

# Income, troubles and legal family formats in Norway

by Halvor Frihagen<sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

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Published by INED, Paris, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 2 – Income and troubles)

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**Recommended citation:**  
H. Frihagen, 'Income, troubles and legal family formats in Norway', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu) (question 2.x).

## Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).



# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Norway

The answers concerning Norway can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

#### **Formalisation of legal family formats in Norway by Thomas Eeg (Section 1)**

#### **Income, troubles and legal family formats in Norway by Halvor Frihagen (Section 2)**

#### **Parenting and legal family formats in Norway by Thomas Eeg (Section 3)**

#### **Migration and legal family formats in Norway by Halvor Frihagen (Section 4)**

#### **Splitting up and legal family formats in Norway by Thomas Eeg (Section 5)**

#### **Death and legal family formats in Norway by Thomas Eeg (Section 6)**

So this paper is based on **Section 2 (Income and troubles)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 2.1 Lower income tax**
- 2.2 Social benefits**
- 2.3 Health insurance**
- 2.4 Care between partners**
- 2.5 Care for a parent**
- 2.6 Next of kin**
- 2.7 Domestic violence**
- 2.8 Criminal procedure**
- 2.9 General background regarding income and troubles**

In the following pages of this paper, first the answer to question 2.9 is presented, followed by the answers to questions 2.1 to 2.8.

**2.09 - General background regarding income and troubles (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, family support, etc.) that may be relevant for the understanding of your answers above regarding income and troubles, then please do so here.

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Jurisdiction: **Norway**

Source: H. Frihagen, "Income, troubles and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-NO-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.01 - Lower income tax**

Can a relationship of this type result in lower income tax than for two individuals without a partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 Yes 1993	2015 No, but 1994	2015 No, but 1994
	N/A 0000		N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b> Art. 2-11, art. 15-4 of Skatteloven (Act on tax on income and fortune) 1999-03-26-14.</p> <p>Art. 3-1 of Stortingets skattevedtak (The Norwegian National Assembly's annual resolution on taxes and levies).</p>		<p><b>References to legal sources:</b> Art. 2-11, art. 15-4 of Skatteloven (Act on tax on income and fortune) 1999-03-26-14.</p> <p>Art. 2 of Partnerskapsloven (Registered partnership act) 1993-04-30-40 (repealed 2008-06-27).</p> <p>Art. 95 of Ekteskapsloven (Marriage act) 1991-07-04-47 art. 95 (as amended 2008-06-27, in force 2009-01-01).</p> <p>Art. 3-1 of Stortingets skattevedtak (The Norwegian National Assembly's annual resolution on taxes and levies).</p>		<p><b>References to legal sources:</b> Art. 2-11, art. 2-16, art. 15-4 of Skatteloven (Act on tax on income and fortune) 1999-03-26-14.</p> <p>Art. 3-1 of Stortingets skattevedtak (The Norwegian National Assembly's annual resolution on taxes and levies).</p> <p>Art. 1-5 of Folketrygdloven (National insurance scheme act) 1997- 02-28-19, previously Folketrygdloven 1966 (National insurance act 1966) as amended in act 1993-12-17-130, in force 1994.</p>	
<p><b>Explanations and nuances:</b> Spouses' taxes are calculated combined if this results in lower tax. Spouses who support a spouse with little or no income get a tax reduction.</p>		<p><b>Explanations and nuances:</b> Previously same-sex partners could register their partnership, with all the same legal consequences as a marriage, excluding adoption and fertility treatment. When the gender neutral marriage act was passed, amending the marriage act, the registered partnership act was repealed. No new partnerships may be registered. Existing partnerships are still valid and regulated through art. 95 in the ekteskapsloven (Marriage act) of 1991-07-04-47.</p>		<p><b>Explanations and nuances:</b> Cohabitants, receiving pensions, receive in some situations a reduction in their pension, similar to married couples and registered partners. In these situations, they will receive some of the same tax benefits.</p>	

