



Gender equality and quality of life –
how gender equality can contribute
to development in Europe.
A study of Poland and Norway

Working paper no. 2.1 Gender Equality Policy in Norway

Gender equality policies in Norway: “Everybody’s job, nobody’s responsibility”?

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2014

The research leading to these results has received funding from the Polish-Norwegian Research Programme operated by the National Centre for Research and Development under the Norwegian Financial Mechanism 2009-2014 in the frame of Project Contract No Pol-Nor/200641/63/2013



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Gender equality policies in Norway: “Everybody’s job, nobody’s responsibility”?¹

Introduction

In 2011, the government-appointed Equality Commission, consisting of 12 of the leading gender researchers in Norway, concluded that Norwegian gender equality policy was unsuccessful (NOU 2011: 18). Despite gender equality being considered a Norwegian core value along with democracy, freedom of speech, religious tolerance, children’s rights and so on, the Equality Commission maintained that the political-administrative structure was too weak to realise the ambitions of Norwegian gender equality policies. The policy of gender mainstreaming that has governed the gender equality policy since 1990s was characterised as a failure: “Mainstreaming means ad hoc, isolated and project driven equality work, with scarce accumulation of knowledge (Skjeie and Teigen 2012, p. 58). No public authorities really have the responsibility for gender equality policy, as illustrated in the Equality Commission’s catchy title of a conference where they presented their findings: “Everybody’s job, nobody’s responsibility”.

This paper deals with the ideals and practices of gender equality (GE) policies in Norway, focusing on government policy in recent decades. The Equality Commission limited their evaluation of the GE policy to parity schemes and mainstreaming strategies. In this paper, welfare state policies towards the reconciliation of work and family and other gender equality reforms will also be taken into account.

As a starting point, the paper will present the aims of the current GE policy as formulated by the government. Gender equality as a government-acknowledged goal and as a national core value is a rather new phenomenon in Norway, and the paper will subsequently present a historical overview of policy making relating to gender equality. Next, it will show the current institutional body of gender equality, before discussing the critique that was raised against the management of gender equality policy by the Equality Commission (2010-2012), and also its proposed measures of improvement. These measures have not been

¹ The title is borrowed from a conference on Norwegian GE policy held on February 13, 2012 organised by the Norwegian Equality Commission (<http://kilden.forskingsradet.no/c16880/artikkel/vis.html?tid=79369>).

implemented, and the paper will examine the changes in the gender equality policy after the alliance of the Conservative Party and the right-wing Progress Party replaced the so-called Red-Green government following the election of September 2013. Finally, the paper will examine critical assessments that have been raised against the Norwegian gender equality policy as a national value and as an “export article”.

Before presenting an outline of the historical background of policy-making and reforms relating to gender equality in Norway, let us see which aims and topics are currently scheduled as central to the government’s gender equality policy.

1. The aims of gender equality policies as formulated by the Norwegian government

According to the Norwegian government, the aims of the gender equality policy are to give women and men equal formal rights and combat all discrimination, to ensure genuine equality between women and men through equal distribution of goods, responsibility and power, and to consider gender in relation to ethnicity, sexual orientation, disabilities, age and class.²

The government’s aims with regard to gender equality policy are ambitious. Gender equality is described as a core value and efforts to promote gender equality as an obligation related to human rights (NOU 2011: 18, p. 16). According to § 1 of the Act relating to Gender Equality (Gender Equality Act, see Appendix), public authorities have a *duty* to make active, targeted and systematic efforts to promote gender equality in all areas of society. In addition to proactive duties on the institutional level, the Gender Equality Act concerns protection against discrimination at the individual level. The equality policy has an intersectional approach, and there are statutory prohibitions against discrimination based on ethnicity (race), religion, beliefs, political views, membership in employees’ organisations, sexual orientation, disability, and age.

Gender equality policy is framed as an issue concerning human rights and justice, but also as an economic issue. The government emphasises that high employment rates for both

² <http://www.regjeringen.no/en/dep/bld/topics/equality-and-discrimination/gender-equality.html?id=670481>. See also “Nation by nation”, Nordic Information on Gender (NIKK), <http://www.nikk.no/en/facts/nations/norway/>.

women and men are financially advantageous for economic growth and the development of the welfare state.

Despite the ambitious ideals with regard to gender equality, the administrative structure for implementing gender equality policy is rather underdeveloped in Norway, as we shall see below (NOU 2011: 16 and NOU 2012: 15). In 2011, when the so-called Red-Green government (consisting of the social-democratic Labour Party, the Socialist Left Party and the agrarian Centre Party, in office 2005-2013) launched an action plan for gender equality, it was the first comprehensive action plan to promote gender equality since 1991.

1.1. The 2011 action plan “Gender Equality 2014”

The action plan “Gender Equality 2014” (“Likestilling 2014”) which is still valid despite the change of government in 2013, was initiated in 2011, at a time when the minister responsible for gender equality was represented by the Socialist Left Party (SV). SV is the only party represented in the Norwegian parliament that expressly declares itself to be feminist. According to the party programme, SV “believes it is necessary to use radical means to challenge the structures that maintain the unequal power relations between the genders”.³ Since the election in September 2013, the minister responsible for gender equality has been represented by the right-wing Progress Party (FrP). As stated in FrP’s programme, relations between the genders must be “naturally adapted without interference from government agencies”, and the party thus wants to repeal the Gender Equality Act as well as the scheme of the Equality Ombud.⁴ Norwegian gender equality policies are currently in a phase of change which will be further discussed below.

The action plan “Gender Equality 2014” specifies the government’s political aims for the gender equality field in a wide range of societal areas.⁵ The plan emphasises nine gender equality objectives and features 86 new initiatives that a number of ministries are responsible for.⁶ In the following, the nine gender equality objectives will be briefly presented:

I. “On muscles and miniskirts – combating gender stereotypes”

³ <http://www.sv.no/arbeidsprogram/kapittel-12-likestilling-feminisme-og-frihet/>.

⁴ <http://www.frp.no/nor/content/search?SearchText=likestilling>.

⁵ http://www.regjeringen.no/upload/BLD/Likestilling/likestilling_2014.pdf.

⁶ <http://www.regjeringen.no/en/dep/bld/topics/equality-and-discrimination/gender-equality.html?id=670481>.

This objective is directed against the commercial market that reinforces gender stereotypes; such as the advertising industry, pornography and striptease. The government states that it will encourage diversity so that women, men, girls and boys are free to choose independently from traditional expectations. In particular, the government states it will counter advertising aimed at children and young people that reinforces gender stereotypes.

II. “Gender equality for the future – increase awareness of gender equality in kindergartens and education”

This objective is directed at both the organisation and the content of education. The government states that it will work to increase the proportion of men employed in kindergartens to 20 percent and men employed in primary schools to 40 percent. It will encourage girls and boys to choose non-traditional careers in secondary and higher education. Further, the government stresses zero tolerance for sexual harassment in all schools as a goal.

III. “A chance to balance – family-friendly working life and equality in parenting”

This objective deals with work-life balance and both women’s and men’s opportunities to combine employment and family life. Parents are encouraged to share the parental leave scheme equally.

IV. “Breaking the barriers – more equal gender balance in all parts of the labour market”

The objective is to decrease gender segregation in the labour market, e.g. by encouraging men to work in care professions, and to increase the proportion of women in the army, in reindeer husbandry and in top management positions, in public as well as in private companies. The government states that it will encourage employment among migrant women and aims to reduce involuntary part-time work.

V. “Economic power – more equal distribution of financial resources and power”

The government states that it will work to decrease the wage gap between women and men and to strengthen women’s and men’s knowledge of the consequences of their own financial situation and pension rights by employment,

working hours and ownership. Rather than suggesting concrete reforms, this objective deals mostly with mapping and analysis of the gendered labour market.

