
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Norway

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A. Executive summary

1. Previously, the public opinion towards homosexuality was marked by discriminatory remarks in the public debate. This attitude has changed in recent years not least due to several awareness-raising campaigns and other public focus on the subject. There is generally consensus on raising awareness on LGBT issues in Norway. Currently, the public attitude to LGBT people seems twofold: in the public sphere and in the media it is easy to be pro-LGBT and utterly supportive of LGBT initiatives - however, on the everyday level there is still a lot of negativity towards LGBT people.
2. On freedom of assembly and association, there have been no prohibitions or impediments against public LGBT events. Furthermore, there are no accounts of problems regarding freedom of expression for LGBT persons or organisations.
3. The perception of the Norwegian LGBT organisation on hate crimes is that there is still a lot of violence towards LGBT persons. According to the Norwegian LGBT organisation the police often handle complaints about hate crimes from LGBT people poorly, which results in LGBT persons not reporting attacks.
4. Hate speech also occurs, but is mostly directed at ethnic minorities.
5. On family issues, the Norwegian Parliament adopted a new Marriage Act in 2008 (came into force 1 January 2009), which allows same-sex couples to marry and adopt children and at the same time the law gives women in a same-sex relationship access to assisted insemination. The law gives same-sex couples access to marriage with the same rights as opposite-sex couples.
6. It is possible to be granted asylum due to persecution on the grounds of sexual orientation or gender identity, if the asylum officers believe that this is the reason for seeking asylum. However, a large number of applications for protection based on LGBT are rejected. Norwegian immigration authorities generally consider that LGBT people must be required to keep their sexual orientation or identity hidden from their local community as spreading this knowledge could lead to persecution. LGBT asylum seekers are often socially isolated with no support in the asylum centres.
7. All the necessary legal framework has been adopted in order to secure LGBT persons the same rights for social security, social care and insurance as others. Nevertheless, the Norwegian LGBT organisation is familiar with problems in the negative attitudes of some health workers.
8. The legal framework on teaching sexual education topics in school and the material for teaching exists, but apparently both parents and teachers suffer from a degree of fear from contact with the issue. In some cases the lack of appropriate teaching on sexual education is the result of lack of knowledge that the education material exists. The sexual education material is not distributed automatically to teachers in all schools in Norway.
9. According to the Ombud for Equality and Anti-discrimination the work conditions for LGBT have changed significantly over the last ten years, probably as a response to the adoption of same-sex registered partnership and the Marriage Act. There is very little statistical information about discrimination of LGBT persons in employment situations and very few cases. The Ombud for Equality and Anti-Discrimination has made a handbook with guidance and checklists for the employers to use on LGBT issues when drawing up employment policies.

10. Norwegian legislation regulating housing contain clauses prohibiting discrimination. Available literature indicates that housing is not a significant area of discrimination.
11. Regarding health conditions for LGBT persons, the available data are limited. Even though discrimination within health care is not much reported in existing studies there are indications of the invisibility of LGB patients and a lack of competences among health service staff regarding issues of particular relevance to LGB persons. Rikshospitalet in Oslo has a monopoly on diagnosing gender identity disorders, giving permission to gender reassignment treatment, in Norway. The monopoly has been criticised by organisations, including LLH, for depriving the patient group of the possibility of obtaining a second opinion.
12. The prohibition of discrimination on the grounds of sexual orientation when accessing goods and services is criminalised as a misdemeanour in the Criminal Code. Often LGB persons are not aware of this, and such discrimination takes place especially in smaller cities. Transgender persons are not protected in the Criminal Code.
13. There have been no data on issues related to the media, but the Norwegian LGBT organisation speak of "a gay-friendly press," and mention that transgender issues have been much debated recently, due to many television programmes with representation and debates of transgender persons and issues.
14. Very little data specifically regarding discrimination of transgender persons have been found. Also, it is the perception of the Norwegian LGBT organisation, that there is very little awareness about transgender persons, and that it is generally difficult to be transgender in Norway even in the LGBT community. There is a stigmatisation of transgender persons, as Norway has conservative gender norms leaving very little room for transgression. Gender reassignment procedures in Norway are under the jurisdiction of the health department.

B. Data Collection

15. Data have been collected for this report through:
16. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Norway.
17. Data collection through interviews in Norway held in Oslo 26 to 27 April 2010 with:
18. Authorities:
 - Norwegian Ministry of Children, Equality and Social Inclusion,
19. NGOs:
 - The Norwegian Lesbian, Gay, Bisexual and Transgender Organisation (LLH)
20. National Human Rights Structures:
 - Norwegian Ombud for Equality and Anti-discrimination.

C. Findings

C.1. Public Opinion and Attitudes

21. Previously, the public opinion towards homosexuality was marked by discriminatory remarks in public debate. A much cited quotation, was the quotation from a Norwegian Bishop and Church meeting in 1954: " *Homofili er en fare af verdens dimentioner*" (Homosexuality is a threat of global dimensions).¹
22. This attitude has changed in recent years, not least due to several awareness-raising campaigns and other public focus on the subject. Politically, there is a consensus on raising awareness of LGBT issues in Norway. As indicative of the positive attitude, the Norwegian LGBT organisation was contacted by an international youth exchange organisation, AFS, who wanted assistance in finding LGBT exchange families for their exchange programme in order to reflect Norwegian society properly.²
23. On the other hand the Norwegian award 'Fritt Ord' (The Freedom of Expression Prize), which is a very prestigious prize³ for 2009 was awarded to Nina Karin Monsen who, in public debate, has strongly opposed the same-sex Marriage Act with very strong remarks against LGBT people⁴. The award was reasoned by the Committee by her courage to stand alone in the public debate uttering unpopular attitudes. The Norwegian LGBT organisation has criticised the award of this prize⁵, as Monsen's remarks are hateful towards LGBT people.
24. Currently, the level of public attitude towards LGBT people is two-fold according to the Norwegian LGBT organisation⁶:
25. In the public sphere, and in the media, it is easy to be pro-LGBT and utterly supportive of LGBT initiatives - however, on the general level there is still a lot of negativity towards LGBT people, although this are little official data available on this and there are few cases to back this up.⁷
26. Also the tone of language in Norwegian schools is still characterised by previous years' negative attitude towards LGBT people. According to a study made in Bergen last year on the public attitude towards LGBT persons, the most common derogative slang words used

1 Cited during the interview with the Norwegian Ministry of Children, Equality and Social Inclusion , 26 April 2010; from The Royal Department for Children and Family (2000-2001) *Living conditions and quality of life for lesbians and gays in Norway*; city: publisher.

