

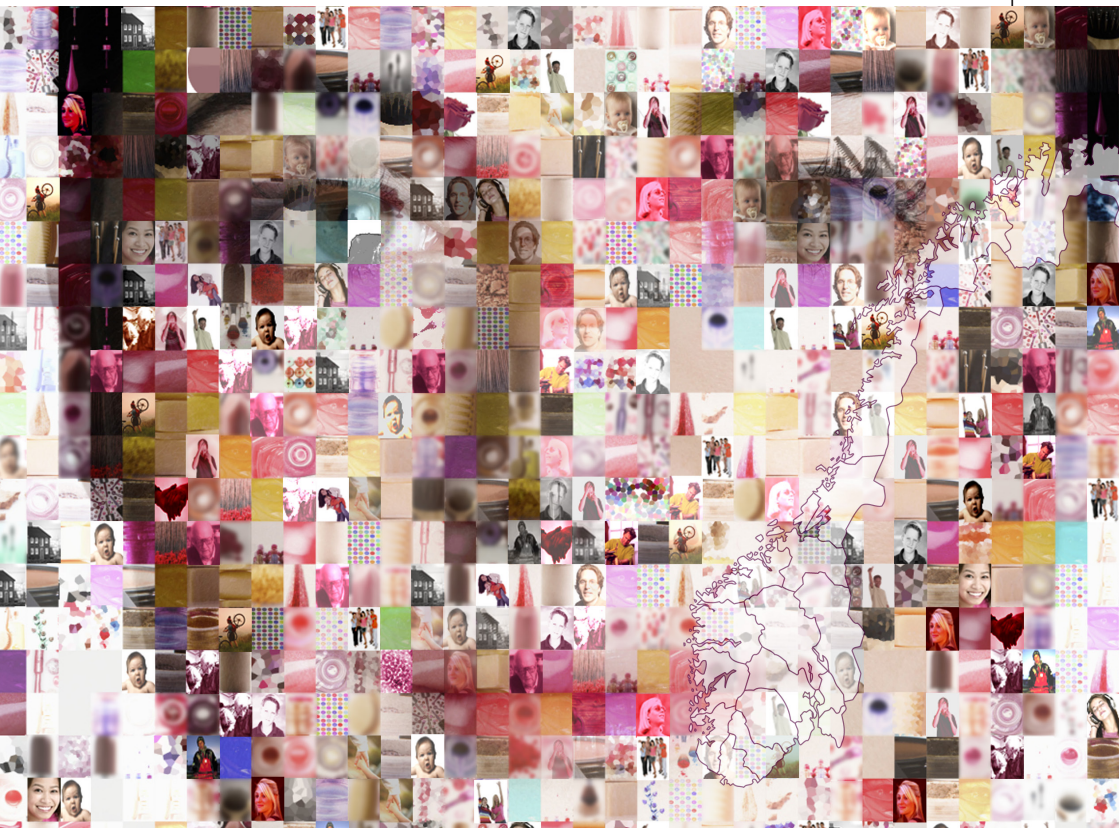


NORWEGIAN MINISTRY OF CHILDREN,
EQUALITY AND SOCIAL INCLUSION

Official Norwegian Report (NOU) 2012: 15
Summary in English

Policy for Equality

Report by a commission appointed pursuant to a Royal Decree of 12 February 2010. Submitted to the Ministry of Children, Equality and Social Inclusion on 25 September 2012.





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To the Ministry of Children, Equality and Social Inclusion

A commission to report on Norway's equality policy based on people's lifecycle, ethnicity and social class was established pursuant to a Royal Decree of 12 February 2010. The commission delivered its first report, Official Norwegian Report (NOU) 2011: 18 Structure for Equality, on 15 November 2011.

The Equality Commission hereby submits its report entitled Official Norwegian Report (NOU) 2012: 15 *Policy for Equality*.

Oslo, 25 September 2012

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Chapter 1

The Commission's mandate and composition

1.1 The Commission's establishment and mandate

The Commission was established by a Royal Decree of 12 February 2010 in order to report on Norway's gender equality policy based on people's lifecycle, ethnicity and social class. The Commission started its work on 1 August 2010. The mandate requested the Commission to deliver its report two years after the work started.

In October 2010, the Commission's mandate was more precisely defined in relation to reporting on the existing institutional and organisational frameworks for efforts to promote equality carried out by public authorities at a national, regional and local level. This part of the Commission's work was to be carried out more quickly. Official Norwegian Report (NOU) 2011: 18 *Structure for Equality* was submitted on 15 November 2011. The equality report thus consists of two publications: Official Norwegian Report (NOU) 2011: 18 and Official Norwegian Report (NOU) 2012: 15 *Policy for Equality*.

The mandate:

“The objective of the report is to create the basis for a general, knowledge-based equality policy for the future. The report is to be based on lifecycle, social-class and ethnicity perspectives and the links between these perspectives are to be discussed. Equality is here to be understood as gender equality.

The Commission is to discuss the fundamental basis for Norway's equality policy, including the question of why Norwegian society needs an equality policy and the goal for this policy. The Commission is to point out equality-policy dilemmas and challenges in a life-cycle, social-class and ethnicity perspective.

The Commission is to discuss appropriate indicators of equality: how to measure the desired development. The Commission is also to report on the status of gender equality in Norway based on earlier research, reports, data in registers and experience. In addition, the Commission is to identify areas where equality has not been achieved, including regional differences as a result of different living conditions and ways of life, discuss causes and point out solutions. The Commission is to make specific suggestions as to measures and tools, including with reference to their practical applicability. The Commission is to consider the need for new knowledge and may initiate projects. The financial and administrative consequences of the Commission's proposals are to be clarified. At least one of the Commission's proposals is to be based on the unchanged use of resources."

Chapter 2

A general equality policy. Perspectives and summary

2.1 Interpretation of the mandate

The report's main mandate states a set of broad tasks. The Commission is to examine Norway's equality policy, analyse the state of affairs, point out challenges and dilemmas and make recommendations. The report is to be based on lifecycle, social-class and ethnicity perspectives and the link between these perspectives is to be discussed. The mandate stipulates that equality is to be understood as gender equality.

2.1.1 The fundamental starting point for the equality policy

The Commission has been asked to "discuss the fundamental starting point for Norway's gender equality policy, including the question of why Norwegian society needs an equality policy and the goal for this policy". We have based our discussions here on fairness considerations. We are all entitled to be treated equally as a consequence of the respect to which each of us is entitled as a person. A society that does not guarantee its citizens this respect and the rights and fellow citizenship that follow from it is an unfair society. And vice versa, an equal and fair society is a society in which all citizens take part on equal terms: in which people's gender, class background, ethnicity, lifecycle position and other factors that are outside their control do not worsen their living conditions and opportunities in life. The Commission bases its report on the principle that everyone should be able to participate in society on equal terms. This principle does not grant privileges to a specific lifestyle or way of life - each individual is free to make use of the opportunities allowed and guaranteed by this principle. However, the principle does require the government's policy to

be based on all individuals being shown respect and having their dignity acknowledged, and on people being treated as goals in themselves.

Productivity considerations and other utility considerations may coincide with, but cannot in principle justify, the equality policy. Equality policy has very strong support in Norway and this is linked to the fact that the welfare state, care schemes and high levels of employment can be combined with, and even increase, productivity. However, people also want a policy for equality because they believe equality is a goal for fair and just social development. It is important to underline that a purely utility-oriented perspective cannot unilaterally justify an equality policy, because such one-sided justification may infringe the right to personal and social respect that we all have as individuals. Otherwise, there may be different views on what equality really means and on the kind of specific equality policy that should be implemented.

2.1.2 Intersections

The mandate makes it clear that the report is to place emphasis on the intersections between gender, lifecycle, social class and ethnicity. In international literature on equality policy, this is often called “gender +”: differences often interact with and reinforce each other and the equality policy has to take this into account. The idea is quite simply as follows: women with a minority background and women with a majority background may have quite different living conditions and challenges caused by their circumstances. The same applies to women, or men, with different minority backgrounds. Single parents are in a different care situation to couples, and women who work part-time for a large part of their working life have a weaker financial platform than women and men who work full-time. It is important to pay attention to such intersections when developing public policy.

The mandate identifies three dimensions that create gender differences, and concentrates the reporting assignments on the possible interaction between these. In reality, there are numerous interaction grounds. A number of other discrimination grounds are also recognised, nationally and internationally, as being prohibited by law. These include disability, religion and sexual orientation. However, these are not included in the mandate for the report. The Commission’s discussions are thus

carried out in a limited “gender+” perspective¹. The existing equality policy has ambitions to include the entire range of prohibited discrimination grounds and the intersections between these. Both employers and public authorities have a mandatory duty to actively strive to ensure equality on several grounds. However, it can be quite unclear what this means in practice. We therefore believe it is very important to make the specific content of such duties and ambitions clearer in the future development of policy relating to equality.

We have been asked to “point out equality policy dilemmas and challenges from a lifecycle, social-class and ethnicity perspective”. This applies to all the work. The objective of the analyses is to identify important challenges in the equality policy. Our recommendations relate to specific challenges and dilemmas pointed out in the current policy and are intended to meet and overcome such challenges.

2.1.3 The gender equality status

The Commission was asked to “report on the status of gender equality in Norway based on earlier research, reports, data in registers and experience. In addition, the Commission is to identify areas where equality has not been achieved, including regional differences as a result of differences in living conditions and ways of life, discuss the causes of this and point out solutions.”

It is obvious that this task needs clarification. The Commission is composed of researchers and the report is research-based but, given the mandate, the aim has not been to provide a description of all the research into gender and equality in different professions and fields. The focus has been on research that sheds light on the issues stated in the mandate and which is of practical relevance to the creation of an equality policy. The Commission links its review of the current status to the main content of the equality policy developed in Norway over the past 40 years, i.e. since the beginning of the 1970s when the Gender Equality Act was prepared. We thus place particular emphasis on the main themes of the equality policy, which are linked to political participation, education, paid work, caring for others and protection against discrimination, harassment and violence.

¹ In connection with the further definition of the mandate in October 2010, the Commission asked for additional members with professional expertise relating to disability to be appointed. This was not possible, see Official Norwegian Report (NOU) 2011: 18, page 12.

These are key themes in all international equality policies. However, it is equality in Norway that is the subject of the mandate. The Commission has complied with this boundary and has not investigated Norway's international work to promote equality. However, some international legal guidelines for Norway's equality policy have been considered where relevant. This applies firstly to those which follow from the incorporation of the UN's Convention on the Elimination of Discrimination against Women into Norway's Human Rights Act and secondly to Norway's obligations pursuant to the EEA Agreement.²

However, we have not considered the general development of the general legal framework for equality. This is both an important, and at the same time a clearly problematical, boundary. Legal schemes frame efforts to ensure equality in all areas of society. Legislation may define limits for equality in relation to citizenship, marriage, civil partnerships, parenthood, child rights, student rights, health rights, employee rights and pension rights. However, the Commission was not appointed to deal with such issues. The Commission's legal expertise is primarily linked to equality and anti discrimination law in a narrow sense. The frameworks we believe we are competent to consider are linked to this legislation. The more detailed mandate given to the Commission in the autumn of 2010, in which we were specifically asked to report on a number of aspects of the implementation and enforcement of the equality and anti-discrimination legislation, especially in relation to the Gender Equality Act, also made it clear that our work was to focus on this.