VI. “A reflection of the population? – equality in representative government”

The objective is gender balance in all elected bodies; specifically, the government states that it will work to increase the proportion of female mayors and municipal councils.

VII. “Women suffer, men die – equal opportunities for men and women to have good health”

The objective is to reduce the health differences between women and men through integration of the gender perspective as central in the healthcare sector, in research, policy making, prevention and services.

VIII. “Freedom from violence, coercion and sexual abuse – a precondition for gender equality”

The objective is in particular directed at combating men’s violence against women, and concerns domestic violence, rape, incest, forced marriage and female genital mutilation, as well as trafficking and prostitution. The government affirms that it will combat and prevent all forms of violence, coercion and abuse, and ensure that victims of violence, coercion and abuse are entitled assistance and protection regardless of gender, age, sexual orientation, ethnicity or disability. The government will engage men in combating violence against women and children, which includes awareness campaigns and also treatment facilities for violent men.

IX. “Global challenges – gender equality in international politics”

The objective is to promote gender equality as a strategy to achieve the UN Millennium Development Goals 2015. The government declares that it will strengthen the gender perspective in foreign policy and in international processes, including processes related to the UN, and increase women’s participation in peace-building and peace negotiations. Further, the government promises to work to ensure that gender equality must be linked to each country’s development goals, and international commitments adapted to local challenges

and opportunities for change. In line with the UN Millennium Development Goals, the government will work to improve child and maternal health.

Of the nine areas of gender equality according to the action plan, objectives concerning political representation, employment, education and parenting are “old” in the governmental gender equality policy field, whereas others, such as gender stereotypes, violence, health, and, to some extent international politics, are newer. Although central to feminist grass roots mobilisation for decades, these areas became central to the government gender equality policy only during the 2000s. In what follows, a brief outline of the historical background of policies as regards gender equality policy will be presented.

2. Historical background of gender equality policies in Norway

There was no active government gender equality policy in Norway until the 1970s. Prior to this, however, public gender policies certainly existed, though not necessarily aiming at gender *equality*. The following historical overview addresses the main reforms related to gender equality since the 19th century and forward, focusing on civil rights, including professional, educational, political and welfare rights.⁷

2.1. 19th-century gender policy

When Norway obtained independence from Denmark in 1814, women were not considered as citizens. The new constitution, progressive and liberal for its time, did not provide women legal status or political, financial or educational rights. From around 1840 onwards, women gradually obtained successively more rights, starting with those concerning private property, such as business activities and inheritance, and continuing with access to professional and educational occupations and rights for married women to dispose of their own property. Political rights for women were granted in the early 20th century, with limited rights based on income to vote in the municipality election in 1901, and universal suffrage following in 1913.

⁷ This historical overview is largely based on Blom et al. 2005 and Danielsen et al. 2013. Many of the annual figures of important developments related to gender equality are from the pamphlet *Milepæler i den norske kvinnehistorien* [“Milestones in the history of women in Norway”] published by the Equality Ombud in 2007. http://www.ldo.no/Global/Brosjyrer%20PDF/LDO_Kvinnehistorie_milep%C3%A6lerNO.pdf.

The first reform to grant certain women certain rights was the Act on Craft (1839), which permitted single women over the age of 40 to run some craft businesses (without journeymen). The women had to apply to the city magistrate for permission, and he decided whether they had sufficient need, i.e. that they did not have any other means of income, to be entitled to produce goods for sale. Three years later, the Trading Act of 1842 gave single women over the age of 25 a limited right to trade domestic goods. Export trade, however, remained the privilege of men and widows of businessmen. Historian Eirinn Larsen argues that the Trading Act of 1842 was the first law to give single women over the age of 25 their own rights in Norway (Danielsen et al. 2013, p. 87). In this period, single women over 25 also earned a limited right to civil status, but they still had to depend on a male legal guardian. Full civil status for this group was not given before 1864. The reform implied that they were considered as legal subjects, responsible for financial agreements signed in their own name without authorisation of a male guardian. Married women had to wait more than 20 years to become independent legal subjects, in 1888.

As industrialisation developed from the second half of the 19th century, the influence of the guilds diminished drastically. In 1866, the Act on Craft reduced the influence of the guilds by such means as repealing the examination of journeymen. Single women henceforth obtained the right to run craft businesses in line with male craftsmen who ran with journeymen.

Regarding **inheritance**, women traditionally inherited half the amount of male heirs. The Inheritance Act of 1854 gave the right to equal legacy to women and men except for large land ownership, factories, and big trade companies. Unlike the acts on trading and on craft, this law did not distinguish between married and unmarried women.

Women were for a long time excluded from **professions** as well as secondary and higher **education**. In 1858, the first public agency was opened for women, namely the telegraph offices. Two years later, in 1860, women were allowed to teach in countryside primary schools. From 1869 they were also allowed to teach in city schools. Regarding education, until 1878 women were only entitled to attend primary schools; further education was a privilege for the elites that organised them privately. The same year, the parliament sanctioned a particular exam for girls with a reduced curriculum in mathematics at the lower secondary school level. In 1882, women were admitted to matriculation, and Cecilie Thoresen became the first female student to attend the university. From 1884, all faculties

of the University of Oslo (at the time the only university in the country) were opened to women. After graduation, women were however only allowed to perform the professions of dentist and physician.

As Larsen argues, the reforms concerning women's rights to property, business and professions were not introduced on the basis of equality ideals, but out of necessity. Laws were passed allowing single women over a certain age to earn their own living, in order to avoid elderly unmarried women being a burden for the society and the family. For the state, this was not a gender equality issue, but a means to prevent poverty among elderly women (Danielsen et al. 2013, p. 87).

When the first feminist organisation, the Norwegian Women's Rights Association (*Norsk kvinnesaksforening*), was established in 1884, the main demands were women's rights to education and professions, equality in marriage and, eventually, women's suffrage (Moksnes 1984). In 1888, equality in marriage was introduced, and the following year, women were allowed to become members of municipal school boards. From the late 1880s, the right to women's suffrage became the single most important demand for the women's movement. The question of women's suffrage was first discussed in the parliament in 1890, proposed by two deputies from the Liberal Party. At this point resistance was overwhelming, its opponents using a mix of well-known biological and religious arguments against women's suffrage, and the proposal was postponed.

2.2. Gender and political rights in the 19th and early 20th century

Since independence in 1814, suffrage had been limited and income-based. Male universal suffrage was introduced as late as 1898. In 1895, women were for the first time allowed to participate in an election; the election concerned whether municipalities should permit the sale of liquors. By allowing women to vote, the authorities assumed a majority for banning the sale of liquors.

The National Women's Suffrage Association (*Landskvinnestemmerettsforeningen*) was established in 1898. In 1901, women with a certain income were given the right to vote in a municipal election, and in 1907 in a national election. Universal suffrage was introduced first in the municipal election of 1901 and in the national election of 1913. However, poor men and women receiving support were not granted the right to vote until 1919.

Norway was the first independent state in the world to introduce women's suffrage. This can largely be explained as an effect of the dissolution of the union with Sweden in 1905. The union had lasted since 1814, with separate parliaments and governments but with a joint king and foreign policy directed from Sweden. The process leading to the dissolution was marked by agitation for democracy and even by preparation for a potential war between the two countries, as Sweden was reluctant to relinquish Norway. During the summer of 1905, a referendum was organised in Norway, resulting in more than 99 percent voting for the dissolution of the union. Women did not have the right to vote, and activists from the women's movement, not least from the Norwegian Women's Public Health Association, established in 1896 in the case of war with Sweden and with local chapters spread all over the country, organised a campaign to collect signatures from women in favour of the dissolution of the union. Over two weeks, almost 300,000 signatures were collected from all over the country, an impressive number when taking into consideration a total population of 2.3 million. In a vast country with a rather poorly developed infrastructure, the number of women's signatures showed an overwhelming commitment to the most ardent political question of the day. One of the arguments against women's suffrage had been women's supposed lack of interest in politics, and as the campaign showed quite the opposite it was used as an argument to give women the right to vote.