2 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

3 The Freedom of Expression Prize is a prize awarded by the Freedom of Expression Foundation in Oslo. According to the foundation's webpage (www.fritt-ord.no/en/ , accessed 23 September 2010), "The paramount object of the Freedom of Expression Foundation, Oslo, is to protect and promote freedom of expression and the environment for freedom of expression in Norway, particularly by encouraging lively debate and the dauntless use of the free word." The Prize is the foundation's highest distinction and the decision to award the Prize is made by the Freedom of Expression Foundation's Board of Trustees.

4 Monsen among other things argued, that children growing up in same-sex families were disabled due to this.

5 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010. Further information on their website: <http://www.llh.no/?module=Articles;action=Article.publicOpen;ID=4845>, accessed 7 July 2010.

6 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

7 This is particularly so in the so-called Bible-belt of Norway, which covers the south-south west coast, where LGBT people in some places are reluctant to register and enter LGBT associations due to fear for reprisals. This is a problem, since you need to register at the associations in order to participate in arrangements and parties of the association. It has rather meant that LLH's local groups have had to make their social events open for non-members.

in schools towards anybody regardless of sexual orientation are 'whore' and 'homo'.⁸ The same study showed that 30% of the males in the study were disgusted by the thought of two men together.

27. Even though the public debate about LGBT issues is generally positive and pro-LGBT, negative opinions are expressed about LGBT without further implications to the person expressing the negative views, as these views are claimed to be based on religion. An example of this is the so-called 'Moral-police' 'patrolling' in a part of Oslo. The 'Moral Police' consists of various religious believers - but particularly Muslims, who, on some occasions, have harassed LGBT persons on the street.⁹ The perception of the Norwegian LGBT organisation is that especially Christian groups, but also some Muslim groups, are very involved in the debate on LGBT issues and most often with a rather negative approach.
28. Another issue on LGBT and religion is that a qualitative study¹⁰ of the minority group of Sami Christians in Norway¹¹ has shown that young LGBT Sami people face large difficulties in 'coming out' in their own society/small cities, as the Sami society is, to a large extent, conservative Christian¹². 'Coming out' leads to many problems of discrimination and negative reactions.
29. On the issues of LGBT immigrants, the general remark is that the diversity in immigration groups is large. Social meeting venues have been set up by LGBT groups with an immigrant background, but many LGBT immigrants are not comfortable 'coming out' publicly, especially in Muslim communities because of the fear of being recognised and fear of reprisals. Being LGBT is considered to be "...*explosively problematic in Muslim milieus...*".¹³ Few Muslim LGBT persons declare their sexual orientation or gender identity in public.
30. Furthermore, it is the perception of the Norwegian LGBT organisation, that there is very little awareness about transgender persons, and that it is, in general, difficult to be transgender in Norway, even in the LGBT community. There is a stigmatisation of transgender persons, as Norway has conservative gender norms leaving very little room for transgression. The trend seems to be, that it is a bit easier to be transgender in Oslo, and very difficult in the smaller cities in Norway.
31. As part of ambitions to "safeguard social diversity and to strengthen efforts to combat discrimination" the Norwegian government has issued an LGBT action plan (2009-2012) to promote the mainstreaming of LGBT perspectives in various policy areas.¹⁴ The action plan contains comprehensive background information about the understanding of 'LGBT' forms of discrimination as well as relevant measures to be undertaken in the fields of: research, school and education, child and family policy, recreation, sports and NGOs, working life, immigration and integration, the Sami population and the national minorities, health and care services, police and prosecuting authorities as well as mainstreaming in international activities and foreign affairs.

8 Interview with the Norwegian Ministry of Children, Equality and Social Inclusion, 26 April 2010.

9 Interview with the Ombud for Equality and Anti-Discrimination, 27 April 2010.

10 Grønningsæter A.R. & Nuland B.R., *Lesbiske og homofile i Sápmi - en narrativ levkårsundersøkelse*, Fafo. Oslo: 26, 2009.

11 The Sami form one of the indigenous communities of northern Europe inhabiting Sápmi, which today encompasses parts of northern Sweden, Norway, Finland and the Kola Peninsula of Russia but also in the border area between south and middle Sweden. There are about 30-40,000 Sami people in Norway.

12 The study also shows that young Sami LGBT people do not have significant problems when 'coming out' in larger cities.

13 Direct quotation from an interview with the Norwegian Ministry of Children, Equality and Social Inclusion, 26 April 2010.