Jurisdiction: **Norway**

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Section: **2 - Income and Troubles**

Question: **2.02 - Social benefits**

When one partner (long-term unemployed or even never having been employed at all) would be entitled to a basic social benefit, will the income of the other partner then be taken into consideration and will it possibly result in loss or reduction of this entitlement?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 Yes 1993	2015 No, but 0000	2015 No, but 0000
	N/A 0000		N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b> Art. 18 of Sosialtjenesteloven (Social services act) 2009-12-18-131, previously sosialtjenesteloven (Social services act) 1991-12-13-81, previously, previously Lov om social omsorg (Social care act)1964-06-05-2.</p> <p>Circular R-35-00-G15.</p> <p>Art. 38 of Ekteskapsloven (Marriage Act) 1991-07-04-47, as amended 2008-06-27, in force 2009-01-01, previously Lov om ektefellers formuesforhold (Act on the Financial Situation of Spouses) 1927-05-20-1.</p>		<p><b>References to legal sources:</b> Art. 18 of sosialtjenesteloven (social services act) 2009-12-18-131, previously Sosialtjenesteloven (Social services Act) 1991-12-13-81.</p> <p>Circular R-35-00-G15.</p> <p>Art. 2 of Partnerskapsloven (Registered partnership act) 1993-04-30-40 (repealed 2008-06-27).</p> <p>Art. 95 of Ekteskapsloven (Marriage act) 1991-07-04-47.</p>		<p><b>References to legal sources:</b> Art. 18 of Sosialtjenesteloven (Social services act) 2009-12-18-131, previously Sosialtjenesteloven (Social services act) 1991-12-13-81, previously, previously Lov om social omsorg (Social care act)1964-06-05-2.</p> <p>Circular R-35-00-G15.</p>	
<p><b>Explanations and nuances:</b> Spouses have the mutual duty to support each other. Social services can reject social benefits if the spouse has sufficient means.</p>		<p><b>Explanations and nuances:</b> Registered partners, just like spouses, have the mutual duty to support each other. Social services can reject social benefits if the partner has sufficient means.</p>		<p><b>Explanations and nuances:</b> Cohabitants do not have the duty to mutually support each other. However, the actual situation the person is living in should be considered. Social benefits are given on individual grounds and under the discretion of social services, and practice is varied and unclear.</p>	

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Section: **2 - Income and Troubles**

Question: **2.03 - Health insurance**

Is the amount of money that the two partners in this type of relationship would have to pay for (public or private) health insurance, normally smaller than what two individuals without a partner would have to pay?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 No, but 2009	2015 N/A 0000	2015 No, but 1993	2015 No, but 0000	2015 No, but 0000
	N/A 0000		N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b> Art. 23-3 of Folketrygdloven (The National insurance scheme act) 1997-02-28-19.</p> <p>Art. 3.1 of The Norwegian National Assembly's annual resolution on taxes and levies (Stortingets skattevedtak).</p> <p>The former health care part of the financing of the Social Security 'lives on' in the top tax, cf. Frederik Zimmer, "Trygdeavgiften - mellom skatt og pensjonspremie", p. 668, in Syse et al: Velferd og rettferd. Festskrift til Asbjørn Kjørstad. Gyldendal, Oslo 2013 pp. 663-676.</p>		<p><b>References to legal sources:</b> Art. 23-3 of Folketrygdloven (The National insurance scheme act) 1997-02-28-19.</p> <p>Art. 3.1 of The Norwegian National Assembly's annual resolution on taxes and levies (Stortingets skattevedtak).</p> <p>The former health care part of the financing of the Social Security 'lives on' in the top tax, cf. Frederik Zimmer, "Trygdeavgiften - mellom skatt og pensjonspremie", p. 668, in Syse et al: Velferd og rettferd. Festskrift til Asbjørn Kjørstad. Gyldendal, Oslo 2013 pp. 663-676.</p>		<p><b>References to legal sources:</b> Art. 23-3 of Folketrygdloven (The National insurance scheme act) 1997-02-28-19.</p> <p>Art. 3.1 of The Norwegian National Assembly's annual resolution on taxes and levies (Stortingets skattevedtak).</p> <p>The former health care part of the financing of the Social Security 'lives on' in the top tax, cf. Frederik Zimmer, "Trygdeavgiften - mellom skatt og pensjonspremie", p. 668, in Syse et al (eds.): Velferd og rettferd. Festskrift til Asbjørn Kjørstad. Gyldendal, Oslo 2013 pp. 663-676.</p>	
<p><b>Explanations and nuances:</b> In Norway, the public social security finances both pensions and health care. It is possible to buy supplemental private health insurance but this is not very common. The public social security is paid with taxes and calculated together with the taxes. Tax benefits that apply to spouses will also affect public health insurance fees. Private insurance companies that offer health insurance will typically give reductions to persons living in the same household.</p>		<p><b>Explanations and nuances:</b> In Norway, the public social security finances both pensions and health care. It is possible to buy supplemental private health insurance but this is not very common. The public social security is paid with taxes and calculated together with the taxes. Tax benefits that apply to registered partners will also affect public health insurance fees. Private insurance companies that offer health insurance will typically give reductions to persons living in the same household.</p>		<p><b>Explanations and nuances:</b> Private insurance companies that offer health insurance will typically give reductions to persons living in the same household.</p>	