Despite the right to vote, it took time for women to be represented in politics. The first woman to be elected to the parliament as a deputy was Karen Platou from the Conservative Party, in 1921. However, Anna Rogstad from the same party had attended the parliament as an alternate deputy as early as 1907. From 1922, women could become ministers, but there were no women in government before 1945, when Kirsten Hansteen from the Communist Party became consultative minister for the office giving assistance to prisoners and refugees. The first woman to head a ministry was Aaslaug Aasland from the Labour Party, Minister for Social Affairs from 1948 to 1953. Until the mid-1960s, there was usually one single female minister in Norwegian governments, typically dealing with social and family affairs. In 1965, for the first time there were two female ministers including, also for the first time, a female Minister of Justice. The same year, Aase Lionæs became the first female President of Parliament, as Vice-President of the Lagting chamber (at the time, the Parliament Presidency consisted of six persons).

2.2.1. Gender and professions

In the early 1900s, most professions became open to women. In 1912, women gained access to all offices except for the clergy, the diplomatic corps and the army. The same year, Kristine Bonnevie became Norway's first female university professor, in biology. In 1938, all offices except for the clergy were opened to women. The clergy was opened to women in 1952, and in 1961 Ingrid Bjerckås was the first woman to be ordained as a priest. The first female judge of the Supreme Court was appointed in 1968.

2.3. Welfare arrangements related to gender equality policies in the first half of the 20th century

After women's suffrage was introduced in 1913, some important measures were implemented in order to improve the conditions of mothers and children. A pioneer in this area was Katti Anker Møller, often referred to as "the advocate for mothers", who as early as 1913 claimed that women should have the right to choose whether and when to have children. She did not succeed in the demand to decriminalise abortion, but did, in cooperation with women of the labour movement, succeed in establishing offices where contraception was distributed to married women and where pregnant women could receive health care, the first of which was established in Oslo in 1924. Prior to this, as early as 1915, she had succeeded in convincing the minister responsible for social policy, a relative of hers, to push forward laws that granted children born outside marriage the same rights as those born within.

An important question for Møller and the Labour women's movement was to introduce a so-called mother's wage, so that mothers could be more economically independent of their husbands. The Labour Party worked to implement financial transfers to mothers, or child allowances, during the 1930s, but such reforms were delayed because of World War 2. The child allowance was implemented in 1946, and was for many married women the only income of their own (Danielsen 2013, p. 238). However, during the Labour Party government in the 1930s, the Worker Protection Act gave mothers the right to six weeks' leave before and six weeks after giving birth. Also, the act gave mothers the right to keep their job after the leave.

As mentioned above, married women were accorded the status of legal citizens in 1888. In 1918, divorce became more accessible, but the most important reform regarding matrimonial law came in 1927, approximately at the same time as in other Nordic countries. The law stated financial equality between spouses: women's housework became equated with men's paid work, and both spouses were required to take an equal share of responsibility for the household and children. Women's organisations participated in the design of the law, for the very first time in processes of legislative preparation. According to Danielsen (2013, p. 242), the new matrimonial law can be considered an early state feminist project where gender equality was assumed to be based on cooperation between the sexes. However, not until 1950 were married women entitled to keep their Norwegian citizenship if they married a foreign citizen. From 1964, women were allowed to keep their own surname after marriage.

2.3.1. 1959: a turning point in terms of gender equality policies

The year 1959 was marked by several important reforms as regard gender equality: until this year, married couples were taxed together so that it did not pay for married women to be in employment. For the women's movement of the 1950s it was very important to mobilise against this tax system, since it hindered women's financial independence. In 1959, the tax system changed so that married couples could be taxed separately, thus encouraging married women's employment.

The same year, Norway ratified ILO convention no. 100 on equal pay, and established the Council of Equal Pay (*Likelønnsrådet*). The council consisted of representatives from the government and the central labour market actors who promoted gender-equal salaries.⁸

Also in 1959, the Act on Primary Schools stated that girls and boys should have equal education and curriculum. Until then, boys had more classes in mathematics and sport than

⁸ The so-called Tripartite cooperation between representatives of employees' organisations (labour unions), employers' organisations and the State was institutionalised in the decades after 1945. The background of the cooperation was the tumultuous times in the 1920s and 1930s, characterised by many lockouts and strikes. The tripartite cooperation and the so-called Basic Agreement (*Hovedavtalen*, an agreement initially from 1935 between the main employees' organisation – the Norwegian Confederation of Trade Unions (LO) – and main employers' organisation – the Confederation of Norwegian Enterprise (NHO) – revised many times since (see http://www.lo.no/Documents/Lonn_og_tariff/hovedavtalene/Hovedavtalen_LO-NHO_2010-2013_Engelsk.pdf)), is the government's main instrument for implementing remuneration policy in Norway. The government can do this by providing legislative and preventive measures to the social partners so that the LO and NHO can come to an agreement. The centralised cooperation allows the government to some extent to control the general wage growth in Norway across professions.

girls, who instead took classes in household matters. While boys were learning carpentry and crafts, girls were taught to cook, knit and sew. Now, boys and girls were to go undergo the same training. The act also suggested prolonging compulsory schooling from seven to nine years.

2.4. The 1970s: grassroots mobilisation and institutionalisation of gender equality policies

Before the 1970s, Norwegian governments did not actually pursue an explicit public gender equality policy, but rather a women's policy and a family policy. As pointed out by Anne-Hilde Nagel and Nina C. Raaum (2003), the goals of the women's policy throughout the "housewife era" in the post-war period were ambiguous and contradictory; there was one policy directed towards mothers and another directed towards daughters.⁹ On the one hand, the goal was to establish the one-income family (also known as the male breadwinner model), and on the other it was to provide higher education for women through generous educational financing. Throughout the 1960s, participation of women in the labour force increased significantly, as did the proportion of women in higher education. In the late 1960s and early 1970s, women – especially young ones – started to protest against the traditional ideals of women as housewives, as well as the political invisibility of women. From 1970 onwards, the new women's movement became a significant political force in Norway. The movement's main demand was women's right to be financially independent and the right to control their own body and reproduction. They demanded equal pay for equal work, free childcare institutions, accessible contraception and abortion on request. The 1970s were characterised by both the feminist grassroots becoming organised and the government institutionalising gender equality policies – so-called state feminism.

2.4.1. Gender and politics

As shown above, there were few female politicians prior to the 1970s. From being almost invisible, more and more women entered elected bodies and government committees, where they left their mark on policy making. Women became numerous enough to have a real opportunity to influence politics. The increased proportion of women in politics had consequences for the significance of gender equality policy on the mainstream political

⁹ http://www.kampdager.no/arkiv/politikk/artikkel_nagel_raaum.html.

agenda. Often, female political representatives cooperated across party lines in order to put gender equality political questions on the agenda, and also worked together with grassroots women's organisations.

In order to improve the gender balance in political bodies, **gender quotas** became an increasingly common means during the 1970s and 1980s. The first actions to increase women's representation in elected bodies were carried out during the municipal elections in 1967 and 1971, when activists from the women's movement led so-called cumulating campaigns. To get more women elected they removed male candidates from the election list and correspondingly cumulated (giving an extra vote) to female candidates. The cumulating campaign of 1971 was so successful that in three municipalities (including Oslo and Trondheim) representation of women became more than 50 percent, and in many municipalities around 40 percent. On a national level, the total number of women in municipal councils increased from 9.5 to 14.8 percent. The election of 1971 became known as "The Women's Coup", and resulted in an amendment to the election law so that it was no longer possible to remove candidates from the election lists. However, as a response to the "Women's Coup", political parties put gender equality on their political agenda, starting with the country's largest, the Labour Party. In their party programme from 1973, gender equality was stated as a main political goal.