14 Norwegian Ministry of Children and Equality, *The Norwegian Government's action plan - Improving quality of life among lesbians, gays, bisexuals and trans persons, 2009-2012.*, 2008

32. The consideration behind the action plan was the original white paper from the Norwegian Ministry of Children, Equality and Social Inclusion¹⁵ (Barne-, likestillings- og inkluderingsdepartementet) to the Norwegian Stortinget. The Norwegian Ministry of Children, Equality and Social Inclusion launched investigations on LGBT issues and identified and established those initiatives necessary to promote the rights and living conditions of LGBT. As a consequence to the white paper, financial support to LGBT institutions was increased, among this, financial support to institutions promoting same-sex marriage rights. The initiative with financial support was not effective, however. Therefore a conference on experience with LGBT issues was initiated, where professionals, researchers and interest groups were invited. This conference was the first step to create an action plan and update the white paper, and the conference resulted in the making of a report¹⁶ on LGBT issues.
33. In order to reach the goals set out in the action plan, Norway has chosen to mainstream issues of LGBT in central government sectors. This means that all public departments must be aware of LGBT issues and have a policy on the given topic (this is described in the action plan) as well as including LGBT issues into plans and projects, where there are topics of social diversity, gender equality, inclusion, discrimination and bullying. The Norwegian Ministry of Children, Equality and Social Inclusion is responsible for developing policies related to LGBT and each department within the ministry is individually responsible for measures in the sectors it administers. All departments must be aware that the same opportunities and possibilities are offered to LGBT persons concerning equality and anti-discrimination.
34. According to the Norwegian Ministry of Children, Equality and Social Inclusion, the health department and the department for foreign affairs have both done much to improve and promote LGBT awareness and the health department in particular has been successful on improving public health.
35. Locally, some of the 431 Norwegian municipalities have established local action plans on LGBT issues, though this is far from the majority of the municipalities, which have chosen to focus on this.
36. Case Law and administrative practice on LGBT issues is virtually non-existent in the public statistics. About 1% in total, or two cases out of the 162 cases¹⁷ treated by the Ombud for Equality and Anti-Discrimination in 2008¹⁸ concerned LGBT complaints on discrimination on grounds of sexual orientation.¹⁹ One of the cases was related to discrimination in employment situations and the other has not been labelled in the statistics.
37. On gender issues 35% of the total amount of cases treated by the Ombud for Equality and Anti-Discrimination in 2008 concerned cases of discrimination on grounds of gender. In all one case of the 56 cases on gender issues concerned transgender related issues. The majority of the gender complaints (39 cases out of 56) were related to gender discrimination in employment situations.
38. There is no official explanation for the relatively low number of cases treated by the Ombud for Equality and Anti-Discrimination. According to LLH it might have to do with the limited

15 The Ministry was originally called the Norwegian Ministry of Children and Equality, but later changed its name to the Norwegian Ministry of Children, Equality and Social Inclusion.

16 Norwegian Ministry of Children and Equality, *Safety and Diversity - a queer experience conference*, Oslo, 13 and 14 September 2007.

17 Of 16 persons who made an application to the Ombud for Equality and Anti-discrimination only two of these resulted in an actual complaint. Most of the cases fall outside the scope of application of the framework legislation. Many cases are just filed with no reason - the Ombud does not know why the cases do not make it to an actual complaint.

18 The 2009 numbers have not been publicised yet.

19 Norwegian Ombud for Equality and Anti-Discrimination, *Practise 2008 - Law on discrimination in practise*, 2008

protection LGB persons have, and that transgender, as opposed to LGB, is not mentioned as specific grounds in any of the non-discrimination statutes in Norway

39. It is important to note that even though the Ombud for Equality and Anti-Discrimination has no means of enforcement, 99% of the recommendations made by the Ombud for Equality and Anti-Discrimination are actually followed.

C.2. Freedom of assembly and association

40. An annual Pride parade is held in Oslo. There have been no prohibitions or impediments against public LGBT events.
41. Also the Norwegian LGBT organisation states that no problems have arisen in connection to assemblies. The Norwegian LGBT organisation has asked all its local offices²⁰ whether any of them have had problems with public LGBT assemblies. Of those offices that have responded, none of them had experienced any real problems. There have been a few incidents where the Pride event has been asked to pay for police protection on the basis of it not being a political event. The matter was resolved by the police accepting that the event was political and therefore the organisation should not pay for protection.
42. The local offices have generally experienced getting the necessary support and protection. According to the Norwegian LGBT organisation this is also the case with other associations.

C.3. Freedom of expression

43. There are no accounts of problems regarding freedom of expression for LGBT persons or organisations.
44. The general opinion of the Norwegian LGBT organisation is that there are no restrictions to express themselves or for the LGBT to express themselves in the public media. The Norwegian LGBT organisation often has the opportunity to give their views, also in the nation wide media.²¹

C.4. Hate crime - Penal Code

45. A report from 2007 based on representative quantitative data from 2006 and 2002 explores the issue of bullying, harassment and physical violence among LGB teenagers (age 14-16) in Oslo.²²
46. An overall conclusion of the report is that the LGB teenagers are at a higher risk of experiencing abuse than heterosexual teenagers. Five percent of lesbian teenagers and 23 percent of gay male teenagers reported experiencing daily harassment. Eighteen percent of lesbian and 39 percent of gay male teenagers reported severe physical maltreatment within the last 12 months. The LGB teenagers also reported higher rates of maltreatment by their parents and siblings as well as more harassment and physical violence from peers and unknown teenagers.

20 There are 14 branches of the Lesbian, Gay, Bisexual and Transgender Organisation.

21 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

22 Moseng B.U., *Vold mot lesbiske og homofile tenåringer. En representative undersøgelse av omfang, risiko og forbrydelse - Ung i Oslo 2006*, Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA), Rapport 19/07, Oslo, 2007.