2.1.4 Regional variations, equality indicators

The mandate does not place emphasis on international equality work, but instead particularly points to regional and local challenges in a Norwegian context. In this report, the Commission discusses regional variations in equality based on a set of indicators developed by Statistics Norway for what was previously called the Gender Equality Index. However, the most important question with regard to regional and local variations in equality relates to the equality work carried out by public authorities at a regional

² The Commission has obtained external reports on questions relating to the supervision of the convention and conditions for equality measures that interface with EU equal treatment directives.

and local level in Norway, i.e. the municipalities' and county councils' equality work. This is one of the main topics in the first Official Norwegian Report (NOU) issued by the Commission: NOU 2011: 18 *Structure for Equality*. This report presents analyses showing that very few resources have been allocated to this work, which is correspondingly not very well developed, although some regions and municipalities are making targeted efforts to promote equality. The Commission identifies this as a major challenge for the future equality policy and, in Official Norwegian Report (NOU) 2011: 18, it proposed an administrative reform intended to strengthen the equality work carried out locally and regionally.

The Commission was also asked to “discuss appropriate indicators of gender equality: how to measure the desired development”. We interpret this as a limited task and have particularly placed emphasis on stating indicators relating to what the Commission views as important focus areas in the future equality policy. The mandate also stipulates that “the Commission is to consider the need for new knowledge and may initiate projects”. The Commission has cooperated with various research institutions and taken the initiative to prepare several reports on the research status in some areas. These have been published on the internet and form part of the basic materials for the equality report. However, the Commission has not had the resources to initiate new research projects. Instead, we have chosen to discuss the need for new research as such, and have also pointed out some important tasks relating to this.

2.1.5 Measures to ensure equality

According to the mandate, the objective of the report is to “create the basis for a general, knowledge-based equality policy for the future”. The Commission has been asked to make specific suggestions as to measures and tools, with particular regard to their applicability.

In our work on the equality report, we have studied numerous political documents: white papers, parliamentary bills, plans and projects in which equality considerations are or ought to be relevant. We are surprised at how fragmented the policy actually is. This is a general observation. It is linked to the review of the organisational frameworks for the public-sector equality work that we presented in Official Norwegian Report (NOU) 2011: 18 *Structure for Equality*. This fragmentation is a direct result of having a model for managing the equality policy that entails a combination

of the so-called sector-responsibility principle and an integration strategy.

The administrative responsibility for shaping the gender equality policy has been anchored in the same ministry for a long time, i.e. the ministry that has also been responsible for family policy. The Ministry of Children, Equality and Social Inclusion today has the administrative responsibility for the equality policy relating to all the prohibited grounds for discrimination. This is a more stable organisation at a central administrative level than that which is otherwise common, in that, in a larger European context, for example, the equality policy appears to be an area that can easily be moved between ministries if, for instance, there is a change of government, as a balancing item or as an expression of the special expertise or interest of new cabinet ministers. However, although one ministry has the overall responsibility for the equality policy, this ministry has not been given any general authority over other ministries as regards equality issues. Its responsibility is a coordinating responsibility. This means that the ministry is to be a driving force to ensure that the equality policy's goals are reached and must coordinate political efforts across the ministries.

The sector-responsibility principle means that all the professional authorities, sectors and management levels have the same responsibility for promoting equality in their areas. The integration strategy means that the work of promoting equality is to be integrated into the ongoing day-to-day work in the enterprises, in all decision processes, at all levels and at all stages of the process. The reason for this is quite simple. Equality and anti-discrimination are a separate legal field, a professional field and a field of knowledge. At the same time, all important equality questions are relevant to different sectors in the sense that equality issues should be a part of the education policy, labour-market policy, family policy, health policy, industrial policy, regional policy, justice policy, foreign-aid policy, etc. Equality considerations need to be taken into account in all areas of society.

The Commission has concluded that the sector-responsibility principle alone is not sustainable. It results in the pulverisation of responsibility rather than the clear allocation of responsibility. In Official Norwegian Report (NOU) 2011: 18, we have therefore proposed anchoring clear authority with the Ministry of Children, Equality and Social Inclusion. This can be done by this ministry being assigned a law

based responsibility for supervising the public equality-work duties that today follow from the equality legislation. The ministry must in such case be given the organisational and other resources to further develop its expertise structure. We have proposed that this take place through the establishment of a directorate. We consider such a strengthening of responsibilities and authority to be a crucial prerequisite for the further work of developing a general, knowledge-based equality policy.

This analysis also relates to the proposed equality measures that the commission highlights, where we have chosen to place emphasis on a few large policy areas. We believe it is important to suggest measures that can counteract the fragmentation tendencies. We also believe that, in the future development of an equality policy, one must see beyond the three-to-five-year periods that characterise many of the government's action plans linked to specific topics, and do not propose any measures that have a less than 10-year perspective. In addition, the Commission has taken into account the Women's Panel report published in September 2010, the Inclusion Committee report published in June 2011 and the government's action plan for gender equality - *Equality 2014* - presented in November 2011. All of these were prepared during the Commission's mandate period and contain a series of small and large measures to ensure equality. The Women's Panel contains 137 policy suggestions. The Inclusion Committee has 200 suggestions on how to improve integration work. The action plan contains 86 measures to improve equality. It is the Commission's clear opinion that our contribution should not try to supplement existing lists but should instead define in greater detail a set of main efforts with a longer implementation perspective.

We understand our mandate to be particularly related to the Ministry of Children, Equality and Social Inclusion's work to develop policy relating to equality. However, the proposed focus areas will in fact, due to the sectoral framework of equality policy, relate to several ministries' areas of responsibility. In general, the Commission believes that the Ministry of Children, Equality and Social Inclusion should have greater responsibility for issues in prioritised policy-development areas. These are issues which affect Norwegian democracy in a wide sense. Ideals of democratic representativeness are in stark contrast to the current situation in important democratic institutions. There are important challenges in the fields of education and working life. Today's policy can be

characterised as social-class-biased in that it does not contain systematic policy development relating to those who take short educations and are in vulnerable low-income jobs. Nor does today's equality policy provide good enough answers to serious social problems such as discrimination and harassment. The equality policy must care more about the everyday equality of children and young people and about the lives of those who are on the fringes of the welfare institutions. This report points out four focus areas for the development of equality policy; "Democracy", "Freedom of choice", "Distribution" and "Vulnerability". A general policy for equality must promote democracy, ensure freedom of choice and independence and protect those who are in vulnerable life situations.

In the paragraphs below, we present a sketch of important development traits in the equality policy, mainly from the 1970s until the present day. This provides context for the challenges we particularly wish to point out, which are then followed up further through the choice of focus areas and proposed measures.

2.2 Development traits

The three traits we have chosen to place emphasis on are mobilisation for social power, the framing of equality policy as a welfare policy, and the importance of the so-called work approach (*arbeidslinja*), as well as the expansion of the protection against discrimination and the transition from what we call a one-dimensional to a multidimensional equality policy.

2.2.1 Mobilisation

In 2013, we will celebrate the 100th anniversary of the introduction of voting rights for everyone in Norway. Voting rights for "everyone" specifically meant that women were entitled to be elected and vote in the same way as men. In 2014, we will celebrate the 200th anniversary of the Norwegian Constitution. When the constitution was written in 1814, the right to vote was limited to men over the age of 25 who also owned real estate. Women, men who did not own real estate and men under the age of 25 lacked fundamental political rights. When a referendum on the dissolution of the union with Sweden was to be held in 1905, Frederikke Marie Qvam, the head of the National Women's Voting Rights Association (*Landskvinnestemmerettsforeningen (LKSF)*), asked the government to include women.

The government refused. The members of the Voting Rights Association, the Norwegian Women's Public Health Association (*Norske kvinners sanitetsforening*) and the Norwegian Women's Rights Association (*Norsk Kvinnesaksforening*) then gathered 280,000 signatures.³

This example illustrates two aspects of the efforts to achieve equal social power; that fundamental political rights were not won effortlessly and that the activists were inventive. Equality-policy work has also been characterised by personal initiative, informal routes to power and different forms of activism. The history of equality contains several "golden moments" in which individuals grasped the opportunities that arose and ensured a particular reform.

The 1970s represented an international breakthrough for what was then called "the new women's movement". A number of new feminist organisations were formed. At the same time, the 1970s were the decade when equality-policy institutions were built in Norway. When Eva Kolstad was appointed Norway's first Gender Equality Ombud in 1979 in order to enforce the new Gender Equality Act, she was the first gender equality ombudsman in the world. The ombudsman and tribunal, together with the Gender Equality Council, formed an expression of the institutionalisation of equality as a distinct legal area and a distinct field of knowledge in Norway. The ombudsman, tribunal and council were institutions that were part of the public administration but were professionally independent and had both a duty and a right to assess the public sector's exercise of its authority in the gender equality area. This primarily related to the work carried out by the newly established Family and Gender Equality Department of the Ministry of Consumer Affairs and Administration. As from 1977, the municipalities also started to establish gender equality committees.

The concept of "state feminism" describes the meeting of various forms of activism "from below" and the inclusion of activists, their perspectives and demands "from above". However, the personification of this state feminism was portrayed by a male politician: Labour Party Prime Minister Trygve Bratteli, who initiated both the gender equality legislation and the legislation allowing women to choose to have an abortion. The

³ Around 368,000 men who were entitled to vote also took part in the referendum. Source: The Voting Rights Centennial (Stemmerettsjubileet) 1913-2013, see <http://www.regjeringen.no/nb/dep/bld/kampanjer/allmenn-stemmerett.html?id=648503>

political parties' women's organisations were often driving forces. One of the measures put on the agenda was gender quotas. The use of quotas as a means of ensuring stronger representation in political bodies was increasingly accepted during the 1970s and 1980s, but primarily as an internal tool for parties and organisations. The Venstre (Social Liberal) party, under the leadership of Eva Kolstad, was the first party to do so – in 1974. The newly formed SV (Socialist Left) party, under the leadership of Berit Ås, followed suit.

Most of the political parties and several large organisations have now established representation rules that apply internally in their organisations and to the composition of their election lists. Such rules also apply to appointments to and the composition of public boards, councils and committees – regulated through the Municipalities Act and Gender Equality Act as these were adopted in the 1980s and early 1990s. The new major quota debate in Norway at the beginning of the 21st century was about company boardrooms and the question of gender quotas in corporate boards of directors. This was put on the agenda by the then Gender Equality Ombud, but the regulations were implemented particularly due to pressure from the Høyre (Conservative) party's Minister for Trade and Industry, Ansgar Gabrielsen.

The use of quotas characterises the gender equality policy in Norway to a greater extent than in the other Nordic countries. Representation rules are an effective tool to ensure the more equal distribution of positions of power; this is more or less self-explanatory. Such rules are often formulated as 40/60 rules. Often, the outcome is a male share of 60 per cent and a female share of 40 per cent. Thus, purely on average, "40 per cent women" seems to represent a kind of saturation point. It is uncertain to what extent quotas have so-called spillover effects, i.e. contribute to the more equal distribution of other positions within an organisation apart from those that are subject to formal rules. Up to now, the quota tradition in Norway has mainly been practised only with regard to gender. Few gender equality policy tools arouse more general debate than this.

2.2.2 The welfare state and work approach

"Free day care for all children" was a main demand by those fighting for equality in the 1970s. Demonstrations to ensure more day-care centres

were held in municipalities all over Norway. They were an expression of a need created by the fact that it was by no means desirable for women to stay unemployed. Female labour was in demand in the labour market and women wanted to be in paid work. However, the freedom to choose to be in paid work after becoming a mother was limited. Maternity leave only lasted for a few weeks and hardly any kindergartens were open for as long as a normal working day.

Throughout the 1970s, 1980s and 1990s, welfare schemes that ensured an opportunity to combine paid work with caring for children were gradually developed. Care schemes achieved the status of mainstream Norwegian welfare policy. This took place at the same time as that which is often called the gender equality revolution in higher education.

Equality policy as a welfare policy relates to both the scope and quality of welfare services, such as kindergartens, after-school care schemes and institutionally based care for the elderly, and the individual welfare rights, such as parental leave, leaves of absence to care for a child, time off to breastfeed, the right to a leave of absence if a child or childminder is ill, and the right to a leave of absence to care for next-of-kin.