The first political party to introduce a gender quota of at least 30 percent within the party body, however, was the Liberal Party. This occurred in 1974, under the leadership of Norway's first female party leader, the former head of the Norwegian Women's Rights Association Eva Kolstad, later to become the first Gender Equality Ombudsman. The following year, the newly formed Socialist Left Party followed. The party was led by the feminist activist Berit Ås, who had been central in the "Women's Coup" in 1971. In the Socialist Left Party the gender quota included at least 40 percent women on election lists. The other political parties did not introduce gender quotas during the 1970s. The social-democrat Labour Party introduced a 40 percent gender quota in 1983, while the agrarian Centre Party and Christian Democrat Party followed in 1989 and 1993, respectively. The right-wing parties (Conservative Party and Progress Party) have never introduced official gender quotas.

The below table illustrates the proportion of women in the parliament (blue line) and in municipal councils (red line) in the period 1963 – 2011. It clearly demonstrates how the proportion of women increased substantially throughout the 1970s and 1980s and stagnated from the 1990s. Unlike other Nordic countries, the proportion of women representatives has never comprised 40 percent.¹⁰ In Norway, there is no statutory obligation for gender quotas in elected political bodies.

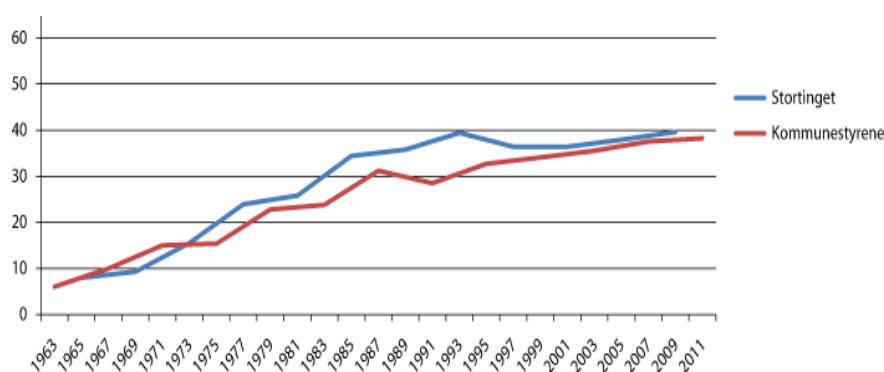


Fig. 1. Women in the parliament (blue) and municipal councils (red) 1963-2011 (percent).

Source: Statistics Norway.

From NOU 2012: 15 *Politikk for likestilling*. <http://www.regjeringen.no/nb/dep/bld/dok/nouer/2012/nou-2012-15/8/2/1.html?id=699876>

2.4.2. Gender equality institutions

A characteristic feature of the 1970s was the institutionalisation of gender equality policies. The reforms started within the educational system. In 1971, the new curriculum plan stated that schools were obliged to actively work for gender equality. The following year, the Council of Gender Equality (*Likestillingsrådet*) replaced the Council of Equal Pay, which had been established in 1959. The mandate was broadened to include factual gender equality between women and men in all areas of society. The council served as an advisory and coordinating body for gender equality matters.

In the aftermath of the UN's International Women's Year of 1975, gender equality institutions were established at both national and local levels. In 1977, the Ministry of Consumer Affairs and Administration established the Department for Family and Gender

¹⁰ Niskanen, Kirsti (2011) "Gender and Power in the Nordic Countries: A Comparative Perspective", in Niskanen Kirsti (ed.) *Gender and Power in the Nordic Countries – with focus on politics and business*. NIKK Publications 2011: 1. Oslo.

Equality. Simultaneously, municipalities began to establish gender equality committees in order to promote gender equality in local communities.

Throughout the 1970s, politicians discussed introducing a law relating to gender equality. In 1973, the Labour Party suggested a law against the discrimination of women. Two years later, the party presented the draft of the **Gender Equality Act** to the parliament. Both conservatives and feminists of the women's movement and the Socialist Left Party were sceptical, but for different reasons. Conservatives did not consider the act necessary, whereas feminists were against a gender-neutral law that did not take the oppression of women into consideration (Danielsen 2013, pp. 322-323). After years of debate, the act that was approved in 1978 can be seen as a compromise, as the purpose is to "promote equality irrespective of gender", while having the "particular objective of improving the position of women" (Chapter 1 of the act relating to gender equality, see Appendix).

The Gender Equality Act came into effect in 1979. In the first such case in the world, a Gender Equality Ombudsman in charge of enforcing the Gender Equality Act was established, as well as an appeal tribunal for gender equality. Eva Kolstad, former leader of the Norwegian Women's Rights Association and the Liberal Party, was appointed Norway's first Gender Equality Ombudsman – known, in gender-neuter terms, as Ombud. From then on, gender equality was established as a legal field, and as a distinct field of knowledge and professionalisation. The Gender Equality Ombud, the Gender Equality Tribunal and the Council of Gender Equality became institutions under the state administration but professionally independent. These institutions have both the duty to and the right to evaluate the public governance in the gender equality field. The current Norwegian gender equality policy is largely based on the Gender Equality Act.

2.4.3. Welfare arrangements relating to gender equality during the 1970s

Sociologist Arnlaug Leira (1994, p. 55) has pointed out how women-related welfare reforms such as abortion on demand and childcare have generally provoked more conflicts than other welfare reforms in Norway. She explains this by the widespread resistance to state intervention in "private" matters. Also, the controversies can be explained as an effect of the strong ideal of good mothers being housewives that endured in Norway in the 1970s, despite the fact that many women entered the labour market in this decade (Lønnå 1996, p. 159).

For the feminist movement of the 1970s, the struggle for women's rights to **abortion** on demand was the single most important issue, from an understanding of women's right to decide on their own body. In 1960, the Act on Abortion in Certain Circumstances was approved, allowing abortion for medical reasons – including damage of the foetus, risk to the mother's health – as well as rape. Abortion committees of two physicians decided whether the pregnant woman was allowed an abortion or not. Many women experienced this as degrading and disempowering, and from the late 1960s the demand that women themselves should decide became increasingly loud. Generally, the demand was supported by the Left whereas the Right, and particularly Christian conservatives, were opponents. In 1975, when the parliament voted on the law proposal on abortion on demand, it was rejected by one vote. However, a new law accepted abortion also for social reasons, and most applications were approved by the increasingly liberal abortion committees. The principle of women's right to choose whether to carry a pregnancy or not was realised three years after, with the adoption of the Act on Abortion in 1978.

In 1970, only 3 percent of Norwegian children had a place in a **daycare institution**. According to a report on pre-schools from 1972, only 100 of 450 municipalities had any sort of daycare.¹¹ The lack of daycare centres brought about a difficult situation for a number of families who had to find private solutions, and was a serious obstacle for women's opportunities to work and thus be financially independent. The demand for free daycare for all children was therefore an important issue for the feminist movement. The perception of daycare institutions as harmful for children was widespread in society, often linked to negative views of "egoistic career women" and even to anti-communist views of daycare institutions as a sort of unwanted collective education. On the other hand, left-wing pedagogues argued that kindergartens were required means for social equalisation of children of different backgrounds and a precondition of women's rights to employment. The Act on Daycare from 1975 was only half a victory; it recognised daycare institutions as beneficial for children and society as a whole and required municipalities to prepare programmes for developing the childcare sector. However, the municipalities were not *obliged* to actually establish daycare institutions, and the development was slow. In 1980,

¹¹ NOU 1972: 39.

still only 19 percent of children between the age of one and five had a place in a kindergarten (Korsvik 2011).