47. The conclusions of the report have subsequently been criticised or nuanced with the argument that sexual orientation should not be viewed as the only cause of the reported bullying, harassment and violence.²³ Sexual orientation should rather be regarded as one risk factor among others, and it should, for example, be taken into consideration that a homo- or bisexual identification might entail some social practices which carry with it a higher risk of violence, such as going out, drinking etc.
48. A report from the police in Oslo show that in 2007, 29 (out of a total of 257) reported hate crimes were reported as motivated by sexual orientation / homophobia.²⁴ For 2008 the number of hate crimes motivated by sexual orientation was three.²⁵ The Norwegian LGBT organisation notes that statistics about hate crimes and LGBT people is difficult, as there is no official definition of hate crime. In order for a crime to be registered in the public statistics as a hate crime the police officers have to tick the box of 'hate crimes' during the report writing. Since 2007 there have been no real statistics published on this, but data are still collected. The Norwegian Minister of Justice is very aware of hate crimes in the public and supports the work done by the Norwegian LGBT organisation.²⁶ Hate crimes have been included in a new anti-discrimination proposal, (but only organised hate crime against ethnic minorities). It is believed that the law will be voted upon in Parliament in 2011.
49. The perception of the Norwegian LGBT organisation on hate crimes is that there is still a lot of violence towards LGBT people in society. According to the Norwegian LGBT organisation the police most often handle complaints about hate crimes from LGBT poorly, which in the end results in LGBT people not reporting attacks.
50. The Norwegian LGBT organisation has tried to map the dark figures in the public police statistics. This has led to the Norwegian LGBT organisation having knowledge of several incidents of hate crimes that were never filed. This is due to a request on the Norwegian LGBT organisation's website, and in the media, where LGBT people tell the Norwegian LGBT organisation of incidents of hate crimes to which they have been subjected, but have not reported to the police.
51. One of these cases concerned a gay person, who fell asleep during a party and was set on fire because he was gay. None of the numerous witnesses present could or would identify the perpetrator. The case was originally dismissed by the local police, but the Higher Prosecuting Authority ordered a reopening of the case as not all witnesses had been interviewed. The case initiated a large demonstration against hate violence in Oslo in spring 2010.²⁷
52. Also the so-called 'Moral Police' 'patrolling' in parts of Oslo as mentioned previously²⁸ have been involved in hate crime: In one case two gay men were physically assaulted in 'Grønland' (part of Oslo) when openly showing their homosexuality by holding hands.²⁹ The Police were aware of the identities of the perpetrators and contacted the religious groups in Oslo in order to raise awareness on the escalating problem with the 'Moral-police' in order to contain the 'patrols'. The religious groups have generally responded in a positive way, condemning the harassment of LGBT persons.

23 Stefansen K. et al., *Vold mot "homofil" ungdom. Forekomst og fortolkninger*, Sociologi i dag (39) no. 2/2009: 43-71, 2006.

24 QX, 28 January 2009, 257 anmeldelser af hate crime, published on QX website, <http://209.85.229.132/search?q=cache:IWpGRtFRgLIJ:www.xq28.dk/Nyheder/354/257anmeldelserafHateCrime.aspx+hate+crime+norge&cd=1&hl=da&ct=clnk&gl=dk>, accessed 22 October 2009.

25 Norwegian Ombud for Equality and Anti-discrimination *Et samfunnsregnskap for likestilling og diskriminering*, 2009

26 From the interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010, Oslo and Adressa.no, www.adressa.no/nyheter/innenriks/article1467648.ece, accessed 23 September 2010.

27 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

28 In the chapter '*Public opinion and attitudes towards LGBT people*' of this report.

29 *Dagbladet*, www.dagbladet.no/2009/08/20/nyheter/innenriks/vold/homofile/angrep/7737175/, accessed 23 September 2010, and interview with the Ombud for Equality and Anti-discrimination, 27 April 2010.

53. Hate speech also occurs (see section on 'public opinions and attitudes'), but mostly it is targeted towards ethnic minorities. Hate speech is criminalised in the Criminal Code § 135 a, and what is assessed is the severity of what has been uttered by the perpetrator, read in light of § 100 in the Norwegian Constitution which establishes freedom of expression. Case Law relating to § 135 primarily relate to racist statements.
54. In February 2010 the Norwegian LGBT organisation reported a case to the police, where a Muslim man stated in an interview with a national newspaper that all gay people should be stoned. This was a response to the situation, where a gay person had been stoned in Somalia. The outcome of the case is pending.

C.5. Family issues

55. Same-sex registered partnership was introduced in Norway in 2003, and in 2008, the Norwegian Parliament adopted a new Marriage Act, which introduced gender-neutral marriage.
56. Following this allows same-sex couples to marry and adopt children³⁰ and gives women in a same-sex relationship, according to the new Biotechnology Act³¹, access to assisted insemination. The law gives same-sex couples access to marriage with the same rights as heterosexuals.³²
57. The passing of the law caused heated debate. The three centre-left parties in power as well as the Conservatives and the Liberals largely voted in favour of the law, whereas the Christian Democrats and the far-right Progress Party voted against.
58. The part of the new laws causing the most debate was the part giving lesbians the right to assisted insemination. This caused a protest outside the Parliament on the day of the passing of the bill with slogans upholding "the laws of nature".³³
59. Although the legal framework for establishing a family is present for LGBT people, there are still some legal caveats to be considered.
60. Firstly, there is the issue on egg donation, which is not allowed in Norway.³⁴
61. Secondly, there is issue of registration of the parents. For opposite-sex couples, the father of a child is identified as the man being married to the child's mother. This is not applicable to same-sex couples. If the donor can be traced, the child can learn his identity upon turning 18 years old, and the insemination is done in a certified clinic in Norway or abroad, the partner of the biological mother can be registered as a co-mother, with the same rights and duties, from birth. If these two requirements are not met, the partner of the biological mother can apply for adoption of the child two months after the birth. This creates practical problems in relation to maternity leave, in addition to the fact that if the biological mother dies, the partner has no rights in relation to the child.³⁵
62. Thirdly, LGBT persons formally have the right to adopt according to the Marriage Act - however, practical adoption to same-sex couples is inhibited by the organisations in the

30 Regulated by the *Children's Act (Barneloven)*.

31 This means that single women cannot gain access to assisted insemination, cf., *Helse- og Omsorgsdepartementet*, www.regjeringen.no/en/dep/hod/tema/bioteknologi/assistert-befruktning.html?id=438026, accessed 23 September 2010.

