notice, have given a written notice that they take responsibility for fulfilling the consumer's obligations.

Where the enforcement officer decides attachment of the debtor's earnings, the debtor shall keep an amount which is reasonably needed for the support of the debtor and his household, according to the Creditors Recovery Act Section 2-7. The Ministry of Children and Families has issued a circular (Q-2022-3) regarding calculation of the debtor's energy expenses. (The circular was issued due to the high energy prices from the winter 2021/2022 onwards, not the pandemic.)

In 2018, 2437 evictions were carried out in Norway, in 2019, 2465, in 2020, 1965, in 2021, 1784 and the first ten months of 2022, 1600, according to the National Police Directorate. About 90 to 92 per cent of all evictions are caused by non-payment. The debtor can pay the claim until the eviction. There were fewer evictions during the pandemic than in the previous years. The National Police Directorate assumes that possible explanations may be:

- The tenants gave payment of the rent higher priority, because they considered keeping the dwelling more important during the pandemic than before
- When about all restaurants and shops in Oslo were closed, there were not many abilities to spend money, and it was easier to give priority to pay the rent

- Private landlords showed more social responsibility by using more resources on contacting the tenants and persuade them to pay, and it is possible that more tenants have got repayment agreements
- The municipality is an important landlord, especially in Oslo. The municipality has in periods avoided to petition for evictions, apart from in special circumstances
- The National Police Directorate cannot say if more tenants have got help paying the rent from the social service or other public support.

We have no number to give on evictions carried out which relates to Roma or Travellers, because a person's ethnicity is not a part of any Norwegian public registry. Ethnic origin is considered a special category of personal data in Regulation (EU) 2016/679 (General Data Protection Regulation) Article 9, and several national minorities in Norway have expressed strong scepticism to any form of registration, based largely on past discrimination. The National Police Directorate informs that the directorate has no indications on evictions of Romas or Travellers carried out.

However, we can inform that there are relatively few Norwegian Roma and Travellers, and that representatives from Norwegian Roma have expressed concern about discrimination and instability when it comes to rent of flats in housing cooperatives etc.

#### **Question e)**

*“Please provide any information about:*

- i) *legal or financial measures taken aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage payments and*
- ii) *other tenant protection measures that have been adopted in response to the pandemic.*

We refer to the provided information under article 31.1 above. However, the start-up loan can also be given to households that need to refinance their loans.

#### **Question f)**

*Please provide any other information on whether the Covid-19 crisis had an impact on the right to shelter.*

As far as we know, safeguarding of the right to shelter under the Act on Social Services in the Labour and Welfare Administration has not been affected by the Covid-19 crisis.

#### **Question g)**

*Please explain whether emergency accommodation satisfied security requirements and health and hygiene standards and whether it was provided without the requirement for a residence permit and whether the applicable regulations provided for a prohibition on forced eviction. Does your country have sufficient quarantine facilities in place so that inadequate housing, such as overcrowding, does not increase the risk of infection?*

Under Section 27 of the Act relating to Social Services in the Labour and Welfare Administration, 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 Act applies to everyone who is in the country legally. Entitlement to full rights under the law is contingent on having legal and habitual residence in Norway. Asylum seekers are entitled to shelter in reception centres.

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.

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 for more than three months. When temporary accommodation is provided, the local municipality should help find permanent housing as soon as possible.

#### **Question h)**

*“Please provide detailed information:*

- i) on how the right to shelter of unaccompanied foreign minors is guaranteed in law and in practice and*
- ii) whether adequate shelter is guaranteed to children irregularly present for as long as they are within the jurisdiction.”*

Section 95 in The Norwegian Immigration Act states that the Norwegian Directorate of Immigration (UDI) is responsible for the accommodation and care of unaccompanied asylum-seeking minors over age 15 staying in reception centres. Section 95 in The Norwegian Immigration Act and its regulations also states that the Norwegian Directorate of Immigration is obliged to ensure that this group receive all necessary care and security for the duration of their stay in a reception centre. Unaccompanied asylum-seeking minors under age 15 are offered accommodation and care in a care centre. The provision is regulated in chapter 5A of the Child Welfare Act. The Norwegian Office for Children, Youth and Family Affairs (Bufetat) is responsible for the accommodation and care of unaccompanied asylum-seeking minors under age 15.

It is not mandatory for asylum seekers to stay in a reception centre. However, the right to financial assistance only applies to asylum seekers who stay in the reception centre permanently or temporarily. Those choosing to stay outside a reception centre will thus not receive any cash allowance.

#### **Question i)**

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

#### **‘Conclusions 2015’, ‘Preventing homelessness’, para. 5**

*‘The Committee asks the next report to provide information on the results of the national social housing strategy in eradicating homelessness and guaranteeing access to a permanent home for all.’*

See information provided under Article 31.2, question a).