Neither was the development regarding **parental leave schemes** particularly remarkable. In 1977, the paid parental leave scheme was extended from 12 to 18 weeks, a system that remained in place until 1987. Novel was the fact that fathers were entitled to make use of the scheme, but in practice very few took advantage of this right (Korsvik 2011).

The issue of **violence against women** was also put on the feminist agenda during the 1970s. Shelters for battered women, so-called crisis centres, were established by feminist activists, the first in Oslo in 1978. Until the 1980s, violence in close relations was seen as a private affair, and the crisis centres were hardly financed by public authorities, but run by voluntary activists on an idealist basis. The idea was to show solidarity with women victims of violence and thus encourage them to rebel and break out of violent relationships (Korsvik 2013).

2.4.4. Symbolic gender equality reforms

During the 1970s, a number of symbolic reforms relating to gender equality were implemented. In 1974, the Allodium Act was changed, giving women and men the same rights to inherit farms. This law, which dates back to medieval times, had previously automatically given the eldest son the prior right to inherit the farm; from now on it was the eldest sibling, regardless of gender. There were also other symbolic reforms, e.g. that women were allowed to conduct regular officer training in the army (1977). Not to mention in the field of sport: in 1975, women were allowed to participate in the popular Holmenkollstafetten running relay race in Oslo. Three years earlier, female athletes who had tried to participate under false male names had been literally thrown out and expelled from the national running team. In 1976, the Football Association of Norway agreed to permit women's football teams, and the first national football championship for women was held in 1978.

In the academic field, noteworthy was the Norwegian Research Council's establishment of a Secretariat for Women's Studies in 1977, thus encouraging feminist researchers to start research projects on conditions for women. The secretariat laid the foundations for future gender research.

An important amendment to the Marketing Act was made in 1979, in connection with the adoption of the Gender Equality Act in 1978 but also as a response to feminist campaigns

against sexist advertising. According to the amendment, “the advertiser and the designer of the advertisement shall ensure that advertising does not conflict with the equality of the sexes, and that it does not exploit the body of one of the sexes or gives the impression of an offensive or disparaging assessment of woman or man.”¹²

2.5. The “women-friendly” welfare state of the 1980s and 1990s

Despite the progress during the 1970s, Norway was lagging behind the other Scandinavian countries with regard to gender equality. This was particularly apparent when it came to women’s access to the labour market, as childcare institution arrangements were poorly developed in Norway compared to Sweden and Denmark (Korsvik 2011). The image of Norway as advanced in terms of gender equality was largely a result of Gro Harlem Brundtland becoming prime minister in 1986. She headed what became known internationally as the “women’s government”, in which 44 percent of the ministers were women. Since then, the proportion of women in government has never been less than 40 percent.

Gro Harlem Brundtland was not a newcomer in politics. During the 1970s, she was active in the struggle for abortion on request, and in the period 1974 to 1979 Minister of Environment. In 1981, she was elected the first female leader of Labour Party and became Norway’s first female prime minister. Despite her government lasting only eight months before it was replaced by a coalition of conservative, liberal, agrarian and Christian political parties after the election in September 1981, it received much attention, also internationally. The 42-year-old Brundtland set a record when appointing *three* female ministers in her first government as prime minister. In 1981, her government presented the first action plan for gender equality and the Gender Equality Act adopted a new provision stating that both genders had to be represented in public committees, boards, and councils. The same year, Norway ratified the UN Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW), adopted by the UN General Assembly in 1979.

Despite the Labour Party being out of government office during the period 1981-1986, several gender equality reforms were adopted. In 1982, the parliament ratified ILO

¹² http://www.forbrukerombudet.no/asset/3538/1/3538_1.pdf (my translation).

recommendation no. 165 and convention no. 156 concerning “equal opportunities and equal treatment for men and women workers and workers with family responsibilities”. Also in 1982, the Working Environment Act included statutory prohibition against requiring job seekers to inform potential employers of their relations to political, religious or cultural questions, and the Basic Agreement between the Norwegian Trade Union Association and the Employers’ Association also included agreements on gender equality. A new Act on Children stated parents’ equal responsibility for care, and children’s rights to self-determination were strengthened. Again, gender equality reforms concerning the army were adopted; in 1983 women gained access to military service, and in 1984 the parliament approved a law granting occupational equality between women and men in the army. In 1985, after years of feminist mobilisation against pornography, the parliament adopted a new act banning pornography with children, animals, necrophilia and sadism (Korsvik 2013).

At the institutional level, from 1987 all ministries were obliged to develop action plans for promoting gender equality, and in 1988 the Gender Equality Act was broadened to the effect that at least 40 percent of both genders had to be represented in all public committees etc. As a curiosity, we can mention the fact that in 1990 the line of succession of the royal family was changed, so that the eldest sibling, regardless of gender, would inherit the throne. However, the amendment only concerns heirs of the throne born after 1990, so the current heir is actually the younger brother (born 1973) of the princess (born 1971).

2.5.1. Reconciliation of work and family

It was, however, Gro Harlem Brundtland’s “women’s government” of 1986 that became symbolically important for shaping the image of Norway as a gender-equal and “women-friendly” welfare state. This notion was coined by political scientist Helga Maria Hernes, herself a member of the Labour Party, in her 1987 book *Welfare State and Woman Power: Essays in State Feminism*.¹³

A woman-friendly state would enable women to have a natural relationship to their children, their work and public life [...]. A woman-friendly state would not force harder choices on women than on men, or permit unjust treatment on the basis of sex. In a woman-friendly state women will continue to have children, yet there will also be other roads to self-realization open to them. In such a state women will not have to

¹³ For an analysis of the analytical potential and normative value of Helga M. Hernes’ concept about woman-friendly welfare states in a Scandinavian perspective, see Borchorst & Siim 2008.

choose futures that demand greater sacrifices from them than are expected of men (Hernes 1987, p. 15).

In order to realise the women-friendly welfare state, Hernes advocated state feminism, which she defined as a combination of “feminism from above in the form of gender equality and social policies and the feminization of welfare state relevant professions” and “feminization from below” through grassroots feminist mobilisation (Hernes, 1987: 153).

Brundtland’s successive governments (1986-1989 and 1990-1996) marked a turn towards a stronger commitment to practical gender equality policy making, aiming to facilitating the reconciliation of work and family life. In this period, to a larger extent than previously, the government invited grassroots women’s organisations to give their opinion about proposed reforms, and its gender equality ideology was moderately inspired by the 1970s women’s liberation movement. The women in government used their power to implement important welfare reforms for facilitating the reconciliation of work and family. A greater emphasis was put on developing the daycare sector, and in 1987 the parental leave scheme was prolonged from 18 to 42 weeks.¹⁴ In 1995, parents’ right to unpaid parental leave scheme was extended from one to three years. An important symbolic reform to push fathers to take more responsibility for childcare was the introduction of the two-week “daddy quota” reserved for fathers in the parental leave scheme in 1993.

The “daddy quota” was pushed forward by feminists. As early as 1972, the journal of Women’s Front stressed that fathers should have the right to stay at home four weeks after birth as a means for improving men’s and children’s lives (Korsvik 2011). In 1981, the young feminist-oriented minister responsible for family affairs, Sissel Rønbeck from the Labour Party, proposed that 14 days of leave be reserved for fathers in order to “put mild pressure” on them to take care of their children. Female members of Labour Party’s parliamentary group supported the proposal but the male ones did not, and the proposal was rejected. One of the arguments against the proposal was that it would be a waste of money, as fathers would probably just go fishing during their leave (Rieber-Mohn 1994: 74).