Over the past two decades, fathers' rights and obligations to care for their children have been important in the development of welfare measures for those with young children. The Male Role Committee's final report (Official Norwegian Report (NOU) 1991: 3) particularly concentrated on men and caring for others. The Committee proposed ensuring that fathers were entitled to some of the parental leave and that the right to benefits should be based on the father's own income. The paternity quota in the parental-benefit scheme was established in 1993, at that time as the right to four weeks' paid leave reserved for the father. Norway's equality policy regarding the opportunity to combine paid work and care currently focuses on the young-children phase more than any other phase of life. The length of the parental leave and rules governing the division of the leave between the father and mother, combined with easy access to kindergartens, currently provide good opportunities for combining paid work with the care of young children.

One of the cornerstones of the Nordic welfare-state model is that people are to have links with working life. A high level of employment is to ensure the financing of welfare schemes. This has resulted in the principle of a work approach, as this has been formulated and implemented,

starting in 1990, in a policy which aims to ensure that public benefits are temporary for as many people as possible and are not so favourable that they tempt people to become permanent benefits recipients. In the same way, the integration policy aims to establish as strong a link as possible with working life for as many people as possible. However, the priority given to work incentives in the benefits policy can also conflict with other considerations in the distribution policy, as we see, for example, when the low-income problem increases among single parents if changes are made to the transitional benefit. Correspondingly, the work line in the parental-benefit scheme has contributed to create large differences between the financial situations of mothers with and mothers without links to the labour market.

Nevertheless, in the equality policy, a link with working life and paid work is primarily considered to be an opportunity to realise one's own abilities and become financially independent. For this reason, it is and will continue to be an important equality-policy goal that women's work is valued in the same way as men's. The Equal Pay Council of 1959, the very first equality-policy institution in a Norwegian context, can serve as an example of paid work's place in the equality policy right from the very start.

In the equality policy, actual freedom to make one's own choices has been accompanied by considerations about security – not only financially but also as regards life and health. Within the feminist movement, demands for kindergarten places and a salary that was enough to live on were accompanied by demands for effective protection against violence. Towards the end of the 1970s, women's refuge centres and emergency telephone numbers were established based on voluntary efforts by women's activists throughout Norway. In 2010, these refuge centres became a municipal responsibility - a welfare-state task.

The work to ensure protection from harassment and violence has had a clear legal and rule of law profile for several decades. At the same time, carrying out preventive and reparative protection work in this area is an important task for the welfare state's various institutions. The line between legal safeguards, prevention, protection and remedial measures is perhaps particularly clear in the new policies being developed to combat forced marriages.

A holistic strategy has also been called for when it comes to

other serious violations. When, in the summer of 2012, the “Stop Rape” campaign demanded efforts to prevent rapes through coordinated work in the school and health sectors, it put preventing rape into a framework of “drawing borders” - the courage to draw your own, to respect others. The message of this campaign is that sexual harassment and rape form part of the same group of issues; the subjecting of women in both the private and public spheres to unwanted attention, unwanted approaches and, ultimately, to direct acts of violence.

2.2.3 From a one-dimensional to a multidimensional equality policy

“For ethnic-minority women and girls, there is the question not only of sexual discrimination but also of discrimination on the basis of race, culture or religion. This has been a multidimensional struggle in which we have also identified forces that do not want to give immigrant and refugee women and girls any room to express themselves on their own terms. Thus, it often seems that ethnic-minority women have few opportunities to make choices, we must choose either assimilation or segregation,” wrote Fakhra Salimi, the head of the MIRA Centre in 2002.⁴

In Norway, multidimensional challenges became a clearer part of public equality policy during the 1990s. At that time, women with an ethnic-minority background had already worked for more than a decade through their own organisations to ensure a wider equality-policy agenda that could also include the struggle against racism and ethnic discrimination.

In 1998, the Norwegian Centre against Ethnic Discrimination (SMED) was established as a public legal aid office after Norway had also been criticised by international human rights organisations for weaknesses in its legal safeguards against ethnic discrimination. SMED was in existence for seven years and was closed down after it was decided to introduce a new law against ethnic discrimination and a new common ombudsman and tribunal institution had been created.

The protection against discrimination in Norway has been developed in different stages. Compared to many other countries in Europe, Norway was one of the first to adopt extensive legislation to prevent gender discrimination. When the Civil Partnership Act was passed by the Norwegian parliament in 1993, Norway was the second country in the world to give male and female homosexuals the right to enter into civil

⁴ http://www.kampdager.no/arkiv/minoritetskvinner/artikkel_salimi.html

partnerships with many of the same legal consequences as marriage.⁵ But it was not until 1998 that protection against discrimination on the grounds of national or ethnic origin or sexual orientation was implemented – and this was then limited to working life through new provisions in the Working Environment Act. The Human Rights Act, which incorporates a series of international human rights conventions into Norway’s legislation, was passed by the Norwegian parliament at the same time. It was not until a decade later that more general protection was established against discrimination on the grounds of ethnicity and religion (2005) and disability (2008). No corresponding protection against discrimination on the grounds of sexual orientation has yet been implemented.

Although organisations in civil society have over time been involved in the work of strengthening the legal protection against discrimination, it is nonetheless reasonable to say that the most important guidance in the development of protection against discrimination in Norway is international. International human rights forums are important arenas for both the authorities and civil society organisations. The legislative work represents both the implementation of Norway’s obligations pursuant to international human rights conventions and the EEA Agreement and Norway’s adaptation to EU directives to combat discrimination. The welfare policy often refers to a “Nordic model”. But there is no clear Nordic model for the development of protection against discrimination, even though Nordic state authorities regularly discuss the legal developments in this area. The extension of the protection against discrimination to cover more discrimination grounds has also given equality policy a new challenge. In a Norwegian context, this was first raised by the minority-based women’s organisations and was at that time often regarded as a “double-discrimination” problem. The development of the protection against discrimination and institutionalisation of the equality policy in a number of the EU countries and Norway show that the Norwegian ombudsman and tribunal institution is among the pioneering institutions in Europe when it comes to dealing with complex and intersectional discrimination issues.

The Norwegian gender equality legislation also links the individual’s protection against discrimination to institutional obligations to carry out active equality work. These are obligations that rest with public

⁵ The Partnership Act was repealed when the common Marriage Act entered into force on 1 January 2009.

authorities, the country's employers and the organisations in working life. The double legislation move – individual protection combined with institutional obligations – was first developed through the Gender Equality Act. At present, it has also been implemented in the Anti-Discrimination Act and the Anti-Discrimination and Accessibility Act. This legally bound duty could thus provide a basis for a far wider and more powerful gender equality policy for the future.

2.2.4 Traditions and new efforts

This report is based on such long term development traits when it especially focuses on political participation, education, care work, paid work and protection against discrimination, harassment and violence. These lines are also considered in a multidimensional perspective. Equality policy developments are further linked to fundamental bases through the focus areas we point out as being especially important for the development of a general equality policy:

Democracy: The democratic norm is that everyone is to be included in political processes and social decisions on equal terms. No group is to be systematically excluded from forums and spheres where political issues are discussed and determined. Elected bodies must be representative and the equality policy should especially focus on building and ensuring democratic representativeness.

Freedom of choice: Participation in society includes participation in education, working life and politics, as well as in family life and civil society. Participation on equal terms means the absence of violence, force, discrimination, marginalisation and exclusion, but it also means, on a more positive note, the same chances in life and the same opportunities – in all relationships – to be equal. Freedom to choose in line with traditional gender roles is only real if the individual is also free to choose in an untraditional way and the equality policy must make conditions suitable for such a freedom of choice.

Distribution: The economic distribution in society is important – the equality policy must be aimed at a distribution of material resources that promotes independence and does not institutionalise renunciation and exploitation. The distribution of work and care must be such that everyone is given reasonably equal and good opportunities in life.

Vulnerability: We are all entitled, as individuals, to bodily integrity,

to be protected against discrimination, force and violence and to be taken care of when necessary. This must apply irrespective of a person's status and situation in life. Participation in society on equal terms means that clear limits are to be set for the logic of the market and the commodification of human relationships.

2.3 Summary

The report consists of four main parts.

Chapters 1 and 2 of part 1 of the report present the mandate, the Commission's composition and way of working, the Commission's interpretation of the mandate and a summary of the chapters. Chapter 3 presents an account of the specific definition of the mandate that the Commission was given in October 2010 and provides a summary of the subsequent report, which was submitted on 15 November 2011, Official Norwegian Report (NOU) 2011: 18: *Structure for Equality*. That report and this one must be read together. In Official Norwegian Report (NOU) 2011: 18, the Commission proposes structural and legal measures in the equality and anti-discrimination administration area. This report, Official Norwegian Report (NOU) 2012: 15 *Policy for Equality*, discusses equality in a wide range of social arenas and proposes measures in four focus areas. Part 2 presents perspectives for the work on this report. Part 3 reviews the equality status in various socio-economic areas. Part 4 presents the Commission's recommendations regarding special focus areas. Below is a summary of parts 2-4, i.e. chapters 4-17 of the report.

2.3.1 Part 2 of the report: Perspectives

Chapter 4 The basic value platform for gender equality

The principle of participation in society on equal terms is presented and discussed. Principles governing the way in which society is organised should be able to achieve reasonable support across political and ethical doctrines. Participation in society on equal terms, as this is explained in chapter 4, may be such a principle.

Participation in society includes participation in learning, education, working life and politics, as well as in family life and civil society. Equal terms mean the absence of violence, force, discrimination, marginalisation and exclusion, but also mean, on a more positive note, the same chances

in life and the same opportunities – in all relationships – to be equal. This principle presumes a distribution of material resources that guarantees everyone's independence and influence and does not institutionalise self-denial and exploitation. The value base is just as important: participation on equal terms presumes cultural valuation patterns that give all citizens the same opportunities to achieve social respect. A third prerequisite is democratic discussion and decision-making processes. A fair society is a democratic society in which the citizens have a real influence and right to co-determination when important social decisions are made and laws and politics are formulated.

At the same time, equal terms are not identical to lives lived in the same way. The principle of participation in society on equal terms does not give one specific lifestyle or way of life privilege – it is up to everyone to make use of the opportunities that this principle allows and guarantees. The principle of participation in society on equal terms also applies to each individual in the same way, despite any differences and diversity among persons and groups. The equality work must be multidimensional, combat discrimination and injustice of any type and on any grounds, and view various types of discrimination, marginalisation and oppression in context.

An equality policy, including the Norwegian equality policy, is based on human rights. Both the International Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic Social and Cultural Rights, The International Covenant on Civil and Political Rights , as well as the Convention on the Rights of the Child, are incorporated into Norwegian law through the Human Rights Act, which also stipulates that the conventions are to take precedence if they conflict with the provisions of another Norwegian Act. The entire Norwegian parliament has on the whole been behind the incorporation of these and other international conventions into Norwegian law during the past decade.

The importance of equality is recognised by all political parties. All parties seem to agree on a goal of gender equality, in the sense of good and equal opportunities to take part in society for everyone irrespective of gender. The parties disagree on how such a general goal is to be further interpreted and specified. Discrimination is regarded as a social problem. Not all parties refer to all the explicitly prohibited grounds in their manifestos, but most point out gender, ethnic background, religion,

disability, age and sexual orientation. Several are also concerned with so-called “double discrimination”, which is understood to be a type of discrimination that can particularly affect women with an ethnic-minority background.

The philosophical basis for equality is discussed in this chapter through a review of theories of equality and parity: utilitarianism and liberalism, democratic theory, patriarchal theory and theories regarding care rationality, multiculturalism, queer theory and intersectionality.

The principle of participation in society on equal terms is meant to include various approaches to gender equality and a multidimensional equality policy. The principle takes into account different important normative considerations. These considerations may be difficult to meet at the same time in specific situations and decision-making contexts. The chapter provides examples of how the normative considerations following from the principle of participation in society on equal terms can point in different directions. There will be different views on the weight that should be given to different considerations if they conflict with each other, and on the kind of more specific equality policy that should be implemented. Such questions are answered through democratic political processes. The Commission’s report is a contribution to these processes.