#### **‘Conclusions 2015’, ‘Forced eviction’, para. 3**

*‘The Committee asks the next report to make reference to any relevant case-law.’*

There have not been any changes in the time limit for filing complaints on the enforcement officer's decision or course of action according to the Enforcement Act Section 5-16. The time limit has been the same for many decades. For the good order, we remark that this section e.g. applies to evictions, but that complaints on forced sale of homes are regulated by other provisions. We can also mention that it is possible to file a personal complaint on the enforcement officer's behaviour etc. to the police district or to the National Police Directorate.

When it comes to case law, we can mention that the Appeal Committee of the Supreme Court in a decision from 1999 (HR-1999-290-K – Rt-1999-858) referred that also the former Enforcement Act (1915) Section 49 precluded the right to complain when the enforcement was 'completed', and that the time limit in Section 5-16 is said to be the same in the preparatory writings to the Enforcement Act 1992 (Ot.prp. nr. 65 (1990–1991)).

When it comes to evictions from immovable property, the Appeal Committee referred that legal literature had assumed that the right to complain was precluded when both the defendant and his possessions are removed from the property (Skeie: Den norske civilprosess, third volume, second edition, Rt-1940-194 [a decision from the Supreme court from 1940]). This stand also had a certain support in the preparatory writings to the Enforcement Act 1915, where the Commission for Act of Civil Proceedings on page 114 said that the court of enforcement's competence should include objections submitted under the enforcement, but that the right to complain must expire when the enforcement was 'completely' finished. The Appeal Committee said that this solution also has support in a decision from the Appeal Committee of the Supreme Court from 1995 (Rt-1995-1378), where the court stated that a decision on eviction could not be limited in a way where the defendant would be removed from the real property, while the household contents could stay.

In the decision from 1999, the Appeal Committee said that neither do the interests of the plaintiff call for the right to complain to be precluded once the defendant is shut out from the flat, because it is only at the time when the defendant's household contents are removed, that a new tenant might move in.

#### **'Conclusions 2015', 'Right to shelter', para. 4**

*'On residence status, the report states that the Act relating to Social Services in the Labour and Welfare Administration applies to everyone who is in the country lawfully. 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. The Committee considered in its conclusion in 2013 on Article 13§4 that foreign nationals who are unlawfully present in Norway have the right to social assistance (food, shelter, clothing) until they are obliged to leave the country. It asks whether this is still the case. It more specifically asks whether emergency accommodation/shelter is provided to persons, such as adults and children, whose asylum claims have been rejected and are in a situation of need. In the meantime, it defers its conclusion on this issue.'*

Section 95 in the Immigration Act states that a foreigner seeking protection (asylum seeker) shall be offered accommodation. The obligation to offer accommodation applies from the time the foreigner submits an application for protection until there is an enforceable decision from the immigration administration. Furthermore, it follows from Section 95, that a foreigner whose application for protection has been refused can be offered accommodation pending departure.

## Article 31, section 3 – Affordable housing

### Question a)

*“Please provide information on measures taken to ensure that there is an adequate supply of affordable housing (e.g. through regulation of the property market).”*

The main strategy in Norway is to subsidise the households and not the houses. Different measures are in place to support households that struggle in the housing market to obtain and keep a suitable home. See previous descriptions of the different economic measures in place for more information.

An important condition for the support of households is that the market for house building is well functioning, and that enough homes are built. A sound and efficient legal framework lay grounds for efficient planning and building procedures. Over the last years, there have been several revisions of the legal framework in order to promote more efficient procedures. There is also ongoing work on enhancing the use of digital building applications, which might reduce inefficiencies.

To contribute to good access to affordable housing for students, the Ministry of Education and Research provides grants, and the Housing Bank provides loans for building student homes. In 2021, the Ministry of Education and Research gave NOK 598 million in grants for a total of 1 650 new student homes. The same year, The Housing Bank gave NOK 590 million in loans for 647 new student homes. In addition, in 2020 and 2021, there was an increase in building and upgrading student homes. One of the reasons was an extraordinary grant of NOK 250 million to upgrade existing student homes. The grant was a means to stimulate employment rates and building activities during the pandemic. In total, the Housing Bank gave grants to build or upgrade 4100 student homes.

Social housing in Norway is a strictly needs-tested service for people disadvantaged in the housing market. The poorest people in need of social housing will most often fit the criteria for social housing. The municipalities are not required by law to offer social housing, and the municipalities have their own regulations or guidelines on how their social housing should be managed. We do not have a national registry on the local criteria for granting social housing. Consequently, we do not have detailed information on the reasons for refusals. We consider the main reason to be that applicants do not fit the municipalities criteria for social housing.