32 AFP, Norway adopts gay marriage law on 11 June 2008, http://afp.google.com/article/ALeqM5jko_BIHizUFFqUtmEaUrAEoPXFw, accessed 21 October 2009.

33 Ibid.

34 This is not available for different-sex couples either.

35 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

country from where the child is adopted, so LGBT persons living in same-sex partnerships can only adopt Norwegian children in practice. This makes adoption by LGBT persons very difficult as there are only a very limited number of Norwegian children available for adoption. Norwegian adoption agencies have asked for the international agreements to be changed to include policies in order for LGBT to be able to adopt.³⁶

C.6. Asylum and refugee issues

63. It is the perception of the Norwegian LGBT organisation that LGBT asylum seekers find it hard and even risky to be open about their sexual orientation and/or gender identity in asylum reception centres. LGBT people are left to themselves in the asylum centres with no other openly LGBT persons or representatives present, and they do not disclose their sexual orientation or gender identity as long as they live in the asylum centres, because of fear of reprisals.³⁷
64. In the procedure of seeking asylum, the applicant meets the Directorate of Immigration as a first instance with no lawyer present. This meeting more or less establishes all of the further procedure of the asylum case. If the applicant does not disclose his/her sexual orientation as the motive behind seeking asylum at this initial meeting, but provides this information at a later stage in the proceedings, the immigration authorities often conclude that the applicant is not credible due to a change in the declaration. This harms LGBT persons' possibility of effectively applying for asylum.³⁸
65. Also, the immigration authorities often interpret lack of information about persecution in the asylum seekers' country of origin as an indication that persecution is non-existent. This poses a problem, as given that in many countries the mere talking of LGBT issues is still a taboo, many local human rights organizations still fail to report persecution of LGBT people. These organisations may fear that their credibility or reputation might be diminished by the involvement in such debates given the relatively conservative social backgrounds in which they operate.. The Norwegian LGBT organisation especially mentions an incident during a meeting with a group of leaders from the Norwegian Directorate of Immigration who referred to the independent public fact finding agency of the immigration authorities stating that there were no problems being LGBT in Iran and that LGBT persons were allowed to have sex in the public parks. Such a view could be detrimental to the asylum cases of Iranian asylum seekers in Norway.³⁹
66. "Norwegian immigration authorities generally consider that LGBT must be required to keep their sexual orientation or gender identity hidden from their local community if spreading this knowledge could lead to persecution."⁴⁰
67. The Foreign Ministry is trying to improve their work with LGBT issues, and has as a measure issued a questionnaire to embassies in order to identify LGBT issues on a general basis, and also in connection to asylum procedures. The measure does not focus as much on the legal side of the LGBT issues, but focuses on the existence of public organisations in the country of origin and if LGBT persons are criminalised because of their sexual orientation or gender identity. The replies have only started to come in. According to the Norwegian LGBT organisation, this is an area in great development at the moment.⁴¹

36 Ibid.

37 Ibid.

38 Ibid.

39 Ibid.

40 UNHCR, *Fleeing for love: Asylum Seekers and Sexual Orientation in Scandinavia*, 2009, www.unhcr.org/4b18e2f19.pdf, p.13, accessed 23 September 2010.

41 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

C.7. Social security, social care and insurance

68. There are little data on social services in relation to LGBT persons and issues. However, with same-sex marriage legislation in place, lack of equal access to partner benefits should not be a problem in Norway. This also applies to the private sector, including social insurance.
69. However, it is assessed that: "it is worth pointing out that the problems [...] shown regarding invisibility and lack of competence within public health and welfare services can also apply to other parts of the service sector".⁴²
70. According to the Norwegian LGBT organisation all of the necessary legal framework has been adopted in order to secure these rights to LGBT persons. Nevertheless, the Norwegian LGBT organisation is familiar with problems in the negative attitudes of some health workers, such as negative remarks and refusal to refer lesbian couples to artificial insemination.⁴³

C.8. Education

71. The curriculum in the Norwegian primary school prescribes that the school must prevent and hinder discrimination, but racism is the only kind of discrimination explicitly mentioned. Still research shows that the education in practice often depicts homosexuals as 'the others' entailing that homosexuality is represented as 'problematic and different', whereas heterosexuality is depicted as 'normal and natural' - regardless of the good intentions of the teachers.⁴⁴
72. As a consequence of the little knowledge among teachers on how to address LGBT issues, a study was made by the Ministry of Education on the school curriculum in the schools with regards to gender identity and sexual orientation, ethics etc. in 4th, 7th and 10th grades, which resulted in guidelines⁴⁵ designed to help the teachers in teaching sexual orientation and gender identity. The study also showed the reluctance among teachers to teach the topics of sexual educations - they would rather leave it to the school nurse.
73. The legal framework on teaching sexual education topics in schools and the material for teaching exists, but apparently both parents and teachers suffer from a degree of fear from contact with the issue, according to the Norwegian LGBT organisation. In some cases the lack of appropriate teaching on sexual education is the result of lack of knowledge that the education material exists. The sexual education material is not distributed automatically to teachers in all schools in Norway, and in many cases it relies on the teachers finding the material themselves in the library.
74. Private schools have no clear rules on teaching sexual orientation or anti-discrimination. Religion is often prevalent in these schools and the Norwegian LGBT organisation see cases on this issue - primarily on remarks uttered by teachers in these schools that, for example, "LGBT people go to hell" or offers of "direction through guidance". There is no national legislation stipulating that private schools cannot teach these to children, as the

42 Grønningsæter A.R. & Nuland B.R. *Diskriminering av lesbiske, homofile og bifile og av hivpositive. En litteraturgjennomgang*. 2008, Fafo. Oslo

43 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

44 Røthing Å. (2007) "Gode intentioner, problematiske konsekvenser. Undervisning om homofili på ungdomsskolen", in: Norsk Pædagogisk Tidsskrift, vol. 91: 485-497. And Røthing Å. "Homonegativisme og homofobi i klasserommet. Marginaliserte maskuliniteter, disiplinerte jenter og rådville lærere", in: Tidsskrift for ungdomsforskning, 2007, 7(1): 27-51.