Jurisdiction: **Norway**

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Section: **2 - Income and Troubles**

Question: **2.04 - Care between partners**

In case one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2010	2015 Yes, but 2010	2015 N/A 0000	2015 Yes, but 2010	2015 Yes, but 2010	2015 Yes, but 2010
Yes, but 1990	Yes, but 2009		Yes, but 1991	Yes, but 1990	Yes, but 1990
No 0000	N/A 0000		N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 12-10 of Arbejdsmiljøloven (Work environment act) 2005-06-17-62 as amended in Act 2010-04-09-11, previously art. 33B of Arbejdsmiljøloven 1977 (Work environment act 1997) 1977-02-04-4 as amended by LOV-1990-06-15-34.</p> <p>Art. 9-12 of Folketrygdloven (The National insurance scheme act) 1997-02-28-19 amended in Act 2010-04-09-11, previously Folketrygdloven 1966 (The national insurance scheme act 1966) 1966-06-17-12 as amended by LOV-1990-06-15-34.</p>		<p><b>References to legal sources:</b>                      Art. 12-10 of Arbejdsmiljøloven (Work environment act) 2005-06-17-62 as amended in Act 2010-04-09-11, previously art. 33B of Arbejdsmiljøloven 1977 (Work environment act 1997) 1977-02-04-4 as amended by LOV-1990-06-15-34.</p> <p>Art. 9-12 of Folketrygdloven (The National insurance scheme act) 1997-02-28-19 amended in Act 2010-04-09-11, previously Folketrygdloven 1966 (The national insurance scheme act 1966) 1966-06-17-12 as amended by LOV-1990-06-15-34.</p>		<p><b>References to legal sources:</b>                      Art. 12-10 of Arbejdsmiljøloven (Work environment act) 2005-06-17-62 as amended in Act 2010-04-09-11, previously art. 33B of Arbejdsmiljøloven 1977 (Work environment act 1997) 1977-02-04-4 as amended by LOV-1990-06-15-34.</p> <p>Art. 9-12 of Folketrygdloven (The National insurance scheme act) 1997-02-28-19 amended in Act 2010-04-09-11, previously Folketrygdloven 1966 (The national insurance scheme act 1966) 1966-06-17-12 as amended by LOV-1990-06-15-34.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Right to unpaid leave is limited to 60 days for a dying "close person", a dying "close relative" before 2012. Before 2010 the right to unpaid leave was limited to 20 days.</p> <p>Also, a person has the right to 10 days per year unpaid leave to give care to "parent, spouse, cohabitant or registered partner" during other illness.</p> <p>A person caring for a dying "close person", previously "close relative" can get up to 60 days carer's pension, 20 days before 2006.</p> <p>No financial support is given to a person caring for a "parent, spouse, cohabitant or registered partner" during other illness.</p>		<p><b>Explanations and nuances:</b>            Right to unpaid leave is limited to 60 days for a dying "close person", a dying "close relative" before 2012. Before 2010 the right to unpaid leave was limited to 20 days.</p> <p>Also, a person has the right to 10 days per year unpaid leave to give care to "parent, spouse, cohabitant or registered partner" during other illness.</p> <p>A person caring for a dying "close person", previously "close relative" can get up to 60 days carer's pension, 20 days before 2006.</p> <p>No financial support is given to a person caring for a "parent, spouse, cohabitant or registered partner" during other illness.</p>		<p><b>Explanations and nuances:</b>            Right to unpaid leave is limited to 60 days for a dying "close person", a dying "close relative" before 2012. Before 2010 the right to unpaid leave was limited to 20 days.</p> <p>Also, a person has the right to 10 days per year unpaid leave to give care to "parent, spouse, cohabitant or registered partner" during other illness.</p> <p>A person caring for a dying "close person", previously "close relative" can get up to 60 days carer's pension, 20 days before 2006.</p> <p>No financial support is given to a person caring for a "parent, spouse, cohabitant or registered partner" during other illness.</p>	