*Table 4: number of applications for social housing introduced, granted and refused (source: Statistics Norway)*

	2018	2019	2020	2021
New applications for social housing	37 944	37 873	36 696	37 574
Persons granted housing	19 646	19 255	18 638	18 655
Refusals	10 979	10 403	9 772	9 731

In 2021, the municipalities had over 108 000 social housing at their disposal. Over 98 000 of these were rented out by the end of 2021. The state has for several years provided grants and loans from the Housing Bank to contribute to more adequate social housing in the

municipalities. In 2021, the Housing Bank granted loans and grants to a total of 745 social housing.

The municipalities have over years reported that they overall have an adequate number of social housing to serve the needs of people who are disadvantaged in the housing market. Instead of increasing the number of social housing, the municipalities main concern seems to be on adjusting the social housing offers to people with special needs. Persons with long term issues with drug addiction and psychiatric illnesses are of special concern. In 2020 and 2021, the Housing Bank provided grants to municipalities that wanted to try out new ways of providing housing and services to persons with combined drug and psychological health issues.

Statistics Norway does not publish data on waiting time for social housing. Also, they do not publish national data on waiting lists for social housing due to low data quality and insufficient reporting from the municipalities. The smaller municipalities in particular do not report whether they have households on waiting lists. Based on the data from municipalities that have reported on waiting lists, a total of 3 327 households was on a waiting list for social housing at the end 2021. This is an increase of 256 households compared to 2020.

A collaborative project between the Housing Bank, municipalities and KS (The Norwegian Association of Local and Regional Authorities) is developing digital systems for social housing. The aim is to make it easier to apply for social housing and contribute to more efficient management and administration of social housing. In the long run, it will also provide better data about the social housing stock, applicants, waiting time and refusals. The system will be available for all municipalities in 2023.

#### **Question b)**

*“Please provide information whether and to what extent the Covid-19 crisis had an impact on adequate supply of affordable housing for persons with limited resources.”*

We have not registered significant impact on the supply of affordable housing due to the pandemic.

#### **Question c)**

*“With regard to social housing, please provide:*

- i) information on the number of applications for social housing introduced, granted and refused, as well as the main reasons for refusals;*
- ii) data on the average waiting time for the attribution of social housing. In this context, also explain whether judicial or other remedies were available in case of excessive waiting periods for the allocation of social housing;*
- iii) information concerning remedies where there was a failure to provide social housing at an affordable price for the poorest people and in the event of an excessively long waiting time before being allocated housing.”*

See answer above.

#### **Question d)**

*“Please provide data concerning the housing benefits, whether in the framework of the housing benefit system or in the framework of social assistance (e.g., number and categories of beneficiaries, number of housing benefits requests granted, refused, appealed, impact of benefits on affordability of housing).”*

#### **Households in temporary housing**

As detailed under the reporting on article 31, question g, 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, cf. Section 27 of the Act relating to Social Services in the Labour and Welfare Administration. When temporary accommodation is provided, the local municipality should help find permanent housing as soon as possible.

	Households in temporary housing, per year	Households with children in temporary housing, per year
2018	4 282	218
2019	4 395	238
2020	4 502	230
2021	4 415	341

Source: Statistics Norway, table: 12015: [12015: Midlertidig botilbud og natthjem \(K\) 2015 - 2021. Statistikkbanken \(ssb.no\)](https://www.ssb.no/12015/Midlertidig_botilbud_og_natthjem_(K)_2015_-_2021.Statistikbanken_(ssb.no))

See answer above under question a) for further information on housing benefits.

#### Question e)

*“Please provide information on the measures taken throughout the country in relation to access for Roma and travellers to social housing.”*

Reference is made to our previous report, as we have no updated information in this regard.

#### Question f)

*“If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.”*

#### **‘Conclusions 2015’, Article 31.3, ‘Social housing’, para. 5:**

*In view of the lack of data, the Committee therefore asks the next report to indicate data on the demand for municipal housing and on average waiting time for such housing.*

See information above.

#### **‘Conclusions 2015’, Article 31.3, ‘Housing benefits’, para. 2:**

*The report indicates that in 2013 there were 120,600 applicants and 114,400 recipients of housing allowances. More than 80% of recipients live in rented housing. If households receive start-up loans to help establish themselves in owned housing, the report states that housing allowances are often included in the calculation. The Committee wishes the next report to provide information on legal remedies available in case of refusal.*

Households have the right to appeal against refusals of housing allowance to The Housing Bank. They can also appeal against the refusal of start-up loan to the municipalities.

We would also like to inform that there are not many households that are receiving both housing allowances and start-up loans. Receivers of housing allowances have often too low incomes to manage a start-up loan.

#### **‘Conclusions 2015’, Article 31.3, ‘Housing benefits’, para. 3:**

*The Committee recalls that all the rights must be guaranteed without discrimination, in particular as in respect of Roma or travellers (International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 149-155). It*

*therefore requests that the next report confirm that there is a no discrimination policy in respect of Roma and travellers.*

We confirm that there is a no discrimination policy in respect of Norwegian Roma and travellers. Norwegian Roma and travellers 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.