45 Røthing Å. & Bang Svendsen S.H. (2009) *Seksualitet i skolen - perspektiver på undervisning*. Oslo: Cappelen Akademisk Forlag.

perception of the teachers is a result of their religion. The Norwegian LGBT organisation tries to dialogue with these schools.

75. An awareness-raising campaign about discrimination and the rights carried out by the Equality and Anti-Discrimination Ombud in 2007 inquired into the use of derogatory language at schools. The answers showed that "whore" and "homo" were the most commonly used words.⁴⁶ Moreover, a study in Stavanger published in 2009 on harassment in schools showed that a large number of LG people in schools have been subjects of harassment.⁴⁷

C.9. Employment

76. According to the Ombud for Equality and Anti-Discrimination the work conditions for LGBT people have changed significantly over the last ten years, probably as a response to the same-sex Marriage Act, which had a lot of public media debate, and thus raised awareness of the LGBT situation in Norway.
77. Nevertheless, a large quantitative survey carried out in 1999 showed that one in five lesbians and one in four gay men had experienced discrimination at work or in an educational institution.⁴⁸
78. A study presented in 2005 by the Norwegian Confederation of Trade Unions, based on the same material and carried out by NOVA,⁴⁹ showed that 35 per cent of lesbians and bisexual women and 39 per cent of gay and bisexual men did not disclose their sexual orientation at work - primarily due to fear of being met with prejudice and lack of acceptance. 20 per cent of the male and 16 per cent of the female respondents report having experienced harassment or bullying at work due to their sexual orientation. The Norwegian LGBT organisation still ascertains a lot of harassment going on in employment situations, especially for teachers, who have the 'worst job' in which to be openly LGBT.⁵⁰
79. The two major trade unions in Norway (LO - the Norwegian Confederation of Trade Unions and YS - The Confederation of Vocational Unions) work actively to prevent discrimination against LGBT people in employment situations. The Norwegian Confederation of Trade Unions participates in the Pride parade every year to show their support and the Confederation of Vocational Unions has participated once. One of the larger problems LGBT people face in employment situations is the problem of awareness: heterosexual persons do not realise that there is still LGBT discrimination and harassment occurring in workplaces, according to the Norwegian LGBT organisation. Therefore, a trend for LGBT people to gather in gay friendly workplaces has developed.
80. There is very little statistical information about discrimination of LGBT people in employment situations but one of the few cases before the Ombud for Equality and Anti-Discrimination on discrimination against LGBT people in employment situations concerned a Christian kindergarten that advertised a janitor position. A gay applicant was turned down

46 Grønningsæter A.R. & Nuland B.R., *Diskriminering av lesbiske, homofile og bifile og av hivpositive. En litteratgjennomgang*. Fafo, Oslo, 2008.

47 Interview with the Norwegian Ministry of Children, Equality and Social Inclusion, 26 April 2010, www.udir.no/upload/Rapporter/Seksuell_orientering_og_mobbing_rapport.pdf, accessed 4 August 2010.

48 Danielsen K., *Diskriminering - en litteratgjennomgang*, Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA), Skriftserie 4/05, Oslo, 2005.

49 Moseng B.U., *Lesbiske og homofile arbeidstakere - en pilotundersøkelse*, 2005. Key findings outlined in: *Dagsavisen* (20 June 2005) Homofile skjuler seg på jobben, www.dagsavisen.no/innenriks/article255698.ece, accessed 9 November 2009.

50 Direct quote from interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

on the basis of his sexual orientation, and the Ombud for Equality and Anti-Discrimination stated that discrimination had taken place.

81. The Ombud for Equality and Anti-Discrimination has made a handbook⁵¹ with guidance and checklists for employers to use on LGBT issues when drawing up employment policies, and the interest and response to this has been huge.⁵² The Ombud for Equality and Anti-Discrimination experiences many enquiries from employers on how to address LGBT issues in the workplace.

C.10. Housing

82. Norwegian legislation regulating housing contain clauses prohibiting discrimination. Available literature indicates that housing is not a significant area of discrimination.⁵³ This is also confirmed by the Norwegian LGBT organisation, which is not aware of any cases concerning discrimination against LGBT people in connection to housing in the last five to six years.⁵⁴

C.11. Health care

83. Regarding the health conditions for LGBT persons, the available data are limited. A report from 2007 (based on extensive quantitative and qualitative data from 2002) shows that young people who are attracted to persons of the same sex often experience loneliness, have small social networks, and are over-represented among the youth who use illegal drugs. The same report shows that young people who have sexual experiences with persons of the same sex, but who are not emotionally attracted to persons of the same sex, are well-integrated in friendship networks and youth party culture.⁵⁵
84. Another report from 2007 shows that the relatively high level of bullying, harassment and violence to which LGB youth are exposed is "associated with high levels of health risk behaviours and contact with the child welfare system. LGB teenagers who have been exposed to severe physical maltreatment reported higher levels of sexual-risk behaviours, substance abuse, suicide ideation, and loitering about in the city".⁵⁶
85. There is little research on conditions for LGB persons in elderly care. A dissertation from 2004 points to the fact that past experiences of discretion and invisibility can contribute to social isolation for elderly LGB persons.⁵⁷
86. Some problems regarding elderly care, perhaps contributing to the social isolation mentioned above, are also indicated:⁵⁸ 1) some social services for the elderly are run by humanitarian organisations. Some are religious organisations that are against homosexual

51 The Ombud for Equality and Anti-Discrimination, *Likestilling og mangfold - tips og sjekklister for arbeidsplassen*, 2009.