Chapter 5 A Multidimensional Equality Policy

This chapter gives an account of the report’s starting point, which is gender equality, and of how lifecycle, social class and ethnicity are understood and discussed in the report.

The report discusses lifecycle as a question of how specific phases of life can create special equality challenges. Gender, social class and ethnicity, on their part, are social categories, characteristics of individuals, identity markers and/or ways of grouping individuals. Social categories can also act as dimensions that create differences. They are understood as being linked to structural power differences in society. These power differences may be due to both systematic differences in economic factors and differences in status.

Social class is a concept covering many forms of social differences. It may be linked to status, to identity and to economic circumstances. Belonging to a social class may further refer to social inheritance and social mobility. The concept of social class as such is relatively rarely used

in Norwegian research. There are few studies in a Norwegian context that explicitly deal with gender and social class in an equality perspective. Both research and policy development are interested in social differences but use other concepts and approaches, such as social differences, economic differences, vulnerable groups and poverty.

Differences in education, occupation and income are standard indicators of inequality. Occupation is often seen as the characteristic that to the greatest extent incorporates various aspects of social class: the kind of occupation an individual has is important to his or her financial situation and social status. The report uses both occupational class, income and level of education as approaches to social class.

Ethnicity refers to boundaries and markers between groups that regard themselves as being culturally different to each other, and the experience of origin is also very important here. Ethnicity thus refers to social processes between groups. Ethnicity may be a relatively stable marker, but it is also open to renegotiation and reorientation. There is no official registration of ethnicity or national-minority background in Norway. Nor is there any official registration of those who have a Sami identity/background.

Public documents primarily refer to ethnicity when discussing discrimination and anti-discrimination law. Concepts such as immigrants, immigrant background, minorities or minority-language persons are otherwise used. The use of concepts is often based on Statistics Norway's definitions and categorisations. Statistics Norway operates with the terms "immigrants" (born abroad to foreign-born parents) and "Norwegian-born with immigrant parents". The report explains the categorisations that form the basis for different descriptions and surveys.

Three research environments have, at the request of the Commission, reviewed how Norwegian social research has discussed lifecycle, social class and ethnicity respectively in an equality perspective. The Commission also asked for reviews of how a range of important public documents have dealt with lifecycle, social class and ethnicity with regard to equality between women and men. These reviews show that the complex analyses which the Commission's mandate aims at do not currently exist to any great extent. That applies to both research into equality and the formulation of policy in this field. The work on the report is thus characterised by the fact that the mandate relates to a pioneering

field.

2.3.2 Part 3 of the report: The Status of Equality

Chapter 6 Democracy

The Commission has concentrated on the following three democracy arenas: elected bodies, media publicity and organisations. We have been particularly interested in the numerical representativeness in these arenas, i.e. the question of gender balance and diversity.

Political participation and representation have historically been very important equality issues and a core area for mobilisation for social power. Today, political representation is not a natural part of the equality-policy agenda in the same way. Equality between women and men in politics is usually treated as an established fact while slightly more attention is paid to political participation patterns among citizens with an ethnic-minority background.

During the 1970s and 1980s, the total percentage of women in elected bodies rose from around 10 per cent to between 30 and 40 per cent at a local and national level respectively. Over the past two decades, this representation has stagnated at an approximate 60/40 distribution in men's favour. Young people, elderly people and those with an ethnic-minority background are all under-represented in elected bodies, and those with a higher education and above-average income are over-represented.

The male dominance in top elected positions is noticeable. Here, the distribution is often 80/20 in men's favour. That applies to both mayors and heads of parliamentary committees. The exceptions to this are a number of female party leaders and, not least, the government, which has in practice had gender quotas since 1986. There are very few people with an ethnic-minority background in senior political positions.

There are several reasons for elected bodies having unequal representation. Different studies place emphasis on differences in motivation and ambitions, the working conditions of elected representatives and the selection criteria practised by the parties.

Most of the political parties have introduced gender-representation rules for internal party bodies and/or election lists for municipal and parliamentary elections. One party, the Socialist Left (SV) party, also has rules governing minimum representation by employee representatives with an ethnic-minority background. In a Norwegian context, there are no

statutory provisions stipulating a gender balance in election lists or elected bodies, with the exception of the Sami Parliament. However, such rules do govern the composition of state and municipal councils and committees through the Gender Equality Act and Local Government Act respectively.

Media publicity is still male dominated in Norway. Various studies show that media presence is not gender balanced and that citizens with an ethnic-minority background are not represented as sources to any great extent. At the same time, there is in general a great deal of media interest in topics linked to ethnic minorities. The unequal presence combined with research contributions regarding the conditions for participating in media publicity provide reason to ask whether there are in practice equal opportunities.

Formal arenas for discussions between the authorities and organisations that are working to achieve gender equality have existed since the 1960s. Today, there are few such meeting places. Individual representation has become more important than organisation-based participation. As regards ethnic minorities, the situation is the reverse: here more weight is placed on organisation-based participation than on individual representation. The organisational landscape in the equality field otherwise shows the same tendency in Norway as that which we know from other countries: the organisation is as a rule based on one discrimination ground, such as an anti-racist organisation or a feminist organisation. Relatively few organisations have an expressed multidimensional agenda. As regards the status of equality in organisations, important wide-ranging organisations have a gender distribution that is similar to that of elected bodies. Governing bodies in Norwegian organisations are, in general, male- and majority-dominated.

Chapter 7 Education

This chapter discusses the status of equality in learning and education. The Commission is particularly interested in three factors: differences in the learning situation; drop-outs and gender-typical choices of education; and the transition from school to work.

Norway's kindergarten and school life is framed by clearly stated equality goals. The educational work must actively try to counteract gender stereotypes and provide alternatives to gender-traditional games and learning. The Gender Equality Act stipulates that school teaching

aids must be based on equality between the sexes; other equal-education targets underline that textbooks and teacher guides must reflect the diversity in the population. The framework plan for kindergartens and school curricula also contain provisions regarding equality. In other words, kindergartens and primary/lower secondary schools are common arenas in society where equality values have strong political support.

In practice, however, it can be difficult to prioritise active work to promote equality in day-to-day activities, as several major evaluations of the kindergarten and school sector clearly show. In the school sector as such, equality is in reality the lowest prioritised goal of those formulated by the school plans. It is up to each individual institution to develop the professional content relating to equality when it trains new teachers and nursery school teachers.

A more equal gender balance among kindergarten and school employees is an expressed political goal. Currently, there is a strong female dominance among kindergarten and school employees. Women make up around 90 per cent of kindergarten employees. In primary schools, 80 per cent of the teachers are women, while the gender balance is slightly more equal in lower secondary schools and more or less equal in upper secondary schools. In that kindergartens and primary schools to a large extent recruit employees from one gender, it is reasonable to talk about a gender-segregated sector.

Pupils in upper secondary schools can choose between two main study directions: preparing for higher education or vocational studies. Most take a study programme that prepares them for higher education and the division between boys and girls is relatively equal here. In vocational studies, on the other hand, boys and girls often choose different educational directions, and some subjects are more or less only taken by one gender. When the educational choices are so strongly gender-divided, such as in health and social studies and engineering and industrial production - two major vocational courses – it can be very difficult to be one of the few “untraditional people” on the course. Pupils who choose an untraditional educational programme are more likely to drop out than those who are part of the majority on the course. Relatively little research has been conducted into young people’s views on the choice of education. In surveys, most answer that they choose freely.

Around 30 per cent of those who start upper secondary school

education drop out. It is difficult for these people to enter the labour market. The grade level achieved in lower secondary school particularly affects the likelihood of dropping out of upper secondary school, and boys in general achieve worse grades than girls do. The likelihood of being excluded from paid work is higher for those that do not complete school, and the situation is most difficult for girls. Despite the fact that more boys than girls drop out of upper secondary school, such boys are to a larger extent in work or studying a few years later.

New studies of the transition from education to work for young people with an ethnic-minority background show that it can be difficult to enter the labour market for those who are associated with a non-western background. This applies to both the first job and the effects of having been unemployed on later opportunities in the labour market. Several studies conclude, on different grounds, that young people with an immigrant background are especially subject to discrimination in the transition to working life.

Since the mid-1980s, girls have been in the majority in Norwegian higher education. The tendency is the same in a number of countries and the female revolution in higher education is often seen as one of the most important equality trends.

The old gender differences in the choice of university and college subjects are also changing. Girls are making the biggest contribution to this, in the sense that it is more common for girls to choose male-dominated subjects, such as engineering, technology and science subjects, than it is for boys to choose female-dominated subjects, such as nursing and nursery school teaching. Girls who have highly educated parents are more likely to study subjects that are typically male-dominated than girls whose parents have short educations. Higher education is class-selected in the sense that one's parents' level of education is very important for the tendency to take higher education oneself. However, the effect is weaker for girls than for boys. It is especially Norwegian-born people with immigrant parents who to a large extent take a higher education despite the fact that their own parents' level of education is on the whole lower.

Both public authorities and higher education institutions have implemented measures with the aim of changing the strictly gender-typical education choices. This applies to the focus on scientific/technical subjects and nursery school teacher campaigns. Some courses with a very unequal

gender distribution now have a system that allocates additional points to the under-represented gender (gender points). The gender-point scheme has primarily been used for subjects with a strong male dominance.

Chapter 8 The Gender-divided Labour Market

This chapter discusses horizontal and vertical segregation in the labour market. Horizontal segregation refers to patterns according to which women and men work in different sectors, industries and occupations. Vertical segregation refers to patterns according to which women and men are in different positions in the job hierarchy – and in which men dominate in the management positions.

Contributing to high labour force participation is a general public policy goal. Norway's social model is characterised by a combination of high welfare-policy ambitions and goals of high participation in the labour force by everyone. The so-called "work approach" is emphasised as important both for the financing of the welfare state and as a barrier against poverty. In addition, an inclusive working life is regarded as the perhaps most important arena for ensuring social inclusion. The work approach is also the basis for the integration policy, in which the introduction programme is especially intended to help ensure the transition to work for newly arrived immigrants.

Women make up around half of the labour force in Norway. Women in Norway have the second-highest participation in the labour force in the OECD area – only Iceland has a higher participation. There are nevertheless variations in employment according to educational level and immigrant background. It is normal to point out that Norway has in general small class differences and a high level of equality. But it is also normal to point out that the Norwegian labour market is characterised by particularly strong horizontal segregation. This applies not only to Norway but also to the other Nordic countries. At the same time, a major European study shows that the gender division in Norway's labour market has declined slightly since the end of the 1990s when developments in Norway are compared to those in various EU countries.

Gender segregation is linked to class differences with regard to the occupations chosen, pay, and autonomy and authority in employment relationships. An early Norwegian study of gender and social class in the Norwegian labour market showed how the working and market situations

in male- and female-dominated occupations were very different, and that the male occupations had better salaries, career opportunities, autonomy and decision-making responsibilities. The pay differences to be found within occupations are primarily due to women and men within the same occupations being in different positions. The level of gender segregation between occupations is especially important to pay differences between women and men. Men in female-dominated occupations form part of the market and work situation that applies to the respective female occupations. Gender segregation is thus linked to processes that create differences in pay, status and development opportunities in the labour market as such.

At the same time, it can be alleged that working life's gender-segregated structures not only express but also help to maintain traditional cultural impressions of what is "feminine" and "masculine". Working life is an important social arena in which gender is created as a social category and in which expectations as to what women and men are to be and what kind of tasks they are to carry out are made clear daily in small and large contexts. To put it simply: segregation can reproduce itself.