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Section: **2 - Income and Troubles**

Question: **2.05 - Care for a parent**

In case the parent of one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 2010	2015 No, but 2010	2015 N/A 0000	2015 No, but 2010	2015 No, but 2010	2015 No, but 2010
No 0000	No 2009		No 1993	No 0000	No 0000
	N/A 0000		N/A 0000		
<b>References to legal sources:</b> Art. 12-10 of Arbeidsmiljøloven (Work environment act) 2005-06-17-62.  Art. 9-12 of Folketrygdloven (The national insurance scheme act) 1997-02-28-19.		<b>References to legal sources:</b> Art. 12-10 of Arbeidsmiljøloven (Work environment act) 2005-06-17-62.  Art. 9-12 of Folketrygdloven (The national insurance scheme act) 1997-02-28-19.		<b>References to legal sources:</b> Art. 12-10 of Arbeidsmiljøloven (Work environment act) 2005-06-17-62.  Art. 9-12 of Folketrygdloven (The national insurance scheme act) 1997-02-28-19.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Only when caring for a dying person, up to 60 days, and only if the parent-in-law is considered "a close person". In these cases both the right to leave and the carer's pension will apply.</p>		<p><b>Explanations and nuances:</b>                      Only when caring for a dying person, up to 60 days, and only if the parent-in-law is considered "a close person". In these cases both the right to leave and the carer's pension will apply.</p>		<p><b>Explanations and nuances:</b>                      Only when caring for a dying person, up to 60 days, and only if the parent-in-law is considered "a close person". In these cases both the right to leave and the carer's pension will apply.</p>	

Jurisdiction: **Norway**

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Section: **2 - Income and Troubles**

Question: **2.06 - Next of kin**

In case of accident or illness of one partner, is the other partner considered as next of kin for medical purposes (even without power of attorney)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2001	2015 Yes 2009	2015 N/A 0000	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001
Doubt 0000	N/A 0000		Doubt 1993	Doubt 0000	Doubt 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 1-3(1)b of Pasient-og brukerrettighetsloven (Act on rights of patients and users) 1999-07-02-63, in force partly from 01.01.2001, totally from 01.07.2001).		<b>References to legal sources:</b> Art. 1-3(1)b of Pasient-og brukerrettighetsloven (Act on rights of patients and users) 1999-07-02-63, in force partly from 01.01.2001, totally from 01.07.2001).		<b>References to legal sources:</b> Art. 1-3(1)b of Pasient-og brukerrettighetsloven (Act on rights of patients and users) 1999-07-02-63, in force partly from 01.01.2001, totally from 01.07.2001).	
<b>Explanations and nuances:</b> Before the Act on rights of patients and users the situation was unclear, with different practices.		<b>Explanations and nuances:</b> Before the Act on rights of patients and users the situation was unclear, with different practices.		<b>Explanations and nuances:</b> Before the Act on rights of patients and users the situation was unclear, with different practices.	