52 Interview with the Ombud for Equality and Anti-Discrimination, 27 April 2010.

53 Grønningsæter A.R. & Nuland B.R., *Diskriminering av lesbiske, homofile og bifile og av hivpositive. En litteraturljennomgang*. Fafo. Oslo, 2008.

54 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

55 Hegna K., *Homo? Betydningen av seksuell erfaring, tiltrekning og identitet for selvmordsforsøk og rusmiddelbruk blant ungdom. En sosiologisk studie*, Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA), Rapport 1/07, Oslo, 2007.

56 Moseng B.U., *Vold mot lesbiske og homofile tenåringer. En representative undersøgelse av omfang, risiko og forbrydelse - Ung i Oslo 2006*, Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA), Rapport 19/07, Oslo: 53, 2007.

57 Kristiansen H.W., *Kjærlighetskarusellen. Eldre homoseksuelle menns fortellinger og livsløp i Norge*. Institute of Social Anthropology. University of Oslo, 2004.

58 Grønningsæter A.R. & Nuland B.R., *Diskriminering av lesbiske, homofile og bifile og av hivpositive. En litteraturljennomgang*. Fafo. Oslo, 2008.

relations. 2) health care personnel lack competences regarding needs and issues of specific relevance for LGB persons and often presume that all clients are heterosexual. This may lead to unintended, however experienced, discrimination.

87. Even though discrimination within health care is not much reported in existing studies there are indications of invisibility of LGB patients and a lack of competences among health service staff regarding issues of particular relevance to LGB persons.⁵⁹
88. Little data on the situation regarding discrimination against transgender persons are available. However, severe criticism of the procedures for gender reassignment has been raised. In 2009, the Norwegian LGBT organisation issued a petition with the following wording:
89. "We demand that the Norwegian government must end Rikshospitalet's monopoly on deciding who can get gender reassignment (diagnosing Gender Identity Disorders). This means
 - a) that professionals outside of Rikshospitalet must be allowed to diagnose gender identity disorders
 - b) that Rikshospitalet must be obliged to treat patients who have been diagnosed elsewhere.
90. Today, Rikshospitalet in Oslo has a monopoly on diagnosing gender identity disorders, giving permission to gender reassignment treatment in Norway. The monopoly has been criticised by organisations, including LLH, for depriving the patient group of the possibility of obtaining a second opinion. Several professionals across the country are competent enough to diagnose gender identity disorders.⁶⁰
91. The situation in Norway has upset activists all over the world, after the news of a woman who cut off her testicles when she did not get the right gender identity disorder diagnosis (ICD-code F64.0) at Rikshospitalet.⁶¹
92. Also doctors have the right to reserve themselves from referring lesbian couples to artificial insemination out of personal or religious reasons (this is the only case where doctors can make such a reservation). The politicians arguing for the adoption of this law were quite adamant that this legislation should not be used to discriminate patients on the grounds of sexual orientation and gender identity.

C.12. Access to goods and services

93. There have been no data regarding access to goods and services besides those mentioned in the chapter on Social security, social care and insurance, and the chapter on Health care.
94. However, the prohibition of discrimination on the grounds of sexual orientation when accessing goods and services is protected in the Criminal Code. According to the Norwegian LGBT organisation, LGBT people are often not aware of this, and as such discrimination takes place especially in smaller cities, whereas there are no documented incidents in Oslo⁶². In 2007 there was a case with a gay man who was refused entry to

59 Ibid.

60 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

61 The Norwegian LGBT Association, *Petition to end Rikshospitalet's GID-monopoly*, 2009, www.llh.no/?module=Articles;action=Article.publicShow;ID=5105, accessed 9 November 2009.

62 The Norwegian Lesbian, Gay, Bisexual and Transgender Organisation is not aware of any cases on discrimination on access to goods and services against LGBT persons, which has taken place in Oslo or any other larger cities.

public places in his hometown, which was a very small city.⁶³ This resulted in him not being able to go out at all in his hometown. Another case about discrimination in Oslo concerned a gay couple who were refused to ride the bus, after the couple had been kissing each other at the bus stop.⁶⁴

C.13. Media

95. There have been no data on issues related to the media.
96. The Norwegian LGBT organisation has not experienced any problems with the media, which they call "a gay-friendly press".⁶⁵ Also, a newspaper called *Utrop!*, which is especially for immigrants, has a very open LGBT debate. The editor of the magazine breaks all the rules and taboos on LGBT issues and writes about all kinds of topics.
97. Even though there is little awareness about transgender issues in general in Norway the subject has been much debated recently in the media, due to several television programmes. Particularly the programme 'Jentene på Toten', about transgender women showing their conditions of life, has raised the public's awareness of transgender persons.⁶⁶

C.14. Transgender issues

98. The Ombud for Equality and Anti-Discrimination issued a statement in 2005 saying that Norwegian legislation does not explicitly protect transgender persons against discrimination, as law on Gender Equality only addresses transsexual persons.⁶⁷
99. Very little data specifically regarding discrimination of transgender persons have been found. Stigmatisation of transgender persons is among other things connected to the practice of public institutions (health system, other public officials) that is generally based on the notion that there are two categories of gender - male and female.⁶⁸
100. No official documents can be changed until all of the gender reassignment procedure has been carried through, this is a particular problem as gender reassignment procedures are not granted to transgender persons, unless the transgender person has been diagnosed by the Rikshospitalet in Oslo. Rikshospitalet has a very rigid interpretation of transgender persons and -categories, and only certain categorisations give access to gender reassignment procedures. For example, the GID clinic at Rikshospitalet only offers treatment to persons falling within the WHO ICD 10 list, diagnosis F.64.0 (Transsexualism). This excludes a number of other diagnosis relating to GID in the F. 64 class. It is also contrary to the classification of the WHO itself.⁶⁹

63 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

64 Ibid.

65 Ibid.

66 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010 and interview with the Ombud for Equality and Anti-discrimination, 27 April 2010.