In 1986, the “Women’s Government” appointed a Commission on the Role of Men, inspired by a similar commission in Sweden. The aim of the committee was to include men in work to

¹⁴ *St.meld. nr 8 (1987-1988) “Barnehager mot år 2000”.*

promote gender equality, particularly by emphasising men's responsibility for childcare. The Commission on the Role of Men stressed that gender equality had to be realised on men's terms; women were not to decide how men should become caring fathers. In the final report from 1991, the Commission on the Role of Men suggested introducing six months of father's leave in the parental leave scheme, and extending the total parental leave scheme to 18 months.¹⁵ The Commission framed the "daddy quota" therapeutically as a means to make men's lives richer and more harmonious, and pedagogically as a tool with which to educate men: The internalisation of empathy in men through the act of caring for children would prevent divorces and the sexual abuse of children. The Commission's suggestions generated a passionate debate. Feminists criticised the Commission's framing of the "daddy quota" as an arrangement designed primarily to meet fathers' needs to be together with their children rather than as a benefit for children and women, and claimed that men should also take care for the old and sick.¹⁶

The six months of the parental leave scheme reserved for fathers was not introduced, but in 1993 two weeks of "daddy quota" was implemented out of a total of 42 weeks' parental leave. Already, six weeks (three before and three after giving birth) were reserved for the mother, and the rest was up to the parents themselves to share. The introduction of the "daddy's quota" of the parental leave scheme in 1993 was framed as a means for promoting gender equality in the family by pushing fathers to take care of their children. If fathers did not make use of the four-week scheme, it could not be transferred to the mother. Thus, the "daddy quota" could be interpreted as a form of "coercion", something that has since then frequently been put forward by liberalists who argue that the state should not intervene in how families choose to organise their lives. Since 1993, the "daddy quota" has been prolonged several times, up to 14 weeks in 2013, without provoking similar criticism by feminists as in 1991. The reason for this is probably that the scheme has been framed as a means to promote gender equality. As we will see below, however, right-wing liberalists have not ceased to criticise the scheme for interfering in the private sphere.

Other gender equality-related reforms during Brundtland's governments in the 1990s concerned divorce, LGBT rights and sexual harassment. Divorce became easier with the new

¹⁵ *NOU* 1991: 3 "Mannsrolleutvalgets sluttrapport".

¹⁶ Comments from the Labour Women's Secretariat, the Norwegian Women's Rights Association and the Oslo Women's Shelter. Korsvik 2011.

marriage legislation introduced in 1991. From now on, the spouse who wanted to divorce could require separation without the consent of the other spouse and without reference to specific reasons. The 1990s was also the period when homosexual couples became integrated in gender equality policies. As Danielsen (2013, p. 342) points out, the authorities saw it as necessary to facilitate same-sex family establishment. In 1993, an act on partnership between same sex-couples was introduced. The law was controversial and was approved by one vote.

Prohibition against sexual harassment was for the first time mandated during this period. In 1994, the Working Environment Act introduced a statutory protection against sexual and other forms of harassment. The government also implemented measures to prevent violence against women, including by providing women victims with alarms. These issues would become more salient in the decade to come, however.

2.6. Backlash against gender equality in the 1990s?

The 1997 election can be said to have marked a turning point in Norwegian gender equality policies. Until then, a central aim of gender equality policies was to encourage women's employment. Apart from the modest child allowance – a fixed financial transfer to all mothers with children under 18 – all financial transfers to families, such as the parental leave schemes but also public funding to places in daycare institutions, were based on parents' income. This changed with the introduction of the cash benefit (*kontantstøtte*) in 1998. The cash benefit is a financial transfer to parents *not* making use of publicly funded daycare institutions, and the sum is equivalent to public subsidies to a place in a daycare centre. The scheme is far from corresponding to an average salary, but was framed as a moderate version of the "mothers' wage", for many years promoted by the Norwegian Housewives' Association (*Norsk Husmorforbund*) and Christian Democrat Party.

According to the Norwegian Housewives' Association, the gender equality policy of the Labour Party was the "biggest obstacle to women's equality" because the emphasis on mothers' wage work "demands too much of them". The association dismissed the connection between women's economic independence and gender equality, and argued that instead of "forcing" mothers into wage work, unpaid housework should be valued

more.¹⁷ The cash benefit for families not making use of publicly funded daycare was thus seen as a step in the right direction towards the implementation of the “mother’s wage”.

2.6.1. The battle over the cash benefit

During the election campaign in 1997, the Christian Democrat Party promised to implement the cash benefit if they came into office. The party has never received as many votes at any other time, doubling its result from the previous election (Korsvik 2011). The main argument for the cash benefit was that the scheme would increase families’ freedom of choice, and some proponents criticised “career-mothers” and claimed it was desirable that mothers stay at home with their children. The adversaries of the scheme, represented by the Left, labour unions and feminists, feared the return of the housewife ideal and an uncontrollable growth in black-market “day mummies” without employment rights, as the arrangement only required the non-use of publicly funded daycare. Opponents pointed out that as long as the supply of daycare facilities was insufficient, there were no real freedom of choice. As the figure below shows, there was still a considerable gap between mothers’ employment and the supply of daycare centres.

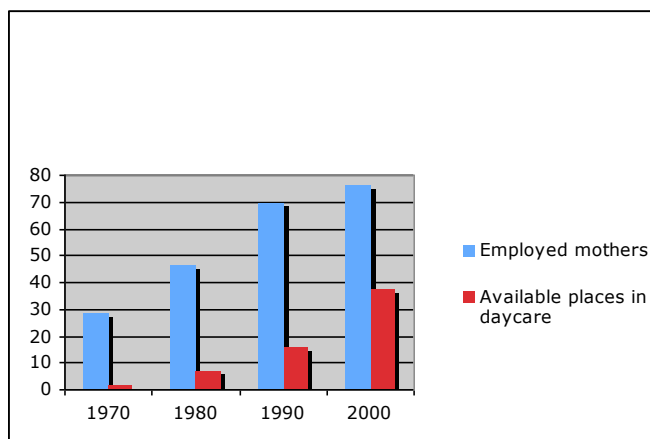


Figure 2. Employment rate of mothers with children under the age of three and supply of daycare centres in the same age group in Norway 1970–2000 (percent).

Source: Gulbrandsen 2007 and Statistics Norway (<http://www.ssb.no/samfunnsspeilet/utg/200304/01/tab-2003-09-26-05.html>).

¹⁷ Norges Husmorforbund (1989) *Barnemeldingen. Barns rett til foreldreomsorg*, p. 67.

The dispute over the cash benefit revealed major contradictions in the population with regard to gender equality, women's employment and the supposed harms or benefits of daycare centres to children. There was opposition to "egoistic career women", and in the heat of battle "Value housewives" became a slogan for promoting the scheme (Korsvik 2011). In contrast, its opponents saw it as a conspiracy to "force women back into the kitchen", because of the economic recession of the 1990s.

During the 1990s, Norway had become a more multicultural society, and the impact of the cash benefit on ethnic minority women became central in the debates. There were, however, two competing framings: one of these emphasised tradition, and the other integration. The Islamic Council of Norway argued that the cash benefit would strengthen the opportunities for Muslim women to realise their own ideals of child education. In contrast, the MiRA Centre, which organises ethnic minority women, and other opponents of the scheme feared that the benefit would hinder the integration of migrants. Economically disadvantaged migrant families would for financial reasons prefer the cash benefit to daycare, thus contributing to isolation of minority women and their children. Sociologists regarded the cash benefit as a sign of refamiliarisation of the welfare state, and it was generally perceived as a backlash against gender equality (Korsvik 2011).

Was the cash benefit a sign of backlash? When it was evaluated in 2001, its impact was not particularly dramatic. The number of children in daycare centres actually increased, and continued to do so (Ellingsæter & Gulbrandsen 2001). The most significant consequences were that fathers only comprised four per cent of the recipients of the benefit, and the percentage of benefit receivers was considerably higher among families with non-Western backgrounds than among ethnic Norwegians (Kavli 2001).