A new Norwegian study of the gender-divided labour market shows that the main horizontal segregation picture has not changed much over the past 20 years. The main pattern varies slightly depending on whether the comparison is of sectors, industries or occupations. For sectors, the survey shows increased segregation. Over time, the public sector has become even more female-dominated. Based on occupation, the trend is more complex. There is a tendency towards slightly less female dominance in some major occupations that are dominated by women, especially in the care sector. Despite this, women still comprise around 90 per cent of those who work in the caring occupations. Some major male occupations in the private sector have become even more male-dominated during the period. For example, this applies to tradesmen, 95 per cent of whom are now men.

The study also shows a tendency towards less vertical segregation. More women have acquired positions with influence and decision-making power in Norwegian working life over the past 20 years. Women now make up around one-third of the group containing professional staff and senior executives. There are now some more female managers of both office and other staff. The number of self-employed women with small companies has fallen slightly.

There are small gender-segregation differences between younger

and older generations in the labour market. As regards gender segregation in relation to social class, one conclusion is that segregation patterns can be seen across class positions. The percentage of managers among men with an immigrant background from non-western countries is much lower than it is among men who are part of the majority population and/or men with immigrant backgrounds from western countries.

In 2001, the Power and Democracy research project conducted an extensive survey of managers in Norway, the so-called “elite survey”. The survey defines what are regarded as separate, key, power and decision-making fields in society. The elite survey documented an overwhelming male dominance in the Norwegian elite. Ten different sectors of society were selected. Top positions in the defence, justice, administration, research, church and culture sectors, organisations, the media, industry and party politics were examined in the survey. The average male dominance in those selected as the elite was 83 per cent. The Equality Commission has mapped the gender distribution in the same positions as those defined by the elite survey. The update shows an average male dominance of 75 per cent in the Norwegian elite in 2011. Thus, at present, three out of four senior executives are men.

Norwegian senior executive positions have been strongly class-selected in the sense that there is a clear link between coming from a privileged social background and recruitment to these senior positions. According to the way in which the elite has been defined and determined, this comprises positions that on the whole require specific forms of higher education. Norwegian senior executive positions are, in general, not characterised by variety or diversity. No sector has a predominance of women. Only two of the total of 10 sectors that form part of the update have a distribution of 40/60 and this is only by a small margin.

In public debates on and research into the gender-divided labour market, gender-traditionalism in young people’s choice of education is often pointed out as an important barrier to gender integration between sectors and occupations in working life. However, analyses of choices of occupations and mobility between the private and public sectors also show the importance of pay structures in the market and care responsibilities in the family. The Commission has not managed to identify any extensive use of means that is directly aimed at the horizontal-segregation problem. One of the most difficult questions is obviously linked to the pay structure

in the gender-divided labour market, and to individual lifetime-earnings considerations. The dilemma is easy to sum up: for men, it is not worth entering the female-dominated occupations. For women, it is worth entering the male-dominated occupations.

Over the past few years, the gender policy has been aimed at measures that can help to reduce the vertical segregation in the labour market. In Norway, there has been more or less cross-party parliamentary agreement on quotas for company boards of directors because such regulations are – in the legislature’s opinion – an effective way of promoting equality that will also lead to greater profitability in business. There is also widespread support for the equality policy that especially aims to even out differences in power and participation in higher education and research. The same applies to management-recruitment policy. In other words, Norwegian politicians have on the whole agreed that systematically unequal access to positions of power and influence should be remedied through political initiatives. To put it simply, up to now, the equality policy has focused more on the gender balance in positions of power than on the gender balance in the labour market as such.

Chapter 9 Working Hours and the Working Environment

This chapter discusses various forms of working-hour adaptations linked to part-time work, the link between the division of labour in the home and part-time work, and harmful effects caused by the working environment.

Part-time work is not only a result of balancing the time required for family life and working life, it is also a result of the way in which working life is organised. Working hours cannot just be considered as an expression of individual adaptations and considerations in specific situations and different phases of life. Working hours have structural assumptions and follow institutional tracks.

Part-time work is a gendered working-hour category. The labour survey shows that more than 40 per cent of women who are employed work part-time, while the same is the case for around 10 per cent of employed men. In the nursing and care occupations in the municipal sector, around 70 per cent of women work part-time. Among women with a background from Asia, Africa and Latin America, more than half work part-time, in total, and among men with a similar background more than 30 per cent work part-time. Part-time work has a class nature in the sense that women

with a long education are less likely to work part-time than women with a short education. Education shows up in differences in men's part-time work too, but there is not such a large difference between the working hours of male employees with a long education and those with a short education.

In addition, among men, part-time work is often a short-term connection with the labour market. Women do more part-time work and work part-time for longer periods. Education is important, including for whether women continue to work part-time after a period of such working-hour adaptation.

Part-time work varies in nature. A distinction is often drawn between under-employment and part-time work that is expressly stated to be involuntary, which refers to whether or not a person is actively seeking longer working hours. Another distinction is drawn according to the number of working hours - between short and long part-time work. Within all these categories, women, especially women with a short education, and men with a non-western immigrant background are over-represented. There appear to be "pockets" of working life where there are several forms of working-hour marginalisation. Temporary employees are more than three times as often under-employed as permanent employees. Temporary employees are also twice as likely as permanent employees to have short part-time work. Within both these marginalisation forms, women are in the majority. In addition, previous unemployment is linked to it being more than twice as likely that the employee is under-employed, given other characteristics. A third distinction can be drawn between short-term and long-term part-time work. Long-term part-time work is not regarded as a form of marginalisation but it may have considerable consequences for a person's ability to support him/herself and for his/her future pension. Here, too, women with little education are over-represented.

Part-time work is very common in Norway compared to most other European countries, something which is partly linked to the high level of employment among Norwegian women. However, a high level of employment does not explain everything, and there are countries that have a high percentage of women in the labour force but a far lower percentage of part-time work – for example our neighbouring country Finland. During the past decade, several public reports have discussed various aspects of the part-time work issue. A preferential right to an extended post is

currently authorised by the Working Environment Act. The framework for working-time adjustments is otherwise a clear bone of contention between the parties to working life.

One of the main approaches to the working-time issue has been that women's part-time work must be understood as an adaptation between time spent on the family and caring for others and time spent on paid work. This adaptation is often seen as especially relevant when employees have young children. The percentage of women with children who have agreed to work part-time has nonetheless fallen for a long time. In 2012, 36 per cent of mothers with children aged 0-16 years state that they work part-time. This is a lower percentage than among women in general. Many women continue to work part-time once their children are no longer young. Part-time work during a phase of life appears to lead to a lengthy period of part-time work, especially among those with little education.

The workload and opportunities to control tasks and be flexible – on both the employee's and employer's terms – vary in the gender-divided labour market. The same is true for the way in which working hours are organised. Working hours are organised in different ways in female- and male-dominated occupations. In many large female-dominated occupations, a strong part-time work trend has developed. In addition, female-dominated occupations are more characterised by a lack of control over tasks than male-dominated occupations. The lack of control and lack of flexibility are also assumed to create frameworks for adaptations to part-time work. Employees with a non-western immigrant background are more likely to have a poor working environment than the average member of the population.

In the same way that there are gendered differences in the harmful effects caused by the working environment, there are also gendered differences in the sickness absence rate. A tripartite collaboration to create an inclusive working life (the IA Agreement) has existed between the parties to working life and the authorities for more than 10 years. The goals of this collaboration are linked to reducing the sickness absence rate and increasing the employment of persons with disabilities and the real retirement age. The IA Agreement is evaluated periodically. Evaluations show that the tripartite collaboration to ensure an inclusive working life has lacked a clear, uniform gender and equality perspective.

Chapter 10 Economic Differences

This chapter concentrates on some main features of gender differences in income and pay, including low income, which is a measure of a very small income.

One important topic in the equality policy is how participation in working life, the receipt of public benefits and care work/work in the home create different forms of dependency and different conditions for personal autonomy. Gender differences in pay and income can to a large extent be traced to circumstances dealt with in the three chapters dealing with education and gender-divided educational choices, the gender-divided labour market and differences in working hours.

While pay comprises remuneration from an employer for work carried out, income comprises occupational income (income from employment and income from self-employment), investment income and various types of public benefits. Both women and men have experienced a steady increase in pay since the end of the 1990s, but the pay gap – between women’s and men’s pay – has been relatively stable. Measured as the average monthly pay, women earn NOK 85 for every NOK 100 earned by men. The pay differences increase with age before stabilising. This does not mean that the pay differences are being phased out as new generations appear, although they have been reduced over time. It is rather an expression of the so-called career effect – i.e. that men’s hourly pay increases more quickly with age than women’s does. The difference in pay growth is greatest between the ages of 25 and 40 years, i.e. during a period that is for many characterised by important job choices and many family obligations.

Pay differences in the Norwegian labour market were examined by the Equal Pay Commission (*Likelønnskommisjonen*) (Official Norwegian Report (NOU) 2008: 6). The Equal Pay Commission found that the difference between women’s and men’s pay can primarily be explained by the gender-divided labour market. Female-dominated occupations and jobs tend to be lower paid than male-dominated occupations and jobs. Women who have children spend long periods away from work in connection with parental leave, they often choose to work in more “child-friendly” jobs with a relatively low pay level, and they adapt their work in the home to their paid work through part-time work. The pay gap between women and men shrinks again once women with children are finished with what the

Equality Commission calls the parental phase.

Differences in pay are followed by differences in income. Women's income is currently 66 per cent of men's. Investment income is more unequally divided than income from employment. Women's investment income has been around 30 per cent of men's investment income for the past few years.

An immigrant background also affects pay and income. However, there are differences linked to country background, age and, not least, gender. Women with a non-western immigrant background have a low income level compared to both women with a western background and men with the same country background as themselves. Differences in income level between women with and women without an immigrant background are due to differences in both employment and educational levels. When the differences among those with and those without an immigrant background that have taken higher education in Norway are examined, the greatest differences in income are found when non-European men with an immigrant background are compared to men with a majority background. There are considerable differences between these two groups throughout their careers and the differences increase over time. As regards women with a higher education, the differences in income between those with and those without an immigrant background are on the whole slight.

The measure of low income shows differences at both a household and individual level. The Distribution Committee (*Fordelingsutvalget*) (Official Norwegian Report (NOU) 2009: 10) showed that, as part of households, 11 per cent of the women and 9 per cent of the men have a permanently low income. This is due to a large percentage of women receiving the minimum state pension as well as to the situation among single parents. Among persons with a non-western immigrant background, there is a large percentage, measured at household level, who have a low income. This applies to almost 40 per cent of those who have lived in Norway for a short time (3-9 years) and 24 per cent of those who have lived in Norway for more than 10 years. A short education increases the risk of a low income at household level.

The Commission has had low-income calculations carried out at an individual level for the working-age population, with the exception of those who are studying or receiving disability benefit or some other long-term

public benefit. These calculations are intended to show the opportunity for a person to be financially independent and self-supporting through paid work. The level of education is very important to whether a person has an individual low income, especially among women. While 28 per cent of the women with lower secondary schooling as their highest level of education have a low income, the same only applies to 8 per cent of the women with a higher education. Women and men with a higher education are just as unlikely to have a low income. A low income means a vulnerable economic situation. A large percentage of women with little education are thus in such a situation.

Chapter 11 Regional Variations

The discussions in this chapter are based on Statistics Norway's annual overview of various equality indicators in the municipalities. The Commission's mandate takes a multidimensional approach to equality. Statistics Norway's indicators, however, concentrate on measures of differences in gender equality without placing emphasis on multidimensional connections.

These indicators show that the challenges are more or less the same throughout the country. The regional analysis, however, shows that there are geographical variations. The business structure is important for equality. The main tendency is for municipalities in which most of the inhabitants have service jobs to achieve a higher equality score than other types of municipalities, and this applies to all regions. However, the tendency is slightly higher for service-providing municipalities with a central location than for less centrally located municipalities with such a business structure. Regions with a large number of service-providing municipalities thus achieve a higher equality score than regions that have few municipalities of this type. Manufacturing-industry and primary-industry municipalities on the whole achieve a low score for many of the equality indicators. A municipality's economic basis is linked to both historical development trends and geographical conditions.