67 The Equality and Anti-Discrimination Ombud, 2005. *Likestillingsloven gjelder også for transkjønnete*, www.ldo.no/no/Klagesaker/Arkiv/Likestillingsombudets-klagesaker/2005/Juni/Likestillingsloven-gjelder-ogsaa-for-transkjoennete/, accessed 9 November 2009. It is uncertain whether this law should be interpreted as to include other transgender people as well, there being no case law concerning this question as of today (July 2010).

68 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

69 Highlighted by the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation in an open letter to the Ministry for Health and Care Services, *Bekymringsmelding ang. GID-klinikken*, 25 May 2009, www.lh.no/?module=Articles;action=Article.publicShow;ID=5091, accessed 7 July 2010.

101. When the gender reassignment procedures have been granted to a transgender person after diagnosis, the transgender person is required to carry out full gender reassignment procedure (hormones, surgery etc.).⁷⁰
102. Gender reassignment procedures in Norway are under the jurisdiction of the Ministry for Health and Care Services. According to the Norwegian Ministry of Children, Equality and Social Inclusion, the Ministry for Health and Care Services is currently revising certain aspects of the GID clinic that have been criticised.⁷¹
103. The little data on transgender people are also reflected in the few cases on transgender issues. The Ombud for Equality and Anti-Discrimination knows of one case from 2008 regarding a recruitment procedure where a transgender person was refused on the grounds of sexual orientation.⁷² The findings of the case were that there was no discrimination as the employer has a margin of appreciation in determining who will be appropriate for the job. Another case of discrimination against a transgender person ended likewise, as it was found that there had been no discrimination in turning down an application of a transgender man to have two passports to reflect his gender identity/expressions properly.⁷³

C.15. Other areas of concern

104. A study published by Fafo - Institute for Labour and Social Research highlights the invisibility of lesbian and gay Sami.⁷⁴ The study highlights the complexity of identifying with two minority groups. Issues related to gender, family ties, religion, traditions, discrimination and prejudice in different ways make it difficult to identify and express oneself as gay or lesbian. The report concludes that these are mechanisms also experienced by the ethnic Norwegian majority population, but the Sami respondents assess that it is often harder to come out as gay or lesbian in a Sami minority community.
105. A literature review from 2008 concludes that homosexuals with immigrant backgrounds also face the issue of identifying with more than one minority group.⁷⁵ It further concludes that this identification is at times accompanied by both discrimination on grounds of ethnicity/race (for example in the LGBT community) and on grounds of sexual orientation (for example in a minority-ethnic community).
106. Intersex children receive gender reassignment surgery at the age of as little as six to nine months based on studies of which kind of toys the child wants to play with and the biological factors. The doctors argue that there are chromosomal and hormone levels that can decide the final sex of the child even if the child is no older than six months. The argument behind the early gender reassignment surgery is that it is otherwise too hard for the parents and the child to live and grow up without belonging to a certain gender.⁷⁶

70 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010.

71 Interview with the Norwegian Ministry of Children, Equality and Social Inclusion, 26 April 2010. It has not been possible to obtain information about which specific areas that are being addressed.

72 Interview with the Ombud for Equality and Anti-Discrimination, 27 April 2010.

73 Ibid.

74 Grønningsæter A.R. & Nuland B.R., *Lesbiske og homofile i Sápmi. En narrativ levekårsundersøkelse*. Fafo. Oslo, 2008.

75 Grønningsæter A.R. & Nuland B.R., *Diskriminering av lesbiske, homofile og bifile og av hivpositive. En litteraturljennomgang*. Fafo. Oslo, 2008.

76 Interview with the Norwegian Lesbian, Gay, Bisexual and Transgender Organisation, 26 April 2010. According to LLH, this medical "point of view" was clearly stated by the head of the GID department at Rikshospitalet in an interview in the popular science television series "Hjernevask" ("Brainwash"), which was screened during the spring of 2010. The series created a lot of debate in Norway, with its critical focus on sociological explanatory models to gender differences. The programme is available at www.nrk.no, accessed 23 September 2010.

107. Literature also shows that lesbians and gay men with disabilities are highly invisible and that neither the LGBT community and -NGOs nor the disability-rights organisations have been able to tackle the needs and problems of this group.⁷⁷

C.16. Data availability

108. "Gay studies are a new field of study in Norway, and there are no empirical studies specifically dealing with discrimination of lesbians and gays in the different arenas."⁷⁸ The Norwegian Ministry of Children, Equality and Social Inclusion has issued an action plan in order to raise awareness and ensure the rights for LGBT people in Norway. Much of this sociological report is based on the interviews held on the field trip to Norway with the Ministry of Children, Equality and Social Inclusion, the Norwegian LGBT organisation and the Ombud for Equality and Anti-Discrimination, though much written material has been issued over the past five years to reflect the changes on LGBT issues and attitudes.
109. Therefore it is possible to conclude that the overall picture drawn up on LGBT issues in Norway on the basis of the existing material is rather precise and detailed.

⁷⁷ Grønningsæter A.R. & Nuland B.R., *Diskriminering av lesbiske, homofile og bifile og av hivpositive. En litteraturgjennomgang*. Fafo. Oslo, 2008.

⁷⁸ Danielsen K., *Diskriminering - en litteraturgjennomgang*, Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA), Skriftserie 4/05, Oslo: 28, 2005.