Jurisdiction: **Norway**

Source: H. Frihagen, "Income, troubles and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-NO-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.07 - Domestic violence**

When one partner uses violence against the other partner, does specific statutory protection apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2006	2015 Yes 2009	2015 N/A 0000	2015 Yes 2006	2015 Yes 2006	2015 Yes 2006
Yes, but 1982	N/A 0000		Yes, but 1993	Yes, but 1982	Yes, but 1986
Yes, but 1974			N/A 0000	? 0000	Yes, but 1982
Doubt 0000					Doubt 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 282 of Straffeloven (Penal Code) 2005-05-20-28, in force 1.10.2015.</p> <p>Between 2005 and 2009, art. 219 of Straffeloven 1902 (the Penal Code of 1902) 1902-05-22-10 as amended by LOV-2005-12-21-131, in force 1.1.2006.</p> <p>Before 2005, art. 228 and 229 cf art. 232 of Straffeloven 1902 (the Penal Code of 1902) 1902-05-22-10, as amended in act LOV-1988-02-26-7.</p> <p>Circular from the Attorney General of 30.06.1982.</p> <p>Supreme Court decision Rt. 1974 s. 1121, 19.11.1974.</p>		<p><b>References to legal sources:</b>            Art. 282 of Straffeloven (Penal Code) 2005-05-20-28, in force 1.10.2015.</p> <p>Between 2005 and 2009, art. 219 of Straffeloven 1902 (the Penal Code of 1902) 1902-05-22-10 as amended by LOV-2005-12-21-131, in force 1.1.2006.</p> <p>Before 2005, art. 228 and 229 cf art. 232 of Straffeloven 1902 (the Penal Code of 1902) 1902-05-22-10.</p>		<p><b>References to legal sources:</b>            Art. 282 of Straffeloven (Penal Code) 2005-05-20-28, in force 1.10.2015.</p> <p>Between 2005 and 2009, art. 219 of Straffeloven 1902 (the Penal Code of 1902) 1902-05-22-10 as amended by LOV-2005-12-21-131, in force 1.1.2006.</p> <p>Before 2005, art. 228 and 229 cf art. 232 of Straffeloven 1902 (the Penal Code of 1902) 1902-05-22-10.</p> <p>Proposition of amendment to Straffeloven (Criminal Procedures Act), Ot.prp.nr.79 (1986-1987).</p> <p>Circular from the Attorney General of 30.06.1982.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            In 2005, in force from 1.1.2006, the Penal Code 1902 was amended to give family members increased protection. Before this, usually the ordinary articles regarding violent crimes would be used, but the prosecutor had the right to prosecute despite the wish of the victim if "the general interest of society" so indicated. Furthermore, a family relationship would be considered an aggravating circumstance.</p> <p>In 1988 the Penal Code was amended so that the decision to prosecute did not require petition from the victim, if the suspect was the present or former spouse or cohabitant of the victim.</p> <p>To my knowledge at the earliest, in a circular from the Attorney General it was stressed that domestic violence, including among cohabitants, was a serious problem, and it was stressed that general conditions more often should indicate that the prosecutor should press charges, also without the petition of the victim.</p> <p>In 1974, the Supreme Court for the first time found a man guilty of spousal rape.</p> <p>At present this is regulated by the Penal Code 2005, in force 2015.</p>		<p><b>Explanations and nuances:</b>            In 2005, in force from 1.1.2006, the Penal Code 1902 was amended to give family members increased protection. Before this, usually the ordinary articles regarding violent crimes would be used, but the prosecutor had the right to prosecute despite the wish of the victim if "the general interest of society" so indicated. Furthermore, a family relationship would be considered an aggravating circumstance.</p> <p>In 1988 the Penal Code was amended so that the decision to prosecute did not require petition from the victim, if the suspect was the present or former spouse or cohabitant of the victim.</p> <p>To my knowledge at the earliest, in a circular from the Attorney General it was stressed that domestic violence, including among cohabitants, was a serious problem, and it was stressed that general conditions more often should indicate that the prosecutor should press charges, also without the petition of the victim.</p> <p>At present this is regulated by the Penal Code 2005, in force 2015.</p>		<p><b>Explanations and nuances:</b>            In 2005, in force from 1.1.2006, the Penal Code 1902 was amended to give family members increased protection. Before this, usually the ordinary articles regarding violent crimes would be used, but the prosecutor had the right to prosecute despite the wish of the victim if "the general interest of society" so indicated. Furthermore, a family relationship would be considered an aggravating circumstance.</p> <p>At present this is regulated by the Penal Code 2005, in force 2015.</p> <p>To my knowledge at the earliest, in a circular from the Attorney General it was stressed that domestic violence, including among cohabitants, was a serious problem, and it was stressed that general conditions more often should indicate that the prosecutor should press charges, also without the petition of the victim.</p> <p>In the proposition of amendment to the Criminal Procedures Act, Ot.prp.nr. 79 (1986-1987) it was mentioned that domestic violence should be considered to be equally a problem in same-sex relationships as different-sex relationships.</p>	