One example of a region with a high percentage of manufacturing-industry and primary-industry municipalities is Western Norway (*Vestlandet*). Of this region's 95 municipalities, 67 are characterised by primary-industry or manufacturing-industry operations or by a mixture of these. Only five municipalities in Western Norway are characterised by

service-industry operations and only one of these has a central location. So it could be assumed that Western Norway would achieve a lower equality-indicator score than regions that have more service-industry operations. Despite this, Western Norway's equality-indicator score is in about the middle when compared to those of the other regions.

Agder and Rogaland make up another region characterised by manufacturing jobs. This region achieves a low score for several indicators. It has a particularly high percentage of women working part-time and this affects the women's average income. This is the region with the greatest difference between women's and men's incomes.

Oslo and Akershus make up the region with the highest scores for most indicators. The region is distinctive due to its high level of education among both men and women and a relatively small percentage of women work part-time compared to elsewhere in the country. This is the region with the most homogenous business structure. All its municipalities have a preponderance of service companies. A few municipalities in the region have a business structure that includes a mix of manufacturing and service companies.

The South East of Norway (which includes Østfold, Vestfold and Telemark) is characterised by many manufacturing-industry municipalities, but it is not here that we find the greatest differences between women and men. Women have a lower level of education than in most other regions and are close to the men's relatively low level of education. This means that the gender balance is more equal than in other regions, apart from in Oslo and Akershus. However, unlike in Oslo and Akershus, both women and men in South East Norway have a relatively low level of education.

The region consisting of Hedmark and Oppland is in the middle when it comes to the gender balance based on many of the indicators. Its business structure is characterised by a lot of agricultural activities. The region has the lowest level of education among both women and men. The level of income is also especially low among both women and men.

Trøndelag is a region in which average figures hide some major differences between its two counties, as well as differences between large towns and smaller municipalities. For example, men in Sør-Trøndelag county are among those who most often take the paternity quota of parental leave, while men in Nord-Trøndelag county are those who least often take the paternity quota. It is especially Trondheim that increases

the average indicator score for the entire region. The number of children who attend kindergartens is highest in Trøndelag, and this applies to both counties.

The North of Norway has a high level of gender balance for many of the indicators compared to the other regions. For example, there is less difference between men's and women's income levels here than in regions further south. However, this is not due to women having a particularly high level of income, it is due to men in the north having a lower income than men in the rest of Norway, while women in the north have the average income for women. Women in the North of Norway work part-time less often than women in other regions, apart from in Oslo and Akershus where the percentage working part-time is especially low.

Chapter 12 Care

This chapter discusses care during different phases of life and situations in life, especially the parental-benefit scheme linked to births and adoptions, the situation for those who have not earned the right to parental benefit and the effects of the transitional benefit. The cash benefit paid to parents of very young children is not discussed. A number of public committees have assessed this benefit over the past few years and have proposed phasing it out.

All the Nordic countries have developed a public-care infrastructure and spend considerable amounts on parental-leave schemes, child benefit and kindergartens, and on care schemes for those who are ill or old. The high level of investment in public welfare and care schemes can be seen as part of the policy for increasing employment, especially among women. In addition to good welfare schemes, the family and care policy also places emphasis on the need for flexible schemes in working life which enable parents to combine paid work with caring for others. The Working Environment Act, National Insurance Act and Gender Equality Act all contain provisions intended to ensure employees the right to adapt their work, family life and care work.

The choices made in a family do not take place independently of the family's economic and material resources and the possibility structures that family members face. Nor can the choice of how many children to have, child care, private consumption and paid work be understood independently of power relationships in the family. Features in the gender-

divided labour market and the relatively high percentage of women who work part-time are both factors that can reinforce the gendered division of care work in the family.

Men's participation in unpaid care work has increased. However, it is still the case that women assume greater responsibility for care, especially with regard to tasks that may be difficult to combine with working full-time. The way in which care is distributed in the family also varies according to social background. More equally divided care is especially to be found in families with a high level of education and participation in the labour force. This applies to people with both a majority background and a minority background. However, there are large differences between country backgrounds when it comes to attitudes and practices relating to the care of children and the elderly.

The Norwegian state spends considerable amounts on parental benefit through the national budget – around NOK 16 billion in the 2012 budget. The parental-benefit scheme helps to ensure women's links with working life. However, it is still mothers who take most of the parental leave. The paternity quota has helped to give fathers a more real opportunity to share in the benefit of taking part in caring for their children. The quota also strengthens the father's position in the employee/employer relationship.

The Norwegian parliament recently passed a bill introducing a maternity quota that is the same size as the paternity quota. This provision means that the mother and father will each be allocated 12 weeks, and that the remainder of the leave can be divided freely between the parents.

Ever since the paternity quota was introduced, at that time a four-week quota, fathers have to a large extent taken their quota. However, the taking of the paternity quota varies according to age, level of education, income and whether the father works in the private or public sector. A large number of fathers, around 35 per cent, do not take parental benefit. Fathers do not currently have an independent right to take parental benefit. The father's rights depend on the mother's links with working life. This means, among other things, that some fathers who have earned rights and are motivated to take parental benefit cannot do so. There is also reason to assume that the prevailing regulations especially affect many fathers with an ethnic-minority background who have no opportunity to take paid leave when the mother has no links with work or education. The current

parental-benefit regulations are also complicated, difficult to administer and correspondingly difficult for parents to understand.

Balancing work and care obligations can be especially challenging for single parents. Around 80 per cent of single parents are women. The way in which this group is safeguarded in the development of public policy is an important aspect of current welfare schemes. Research shows that single-parent families are poorer than two-parent families in most national contexts. Researchers refer to this phenomenon as a gendered poverty risk, since women are more likely to be single parents than men.

The lump-sum maternity grant is intended for women who are not entitled to parental benefit. While the parental-benefit scheme has been the subject of a lot of political attention for several decades, the same political attention has not been paid to the lump-sum maternity grant. The current level of the lump-sum maternity grant for women with no right to parental benefit is very low compared to the amount that parents with earned rights can receive. This disproportionality helps to reinforce social differences between families based on the mother's links to the labour market. Young single parents and women with a minority background and weak links to working life are in a particularly negative position.

When the Norwegian welfare state is referred to as female-friendly, this is among other things because Norway has had welfare schemes that ensure financial support for single women who are caring for young children if these women cannot support themselves through their own work. There are four different benefit schemes for single parents. The transitional benefit is the most important one. The transitional benefit is a benefit for single parents who are completely or partly outside working life and who have children under eight years of age. Of those receiving transitional benefit, 95 per cent are women. The scheme was changed in 1998, when the period for which a person could receive the benefit was reduced from 10 years to three years as a general rule. The goal of the 1998 reform was both to improve the economy of single parents and to increase the transition from benefits to education or work. Research into the effects of the change in 1998 shows that the reform strengthened many single parents' links to working life. However, the tightening up also led to a more difficult life situation for groups that did not manage to meet the new job requirements. New restrictions as from 2012 mean that single parents are to take part in work-oriented activities once the child is one

year old.

The need for this change seems to be poorly documented. Most of those receiving transitional benefit are young single mothers with no education or divorced women who need financial support following the breakdown of a relationship. For many of these, the tightening up will be of relatively little importance since they are already in work. However, the new activity requirements may entail a worsening of the situation for the group of single parents who are in particularly difficult circumstances.

Chapter 13 Support for Equality

This chapter reviews some surveys of attitudes to equality in Norway and developments over time.

Several surveys conclude that a young age, a high level of education and living in a central location increases the likelihood that a person will be positive to equality. In addition, there has been a strong increase over the past 25 years in the percentage of both women and men who state that they prefer an equal family model. By equal family model is meant a model in which both paid work and work in the home/care work are shared equally. More than two-thirds of a selection of the population currently view this as the preferred family model. The traditional complementary family model had hardly any supporters in 2009. The analyses show that support for the equal family model is (even) higher among women than it is among men. More men than women prefer a family model in which the woman has a less demanding job and the main responsibility for the house and children, a so-called “semi-equality” model.

A report entitled *Likestilling hjemme (Equality in the Home)*, which has been prepared for the Commission, shows that women are far more “equality-friendly” than men in all age groups, but also that the differences are greatest in the youngest age groups. In the report, the attitude to equality is measured among other things by an attitude index based on five questions that express traditional opinions on women’s and men’s work inside and outside the home. Because the statements have a traditional gender content, the attitude to equality is measured by how much the respondent disagrees with the statements (on a scale of 1-5).

The most equality-friendly attitudes are the most common ones. Those who are most traditional – those who do not disagree with any of the five traditionally formulated equality statements – only make up 10

per cent of the respondents. Three-quarters of those with very traditional attitudes are men, while women make up two-thirds of the group with equality-friendly attitudes. Age has a curve-linear link to the attitude to equality, and the youngest respondents (18-29 years), especially young men, are less equality-friendly than those in their thirties and forties, while those in their fifties are on a level with the youngest age group. A high level of education and urban living lead to a more positive attitude to equality. Having a low level of education and living in a sparsely populated location have a more negative effect on men's attitudes than on women's.

The survey shows that there is a high level of support for equality among immigrants and those who are Norwegian-born with immigrant parents, but that they to a greater extent than the rest of the population believe that men and women should have the main responsibility for different types of tasks, such as the breadwinner responsibility and keeping the home clean. Women are more positive to equality than men. The differences in attitudes are outlined as being greater between national groups than between men and women in the same national group.

Chapter 14 Harassment and Violence

The review in this chapter concentrates on sexual harassment, rape and violence in close relationships, as well as violence and migration.

There are great variations in how vulnerable people are to sexualised violence. Women are most vulnerable and young women are in a particularly vulnerable situation. Young women are particularly subject to sexual harassment. Surveys of how widespread this problem is show that young women who are working, and especially service personnel in hotels and restaurants and nursing/care workers, experience this far more often than others. Among the youngest women (17-24 years old), one out of 10 experiences sexual harassment once a month or more. No corresponding national survey has been conducted in schools, but regional surveys from Oslo and Sør-Trøndelag indicate that the problem is also widespread here. Sexual harassment is prohibited. The Gender Equality Act stipulates both an explicit prohibition against sexual harassment and a preventive provision that orders the management in workplaces, educational institutions and organisations to carry out preventive work.

Sexual offences especially affect young people in a vulnerable phase of life. Rape is a serious criminal offence that represents a gross

infringement of the right to bodily integrity. Young women are not primarily subject to rapes by strangers. In most cases reported in 2011, the act was linked to parties/being out for the evening, and the attacks took place in relation to this (34.5 per cent). Rapes where the offender was unknown to the victim and the attack occurred in a public place made up 19.1 per cent of the total number of rapes reported in 2011.

According to the Norwegian Penal Code, rape is defined as engaging in sexual activity by means of violence or threats, or engaging in sexual activity with any person who is unconscious or incapable for any other reason of resisting the act. There is often little evidence in such cases. Very few cases end in a conviction.

A Swedish survey shows that, among young people, there are unclear distinctions between what is to be regarded as rape and as voluntary sexual activity. Young people basically believe that sex without consent is to be counted as rape. Nonetheless, when it comes down to it, there are few specific situations that they define as rape. Preventive work that focuses on setting limits and respecting one's own and other people's limits is therefore important in relation to both sexual harassment and rape.