Although the consequences of the cash benefit overall were rather modest, it represented a rupture with the main characteristic of the Norwegian welfare state, the so-called "work line". This system implies that the authorities encourage people to provide for themselves through work instead of through social welfare or family support. The "work line" entails most welfare arrangements, such as unemployment benefits, pensions and parental leave, being based on previous income. In line with this principle, welfare support for single parents (i.e. mostly mothers) was cut from ten to three years during the 1990s. The purpose

was to encourage single parents to pursue an education in order to get a job and be financially independent.¹⁸

2.7. Diversity replacing gender equality during the 2000s?

The image of Norway as “world champion” of gender equality became increasingly apparent during the 2000s. Norwegian authorities presented Norway as a model country, frequently by comparing the Norwegian situation with countries in distant parts of the world (Danielsen et al. 2013, p. 331). The so-called Norwegian model was presented as a strong welfare state based on high employment rate, including for mothers, and a high fertility rate compared to the European standard. Danielsen & Larsen point out how gender equality increasingly became an important part of Norway’s international reputation policy. Through so-called “new public diplomacy”, gender equality became, along with environmental issues, a way of marketing Norway positively in order to strengthen the country’s position in international competition. In this process, the Ministry of Foreign Affairs became an important actor of gender equality policies. In 2011, the World Economic Forum presented the Norwegian model as a good example (Danielsen et al. 2013, pp. 334 and 370-373).

Gender equality was increasingly defined as a Norwegian value throughout the 2000s, but its meanings had somewhat changed since the 1980s and 1990s. Women’s rights increasingly gave way to “diversity”, as illustrated by the institutional changes. In 1998, the Working Environment Act was broadened to include statutory prohibition of discrimination against job seekers on the basis of race, skin colour, national or ethnic origin, homosexual orientation or cohabitation. The protection regulations were strengthened in 2001 and 2005, with a new article on equal treatment and a new chapter on protection against discrimination based on age, political views and sexual orientation. In 2003, the Tenancy Act included statutory prohibition against discrimination based on gender, ethnicity, religion, disability or sexual orientation. A new Discrimination Act was approved in 2005, protecting against discrimination based on ethnicity, national origin, descent, skin colour, language, religion or belief. Since 2008, the Discrimination Act has also included protection against discrimination based on disability.

¹⁸ For a critical analysis of the Norwegian childcare regime and its paradoxes, see Ellingsæter 2006.

The change from gender equality to diversity and anti-discrimination was apparent in 2006, with the reorganisation of the Gender Equality Ombud, which had existed since 1978. It was merged with the Centre Against Ethnic Discrimination (established 1998) and changed its name to the Equality and Anti-Discrimination Ombud.¹⁹ The inclusion of diversity challenged the notion of gender equality, as the political apparatus now had to handle many other cases of discrimination (Danielsen et al. 2013, p. 333).

Central to the new equality policies were the inclusion of LGBT-persons and ethnic minorities. The Norwegian LGBT Organisation LLH was not satisfied with the partnership act introduced in 1993, and claimed that marriage too should be accessible to same-sex couples in order to get the same rights as married heterosexuals. The Socialist Left Party proposed a gender-neutral matrimonial law in 2007, which provoked an intensive mobilisation of protest among Christian conservatives. Their mobilisation did not succeed, however, and the law passed in 2008, against the votes of the Christian Democrat and Progress parties, as well as certain representatives from the Conservative and Centre parties. The Labour Party minister responsible for gender equality presented the amendment as the most important equality reform for decades, in line with universal suffrage in 1913 and the Gender Equality Act in 1978 (Danielsen et al. 2013, p. 345). The gender-neutral matrimonial law implies that same-sex couples also have the right to be considered as adoptive parents and that lesbians are entitled to assisted reproduction in Norway. Currently, the debates evolve around same-sex church weddings: the Church and other religious communities have the right, but are not compelled, to perform same-sex wedding ceremonies.

According to Danielsen & Larsen, gay tolerance also became a Norwegian value that could be exported to other countries, but also to new Norwegian citizens. After the Red-Green government entered office in 2005, the Ministry of Foreign Affairs integrated LGBT in their strategies. Through the ministry's embassies and consulates as well as the Norwegian Agency for Development Cooperation (NORAD), support was given to sexual minority organisations in Africa, Asia, Latin America and the Middle East. In 2013, Norway was the largest contributor to the UN High Commissioner's LGBT work (Danielsen et al. 2013, p. 346).

¹⁹ <http://www.ldo.no/en/>.

Gay tolerance also became integrated as part of the school curriculum, and in introductory courses for migrants. Sexual liberation and equality became positive symbols of Norwegianness, a way of explaining what “we” stand for in opposition to those outside the community, e.g. Muslim immigrants. In public debates migration was increasingly presented as a challenge to gender equality (Berg, Flemmen & Gullikstad 2010). Official reports and policy making focused on how migrants could be integrated in society through wage work and endorsement of Norwegian values, of which gender equality was ranked number one.²⁰

As Danielsen & Larsen put it:

The field of family and gender equality was made into policy of inclusion and integration. The aim of the public policies was to integrate “the others”, the new Norwegians, into the Norwegian Model. In this way they were channelled into the pattern of the gender equal, double working couple, the ideal of the good life (Danielsen et al. 2013, p. 351).

2.7.1. Gender and welfare

The reconciliation of work and family remained the focal point of gender equality policy during the 2000s. In 2002, a historic agreement was made between the Labour Party, the Socialist Left Party, the agrarian Centre Party and the right-wing Progress Party on the financing and management of the daycare sector. The goal was daycare facilities for all children at reduced parental expense. The following year, the parliament approved an amendment granting the development of the daycare system, lower fees, increased government commitment and a reinforced municipal responsibility for the childcare system.

²¹ In 2009, a new amendment granted all children the right to a place in a daycare centre.

During the 2000s, the “daddy quota” of the parental leave scheme was also gradually extended from four to 14 weeks without much political controversy. The “daddy quota” was increasingly framed as a gender equality issue. In 2008, the Commission on Equal Pay, appointed by the “Red-Green government” which came into office in 2005, proposed to divide the parental leave scheme into three equal parts – one for the mother, one for the father, and one part to be shared according to the parents’ own wishes – in order to decrease the considerable wage gap between men and women. The Commission on Equal Pay framed the arrangement as a means to “force” fathers to be more at home so that

²⁰ NOU 2011: 14 Bedre integrering. Mål, strategier og tiltak.

²¹ <http://www.regjeringen.no/nb/dokumentarkiv/stoltenberg-ii/kd/tema-og-redaksjonelt-innhold/redaksjonelle-artikler/2006/barnehageloftet/historikk-om-barnehageforliket-.html?id=213265>.

mothers could be employed.²² It was also suggested that the leave scheme should no longer be bound only to the mother's income, since this implies that children are their mothers' responsibility. All women's organisations supported this suggestion, which was finally implemented in 2013. However, the proposal to divide the leave into three equal parts was more controversial.²³

While the former Housewives' Association (from 1999: the Norwegian Women and Family Association) argued that the proposed division was an unwanted intervention in the private sphere, the Norwegian Women's Rights Association rejected the idea of seizing welfare rights from mothers in order to improve women's positions in other areas of society. Other feminist organisations supported the proposal, but also insisted that the wages in women-dominated professions be increased and that the six-hour working day be introduced. It was argued that such reforms would automatically direct many women into full-time jobs with all the ensuing social rights.