Jurisdiction: **Norway**

Source: **H. Frihagen, "Income, troubles and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-NO-Section2.pdf](#) (please use this full citation when citing any information from this table).**

Section: **2 - Income and Troubles**

Question: **2.08 - Criminal procedure**

In case of a criminal prosecution against one partner, can the other partner then refuse to testify against the partner who is being prosecuted?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 N/A 0000	2015 Yes 1993	2015 Yes, but 1986	2015 Yes, but 1986
	N/A 0000		N/A 0000	No, but 0000	No, but 0000
<p><b>References to legal sources:</b> Art. 122 of Straffeprosessloven (Criminal procedures act) 1981-05-22-25,(in force 01.01.1986) previously art. 176 of Straffeprosessloven 1887 (Criminal procedures act of 1887).</p>		<p><b>References to legal sources:</b> Art. 122 of Straffeprosessloven (Criminal procedures act) 1981-05-22-25 (in force 01.01.1986).</p>		<p><b>References to legal sources:</b> Art. 122 of Straffeprosessloven (Criminal procedures act) 1981-05-22-25, (in force 01.01.1986).  Art. 176 of Straffeprosessloven 1887 (Criminal procedures act of 1887).  Supreme Court decision Rt-2010-198 of 15.2.2010.  Ot.prp.nr.35 (1978-1979) p 146-147 (Governmental proposition to the National Assembly on the new Criminal Procedures act).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The Criminal procedures act of 1887 was in force until 1986. Already from the entry into force of the act, spouses were relieved of the duty to testify against each other.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b>                      The right to refuse to testify for cohabitants is dependent on the stability of the relationship.</p> <p>Fiancées may be relieved by the court of the duty to refuse to testify, and this may have applied in some cases regarding cohabitants. This right existed already from the entry into force of the Criminal procedures act of 1887.</p> <p>In the preparatory documents for the Criminal Procedures Act it is stated that a relationship of cohabitation needs a certain stability, if cohabitants are relieved of the duty to testify against each other.</p> <p>In the decision published in Rt-2010-198 dated 15.2.2010 the Supreme Court decided that a cohabitation needed a certain stability and duration before a person had the right to testify in a case against a former cohabitant. In this case the witness stated that she had been cohabiting with the defendant 6 months over a period of 1 1/2 years. The defendant claimed that they had not been cohabiting, but been in a romantic relationship, and that she had been staying at his place in weekends over a period of 7-8 months. The witness had the duty to testify.</p>	