In a rape, many people experience that their lives, health and personal integrity are seriously threatened. A general and equal low-threshold service offered to persons subject to sexual assaults may help to limit the harmful effects of an assault. The offer of a general and equal service is also crucial to the forensic-medicine safeguarding of evidence, which is of great importance to the investigation and outcome of sexual assault cases. A sexual assault centre is intended to be the gateway to help in that it functions as a coordinating unit that cooperates with and/or refers the person to other parts of the health service. The Rape Commission (*Voldtekstutvalget*) pointed out in its report (Official Norwegian Report (NOU) 2008: 4 *Fra ord til handling (From words to action)*) that a well-functioning sexual assault centre can be crucial to clarifying a rape case. There are now sexual assault centres in every county in Norway. These are in part municipal health and care services, in part specialist health services for which the regional health authorities are responsible and in part services linked to police work. The provision of sexual assault centres is not a statutory duty.

Violence in close relationships comprises all kinds of violence

carried out by a person with whom the victim has a close relationship, such as a parent's or sibling's violence against a child or young person, a spouse's or cohabitant's violence against a partner or a murder committed by a family member. Violence in the extended family can be both forced marriages and violence as part of an authoritarian upbringing. Children who grow up in families where the parents have substance-abuse, mental or financial problems are particularly subject to violence, to witnessing violence and to sexual abuse. Young people whose parents have an immigrant background (both non-western and western) are more likely to suffer violence or to witness violence than other young people.

A national survey conducted in 2005 shows there is widespread use of physical violence and power in relationships between couples. More than 25 per cent of the women and over 20 per cent of the men who responded to the survey had at some time in their lives experienced that a partner abused his or her physical power over them or threatened them with violence. Around nine per cent of the women had been subject to serious violence, i.e. violence that is very likely to cause serious physical injury, carried out by their current or former partner once or twice during their lives. Only two per cent of the men had been subject to such serious violence.

Shelter centres, which started to be established at the end of the 1970s by volunteers as a way of protecting women and children from violence, have been run by both foundations and municipalities for the past few decades. With the Act relating to municipal shelter services, which entered into force on 1 January 2010, the municipalities were given a statutory duty to ensure there were refuge services not only for women and children but also for men who are subject to violence in close relationships. The current statistics show that 96 per cent of those in the shelter centres were subject to a male abuser, while 93 per cent had experienced repeated ill-treatment/abuse.

Shelter centres are an emergency service. The shelter-centre statistics show that women with an immigrant background live in the shelter centres for longer than other women. Some victims of human trafficking have lived in a shelter centre for more than a year. The new Act is to be evaluated in 2012-2014, and the evaluation is to include a mapping and assessment of the changes brought about by the Act, including as regards the organisation and content of the services offered, the use of

resources and the adaptations to suit various user groups.

Increased migration has over the past few decades led to new challenges relating to gender-based violence and violence in close relationships. These challenges have resulted in special efforts in the form of legislation, the availability of help services and criminal prosecution. These are policy areas that are often controversial. One reason for this is that such policy is at the intersection between immigration regulation and individual rights to protection against gender-based violence. Discussions in this area include, for example, the Immigration Act's rules concerning family reunions due to marriage and the services offered to victims of human trafficking in a Norwegian context.

Chapter 15 Protection Afforded by the Law

This chapter deals with four factors: the implementation of the protection against discrimination, access to equal public services, information on rights and legal aid.

Different aspects of the protection afforded by the law are often dealt with as a question of exposure and vulnerability along a number of dissimilarity dimensions, in which characteristics such as gender, ethnicity, religion, sexual orientation, age and disability are all very important. The same applies to forms of social marginalisation through substance-abuse and poverty problems, both per se and in interaction with a discrimination ground. When people, for various reasons, have limited opportunities to exercise their rights, this also helps to lessen their opportunity to take part in various areas of society.

We do not have a good overview of the extent of discrimination in Norway. Surveys of experienced discrimination have been conducted, but we lack national surveys that are conducted regularly, for example to discover the incidence of gender discrimination. A review of surveys that are mainly based on self-reporting nonetheless points to experienced discrimination as a clear problem in society.

The Equality and Anti-Discrimination Ombud has a duty to provide guidance on protection against discrimination and on rights in various areas of society, such as working life, education, housing and health. The Ombud also provides guidance on the provision of equal services. The concept of equal services has become the rule for public services over the past few years. Equal services means quite simply that the fact that people

are in different positions and have different resources and needs must be taken into account, and that public services must be adapted so they can compensate for such differences. The duty to establish equal services can to a large extent be deduced from the public authorities' duty to work actively, purposefully and systematically to ensure equality. Any deficiency in public services may also be affected by the prohibition against indirect discrimination.

The work to promote equal services is a major task that is linked to all the welfare state's services. In many areas, such as in kindergartens, schools and the education sector, in social inclusion work and in health services, the improved provision of equal services will make living conditions more equal.

People who are in a vulnerable situation may find it difficult to navigate in both the welfare and court systems. Several barriers may prevent people from exercising their formal rights. The work on rights information mainly involves low-threshold measures that seek out people. This type of rights work is currently primarily carried out by organisations, but is, on the whole, quite poorly developed in Norway.

Very few discrimination cases have been heard by the courts so far. The fact that so few discrimination cases come before the courts is due, among other things, to a lack of legal aid. This also means that those who are discriminated against do not have much access to the reactions which apply to discrimination cases. In order to remedy this, the Commission has proposed in Official Norwegian Report (NOU) 2011: 18 *Structure for Equality* that the Norwegian Equality Tribunal be authorised to award damages for non-economic loss resulting from discrimination. Those whose cases have been determined by the Ombud and Tribunal but who have nevertheless not been given their right, for example to damages for economic loss as a result of the discrimination, may nonetheless require legal assistance. If the opposite party is not willing to cover such an economic loss, the case must be decided by the courts.

2.3.3 Part 4 of the report: Recommendations

Chapter 16 Focus Areas

The Commission's recommendations regarding new focus areas and measures are presented in chapter 16. This chapter concentrates on proposed reforms in four different focus areas: democracy, freedom of

choice, distribution and vulnerability.

Several of the proposals are based on the Commission's proposals in Official Norwegian Report (NOU) 2011: 18 *Structure for Equality*. This applies, for example, to the proposal regarding a new directorate under the Ministry of Children, Equality and Social Inclusion to be responsible for implementing an equality policy. Several of the proposals also entail further specification of the way in which the proposed programme to develop local equality work is to be organised. In Official Norwegian Report (NOU) 2011: 18, the Commission proposed setting aside NOK 200 million each year as development funds for promoting local and regional equality work over a 10-year period.

Democracy

With regard to the *democracy* focus area, two specific proposals are discussed in response to in part very unequal representation in elected bodies and among those who hold senior positions. In the first place, amendments to the Election Act that enable local, regional and national elected bodies to require a more or less balanced representation of both sexes on election lists. In the second place, targeted and long-term programme work to create wider representation at all levels of work by elected representatives.

The political parties are in charge of nominations to election lists. As member-based organisations, the parties can be regarded as part of civil society. However, the parties are in a special position as member organisations in that they are responsible for recruiting representatives to democracy's key institutions. They thus function as a channel and link from civil society to elected bodies. Each party decides on the rules it wants to govern the composition of its internal boards, councils, committees and decision-making forums. However, election lists do not have such an internal character. The composition of election lists affects general democracy in a way that may make it legitimate for the general public to stipulate requirements that will, in turn, create framework conditions with which the parties' nomination processes must comply. The majority of the Commission therefore recommends including gender-representation rules in the Election Act, and discusses two alternative ways of doing this:

1) *The general-law model*: a requirement is to be included in the Election

Act stipulating that each sex is to be represented by at least 40 per cent of the candidates on election lists for municipal elections, county council elections and parliamentary elections. The Election Act stipulates election-list requirements. Gender-representation rules can be included as a requirement for having an election list approved.

2) *The local-decision model*: a requirement is to be included in the Election Act stipulating that municipal councils, county councils and the Norwegian parliament are to discuss the equality status in the prevailing elected body in the autumn before an election, i.e. every four years, and that the elected body is – on the basis of these discussions – to decide whether it is to be stipulated that each sex must be represented by at least 40 per cent of the candidates on election lists at the next election, see the provision in *Regulations governing Elections to the Saami Parliament*.

The advantage of the general-law model will be that one provision is applicable everywhere. A general law will ensure balanced lists and that elected local, regional and national bodies achieve more or less a gender balance within a short space of time. The local-decision model will not ensure this, as it will be up to the individual municipal council, county council and parliament to pass a majority decision regarding gender-representation requirements for the election lists. The local-decision model does, however, have the advantage that it ensures a debate every four years on the equality status in each individual elected body among those who are best suited to have this discussion - the members of the elected body itself. The model also ensures that any decision on representation rules is made by those that know the local situation best at any time. In addition, the local-decision model means that, if so desired, the elected body may be allowed to also make decisions on representation rules linked to an ethnic-minority background. This model does not make radical changes to municipal/county council self-government. Instead, it emphasises the importance of local discussions, deliberations and decisions.

The Commission's majority recommends the local-decision model. One member does not support this recommendation.

The Commission also recommends a nationwide programme to ensure wider representation at all levels of work carried out by those elected by the people – local, regional and national. A programme to ensure wide representation in democracy must include state funds from which

locally initiated projects can apply for support. Official Norwegian Report (NOU) 2011: 18 proposes an equality directorate with regional offices and a 10-year programme to develop local work to promote equality (NOK 200 million annually for 10 years). The Commission recommends allocating state funds each year, via this development programme, for local measures as part of a programme to ensure wide democratic representation. Municipalities can apply for locally initiated projects and supplementary own-financing should be a requirement. The proposed equality directorate is to run the programme and ensure follow-up research, dialogue and development work related to the measures.

Freedom of choice

With regard to this focus area, the Commission proposes efforts to contribute to freedom of choice in education and measures to counteract segregation in the labour market. The Commission underlines the need for more long-term efforts to prevent traditional gender roles from determining educational choices. This work must apply to the entire field of education.

The Commission therefore recommends the creation of a nationwide programme to ensure a free choice of education. Some of the programme may be run by the equality directorate, see the Commission's proposals in Official Norwegian Report (NOU) 2011: 18.

Key elements in the programme will be measures to improve the expertise of kindergarten and primary/lower secondary school employees, the strengthening of the equality perspective in the advice given by schools in general and in selection-of-education classes in particular, and mentor schemes in further education within very gender-segregated subjects. Such educational efforts to promote equality must include state funds from which locally initiated projects can seek support. Some of the proposed programme to develop local equality work - refer to the proposals in Official Norwegian Report (NOU) 2011: 18 - can be used for such a purpose.

The Commission also recommends establishing an environment with resources to strengthen the equality work in nursery school and teacher training and in teaching aids. Such an environment should focus on the institutions that offer nursery school and teacher training and the publishing houses that create the teaching aids. The Commission

recommends establishing this environment as a professionally independent committee or council that can be administratively anchored in an equality directorate. The directorate can act as the secretariat.

The sustained gender segregation in some further education and higher education courses underlines the need to start using tools that are stronger than just educational, information and recruitment measures. So far, the use of grant schemes as an incentive to achieve more equal gender distribution in various courses seems to be very limited. The Commission recommends establishing an equality-grant scheme for the under-represented sex on some selected and very gender-unequal further and higher education courses. Courses on which women or men with an immigrant background are very underrepresented compared to their share of the possible pupils/students should be correspondingly covered by the scheme. The objective of the grant scheme will be to lower barriers, make opportunities visible and provide incentives to make choices that do not conform to traditional choices of occupations and educations for each gender. The Commission recommends that the Ministry of Education and Research stipulates further frameworks for an equality grant and that the Norwegian State Educational Loan Fund (*Lånekassen*) administers the grant scheme.

The Commission also recommends that the authorities establish a more systematic and targeted use of the higher-education gender-point scheme in areas where there is a very high level of gender segregation. The Commission's review of the experiences of existing schemes and various simulations show that the use of gender points can, in some circumstances, be a suitable tool for achieving a more equal gender balance.

There is a clear link between gender-divided choices of education and the gender-divided labour market. Working life is a very important arena for future equality-promotion work. The Commission's work has not managed to identify any general efforts by the authorities that target the equality challenges faced in working life as such. By that is meant broad efforts over a lengthy period that include various sectors and industries in both the private and public sectors and which also address the range of equality issues at company level on which light is shed in this report.

In the Commission's opinion, there is a need for closer cooperation between the authorities and parties in working life on how the equality challenges are to be dealt with. The parties in working life have first-hand

knowledge of how working life functions – nationally, regionally and at company level.

The Commission therefore recommends that public authorities take the initiative to establish a tripartite agreement on equality in working life along the lines of the Agreement in Principle on a More Inclusive Working Life (the IA Agreement). In the Commission's view, such an agreement should be an independent one at national and local levels that can be built up around the activity duties stipulated in the equality and anti-discrimination legislation and help to specify and implement these at company level.

All companies in Norway can take part in this collaboration by signing a cooperation agreement with the authorities and the company's employee representatives. Such an agreement will mean that the employer and employees enter into a systematic collaboration to achieve equality. Each company's agreements should be based on the company's challenges and set targets that support the national targets. The Commission recommends specifying the employers' activity duties so that the statutory wording states that employers are to discuss the follow-up of the activity duty with employee representatives.

According to the Commission's recommendation, companies that enter into an equality agreement will be given professional guidance and follow-up from the authorities and financial benefits in the form of a separate scheme to subsidise work to promote equality at a company level. The Commission proposes anchoring this work in an equality directorate that has regional offices - refer to the proposal in Official Norwegian Report (NOU) 2011: 18 - and that each company is to be offered its own contact person. The Commission also recommends that the reporting duty stipulated by the equality and anti-discrimination legislation should lapse for companies that enter into a binding equality agreement. Other schemes will in such case replace this duty.

In Official Norwegian Report (NOU) 2011: 18, the Commission recommended establishing a forum for discussing equality in working life that is to be chaired by the Minister of Children, Equality and Social Inclusion and include representatives of the eight main organisations in working life. The Commission recommends that the tripartite agreement on equality in working life should be anchored in this forum.

Distribution

As regards the distribution focus area, the Commission proposes efforts that are intended to help promote a more equal distribution of care work during different phases of life.

One important measure relating to the goal of equal parenthood during a child's first year will be to give mothers and fathers equal rights under the law. The Commission's majority therefore recommends giving fathers an independent right to take parental benefit and a parental-benefit scope that is based on the father's own job percentage (of full-time). This proposal means that the prevailing requirement that the mother must be in work if the father is to take parental benefit in excess of the paternity quota will lapse. This will contribute to a simpler rights structure and thus greater clarity in the parental-benefit rules.

One member does not support this recommendation.

The Commission believes it should be a goal for fathers to take a larger share of the leave than the 12 weeks that currently make up the paternity quota. Giving fathers more of the responsibility for caring for the child until the child is one year old may contribute to more fathers also taking greater responsibility for providing care after the child's first birthday. The Commission recommends dividing the parental-benefit period after the birth into three equal parts: a maternity quota, a paternity quota and a common part that the parents can divide freely between themselves. This means that the maternity quota and paternity quota will equal 15 weeks each in the case of 100 per cent cover and 18 weeks each in the case of 80 per cent cover. The common part will be 15 or 19 weeks, depending on the level of cover. The total leave period is presumed to be increased to 48/58 weeks, depending on the level of cover.

In the Commission's view, the differences in the financial conditions for those entitled to parental benefit and those who are not entitled are unreasonably large at present. Such an unequal distribution of public-welfare benefits during the child's first year does not promote the principle of participation in society on equal conditions. While the authorities assume a lot of financial responsibility for the care of children of working parents through the parental-benefit scheme, little economic responsibility is assumed when the parents have weak links with the labour market. The family's financial circumstances during the child's first year are to a larger extent a private challenge and worry for the latter group.

The Commission's majority recommends introducing a minimum parental benefit of 2G (G = the National Insurance Scheme's basic amount) for parents who have few or no links with working life.

One member recommends limiting the minimum-benefit scheme to the first child.

The Commission underlines the importance of the minimum benefit being introduced within the framework of a tripartite parental-benefit scheme involving maternity and paternity quotas and a common part - refer the Commission's recommendation regarding dividing this scheme into three. This will result in a uniform and consistent scheme.

The Commission believes there is all reason to fear that the percentage of those with a low income among single parents who do not receive transitional benefit will increase further as a result of the tightening up of the transitional benefit rules on 1 January 2012 due to the introduction of an activity requirement as from the child's first birthday. The Commission recommends that, if the activity requirement for the right to transitional benefit is not met, transitional benefit should nevertheless be paid if the single mother or father that needs the benefit has not been given a satisfactory qualification offer.

Care benefit payable in the case of a child's illness is regulated by the National Insurance Act. The Commission cannot see any decisive reason why care benefit should not be paid when care is given to close family members too. The Commission therefore recommends introducing a right to care benefit for 10 days when care is given to close family members, equal to the care benefit payable in the case of a child's illness that is regulated by the National Insurance Act.

Vulnerability

As regards the vulnerability focus area, the Commission has chosen to emphasise the vulnerability that arises as a result of types of violence and sexual abuse that especially affect women, and the vulnerability that arises due to no protection being afforded by the law.

The Commission believes there is a need for far more systematic work to prevent sexual harassment among young people and recommends implementing separate nationwide efforts to counteract sexual harassment in schools. Such work should be aimed at both pupils in lower/upper secondary schools and personnel who work with children and young

people in schools. A separate teaching programme relating to setting limits, sexual abuse and rape should be developed for pupils at different levels in primary/lower secondary schools. Teachers, after-school care-scheme employees, school advisers and school health-service employees/health visitors should be offered teaching and guidance on how they can work to prevent sexual harassment. The Commission recommends allocating state funds each year, through the proposed programme to develop local equality work, for locally initiated projects to prevent sexual harassment and other sexual abuse in both schools and leisure-time arenas (refer to the proposal in Official Norwegian Report (NOU) 2011: 18). This is to be anchored in the equality directorate. The Commission also recommends explicitly anchoring the work to prevent sexual harassment in schools in the Education Act. This work must be seen in connection with the efforts to prevent rapes.

Sexual assault centres can play a major role when it comes to both treating and preventing health injuries following a rape and in relation to securing evidence. The Commission recommends making sexual assault centre services a statutory right to ensure a general and equal service to all victims of sexual assault. The offer of help from a sexual assault centre must actually be available throughout the country.

Victims of human trafficking may be given a temporary residence permit allowing them to stay in Norway for six months so that they can avoid exploitation, receive assistance and protection and decide whether or not to report those responsible. Many victims require extensive help. There is a great need for safe living conditions. The housing offer is currently run on a project basis and the victim may be offered housing at a shelter centre. Victims of human trafficking are in a very vulnerable situation even once they have been given a permit to stay in Norway, and the Commission believes it is important to ensure a housing service that can meet their protection needs.

The Commission believes it is necessary to ensure more effective protection against discrimination. In this connection, reference is made to the fact that, in Official Norwegian Report (NOU) 2011: 18, the Commission has among other things proposed giving the Equality Tribunal the authority to award damages for non-economic loss resulting from discrimination. Those whose case has been decided on by the Ombud or Tribunal but who have nonetheless not achieved their right, for example to compensation

for economic loss resulting from the discrimination, may require legal assistance. If the opposite party is not willing to cover such an economic loss, the case must be decided by the courts. In Official Norwegian Report (NOU) 2011: 18, the Commission recommended giving legal aid in cases brought against the public administration when the Tribunal has stated that a regulation or administrative decision contravenes the anti-discrimination legislation. The Commission also recommended in this report that legal aid is to be given, without any means testing, to the private party in discrimination cases when the Equality and Anti-Discrimination Ombud so recommends. In such cases, the Ombud should as a rule act as an accessory intervener in the case heard by the courts.

The Commission also believes there is a need to strengthen the work of providing information on rights to those in a vulnerable situation in life. Voluntary organisations should play a larger role here than they do at present. The Commission recommends establishing a grant scheme to strengthen the low-threshold work of providing information on rights carried out by voluntary organisations and competence environments. The Commission proposes that the grant scheme should be administered by an equality directorate – refer to the Commission’s proposal in Official Norwegian Report (NOU) 2011: 18.

Chapter 17 Knowledge Development

This chapter presents the Commission’s recommendations regarding knowledge development, and proposes equality indicators linked to the four focus areas: democracy, freedom of choice, distribution and vulnerability.

The chapter starts off by describing resources and key players for developing knowledge relating to equality. The Ministry of Children, Equality and Social Inclusion is responsible for helping to provide new knowledge about equality. This takes place through grants for research into specific areas conducted by the Research Council of Norway, cooperation with Statistics Norway and direct grants to projects carried out by professional environments in institutions, universities and university colleges. In addition, the Ministry supports several private foundations and public centres in the equality sector, as is also explained in Official Norwegian Report (NOU) 2011: 18. A recommendation to examine the effects on equality is stipulated in the Instructions for Official Studies and

Reports, which apply to work on public reports, regulations, reforms and measures and on parliamentary bills and white papers. However, there is no knowledge environment to provide practical guidance on how to best conduct analyses of the effects on equality. This is clearly a problem and the Commission underlines the importance of establishing a competence environment to support the implementation of the Instructions for Official Studies and Reports' recommendations. Official Norwegian Report (NOU) 2011: 18 points this out as an important task for an equality directorate.

The Research Council of Norway has conducted three interdisciplinary basic research programmes in the fields of the humanities and social science that have gender as their main topic. The last one ended in 2012. From now on, the Research Council wants to integrate gender perspectives into all its programme activities. As regards efforts to ensure equality in research, the Research Council has proposed carrying out a new project: Balance. The Commission underlines that Official Norwegian Report (NOU) 2011: 18 shows that successful work on gender and equality perspectives requires responsibilities to be clearly assigned. This is a conclusion that we regard as being transferrable to the Research Council and research environments.

KILDEN (Information Centre for Gender Research in Norway) and the Committee for Gender Balance in Research (Kif) are two resource and knowledge environments working on the dissemination of research with gender perspectives and on equality in research/academic life respectively. The Commission points out that these are competence environments whose resources must be safeguarded, used and maintained in the further work on gender perspectives in research and equality in academic life.

This chapter also presents examples of the need for knowledge that in part state important new research and reporting questions and in part provide information about what the Commission regards as necessary information that must be obtained. Examples of research tasks relate to the importance of internationalisation and judicialisation in the development of a national equality policy, systematic surveys of the general public's attitudes to equality, comparative elite and general-public surveys and register-based studies of a number of factors relating to education, labour-market conditions and combining work and care for others in a lifecycle perspective. The Commission also underlines the need for incidence surveys relating to various forms of vulnerability, especially

linked to aspects of discrimination, harassment and violence.

The mandate asks the Commission to discuss appropriate equality indicators. The chapter ends, therefore, by presenting a number of indicators that can show how social benefits and burdens are distributed and how the situation in equality-relevant fields changes over time. Indicators can provide useful and up-to-date information on equality but cannot replace research tasks. In general, indicators must sum up complex data, be simple to interpret, be perceived as meaningful and relevant, be based on robust and reliable data and be determinable at regular intervals. Indicators are presented for the four focus areas - democracy, freedom of choice, distribution and vulnerability. The Commission's proposal regarding indicators is an attempt to map a multidimensional equality situation. This is resolved by each indicator, in so far as possible, being divided according to gender combined with various operationalisations of ethnicity, social class and lifecycle respectively. This will not only show variations between women and men but also variations between different groups of women and between different groups of men. All the indicators are presented in a separate matrix that shows the dimensions according to which each indicator can be distributed and whether or not there is a database for creating the indicator.

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