An important argument in the debate, however, was related to breastfeeding. Since the 1970s, Norway has had a strong feminist breastfeeding movement, organised in the association Breastfeeding Help.²⁴ The association recommends that children should preferably be breastfed for at least one year. If mothers' leave were to be shortened, the association feared it would hinder gender equality because some women might quit their jobs in order to take care of their small children. Instead, the daddy quota should be added to the existing scheme. The breastfeeding argument was decisive when the government refused to divide the parental leave scheme into three parts. The Minister for Children and Equality acknowledged that removing mothers' welfare rights in order to promote gender equality was not the right way to go, and that future extensions of daddy quotas should not be "taken away" from mothers.²⁵

²² NOU 2008: 6 "Kjønn og lønn. Fakta, analyser og virkemidler for likelønn".

²³ The comments on the report are available on the government's web page: <http://www.regeringen.no/nb/dep/bld/dok/hoyringar/hoeringsdok/2008/horing---nou-2008--6-kjonn-og-lonn/horingsuttalelser/horingsuttalelser.html?id=519384>, accessed June 25, 2014.

²⁴ Breastfeeding Help was established in 1968 with a feminist and anti-authoritarian perspective on breastfeeding. The connection between women's liberation and breastfeeding was manifested in the 1970s, when public breastfeeding constituted part of the rebellious behaviour of women's liberation activists (Korsvik 2013).

²⁵ St.meld.nr.8 (2008-2009) *Menn, mansroller og likestilling*.

2.7.2. Violence against women

During the 2000s, increasing public attention was given to violence against women. In 2002, the parliament approved an extended ban on visits by violent offenders with the intent to prevent violence against women. As mentioned earlier, crisis centres for women victims of partner violence were set up by feminist activists in the late 1970s, and in greater numbers during the 1980s and 1990s. Centres for victims of incest were also established. A general trend was that public authorities increasingly assumed responsibilities for these services, including centres offering therapy for perpetrators of violence, such as the foundation Alternative to Violence (ATV). In 2004, the authorities established an institution that develops and disseminates knowledge and competence in the field of violence, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS).²⁶

In 2010, a law was passed making it the responsibility of local authorities to provide shelter for victims of domestic violence. According to the Women's Shelter movement, the reform has led to a difficult financial situation. Six women's shelters have closed due to financial problems and many more are at risk of closure.²⁷ The government's lack of commitment to combat violence against women is one of the main critiques of the Norwegian gender equality policies raised by the NGO shadow report to CEDAW 2011.²⁸

An issue related to the struggle to combat sexual violence against women is that of prostitution. Since around 1980, the Norwegian feminist movement has mobilised against prostitution, targeting those paying for sex and demanding help services for prostitutes. The demand to criminalise sex buyers was raised by feminist prostitution researchers in 1980 and adopted by the feminist movement (Korsvik 2014). Resistance to this demand was strong, but after Sweden approved an act banning the purchase of sex as part of the feminist "Women's Peace Law" in 1998, the issue came up on the mainstream political agenda. The demand to criminalise the sex buyers, but not prostitutes, was pushed forward by feminists and supported by the largest trade union, the Norwegian Confederation of Trade Unions (LO), which from 2001 was for the first time headed by a woman, Gerd Liv Valla (Korsvik & Stø 2013). In 2002, the government decided to introduce ethical guidelines for government

²⁶ <http://www.nkvts.no/en/Pages/index.aspx>.

²⁷ <http://www.krisesenter.com/pressemeldinger/Pressemelding-statsbudsjettet.pdf>. For a presentation of the Women's Shelter movement in English, see <http://www.krisesenter.com/english/english.html>

²⁸ <http://www.krisesenter.com/materiell/pdf/Norwegian-shadow-reportCedaw2011.pdf>.

employees against purchase and acceptance of sexual services. The act penalising the purchase of sex was adopted in 2008, with the votes of the Labour, Socialist Left, Christian Democrat and Centre parties. The Conservative, Liberal and Progress parties voted against.

2.7.3. Gender and leadership

The lack of women in leadership positions in business became an increasingly heated topic during the 2000s. In 2003, a law was introduced requiring at least 40 percent of board members in Norwegian companies to be women. The quota was suggested by the Gender Equality Ombud and pushed forward by the (male) Minister of Trade and Industry, Ansgar Gabrielsen from the Conservative Party. The reform was supported by the Left but opposed by the minister's own party colleagues, his ministry, as well as the Christian Democrat prime minister. The law was passed with the votes from the Labour Party and the Socialist Left Party, and representatives from the minister's own Conservative Party voted against it.

The law on gender quotas in company boards is firm, with enforced liquidation of companies which fail to adopt the requirements. Within the business community, the resistance against the reform was significant, in part because it was believed to be hard to recruit qualified women. However, in 2010 the proportion of female representatives on company boards had reached 44 percent. The law is still disputed, although the general negative view of the gender quota has gradually declined. Profitability is the main argument for keeping the scheme.

In 2012, former minister Gabrielsen explained that the reform was primarily financially motivated. "Today, women account for at least 50 percent of university students. There is no reason to waste these talents [...]. This has nothing to do with ideology."²⁹ Danielsen & Larsen (2013, p. 368) argue that this citation illustrates the depoliticisation of gender equality, and that this depoliticisation is a precondition for why gender equality can be defined as a Norwegian brand and a value supported by a majority of the Norwegian population. The framing of gender equality as first and foremost a question of economic profitability has also made gender equality easier to export. A gender quota scheme in company boards following the Norwegian model has been introduced, for example, in Spain, Iceland, France, Belgium and Italy. While such Norwegian standards as abortion rights are

²⁹ Cited in Danielsen et al. 2013, p. 368.

controversial in many countries, the economic rationale of gender equality is central to the World Bank.

2.7.4 Institutional changes during the 2000s

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Did you mean: [arbeidsmiljø](#)

Central in the Gender Equality Act from 1978 is the double obligation of both *protecting against discrimination* and *actively promoting gender equality* on an institutional level. The statutory obligations were substantially increased during the 2000s, also including other forms of discrimination than gender, as mentioned above. Several amendments were made during the 2000s.

In 2002, it was established in the Gender Equality Act that employers and social partners (the organisations of employers and employees) have a duty to actively promote gender equality. The Gender Equality Act was revised in 2005 to incorporate sections from CEDAW. The same year, the Anti-Discrimination Act was introduced, to cover discrimination based on ethnicity, nationality, origin, skin colour, languages, religion or other faith. In 2008, it was established in the Gender Equality Act (and the Accountancy Act) that the social partners have a duty to actively promote equality based on ethnicity, religion and disability. The obligation concerns both private and public enterprises. In annual reports, all enterprises are obliged to account for the actual state of gender equality and for actions that are planned in order to comply with the duty to actively promote gender equality. Enterprises are also obliged to account for actions that are planned to comply with the activity duty regarding ethnicity, religion and disability.

In 2013, the parliament adopted a new law banning discrimination based on sexual orientation, gender identity and gender expression. The Anti-Discrimination Act was revised in connection with the introduction of the new law.

2.7.5. Gender mainstreaming

Since the 1990s, gender mainstreaming has been an integral part of Norwegian gender equality policies. As formulated in the Platform for Action from the UN's fourth conference

on women, Action for Equality, Development and Peace, which took place in Beijing in 1995, gender mainstreaming provides that gender equality must be integrated in all policy areas, in all levels of enterprise, in daily work, and in all levels of decision processes. The aim is to demonstrate and evaluate the effects of decision making for women and men, girls and boys, and how apparently gender-neutral policy and management may contribute to maintain and even strengthen gender stereotypes. This integration strategy increasingly also includes work to promote equality in terms of ethnicity, religion, disability, and sexual orientation. In the Norwegian government's action plan "Gender Equality 2014", referred to above, gender mainstreaming incorporates all nine gender equality objectives.

Central parts of the government's gender mainstreaming include activity and reporting requirements for government authorities, public actors as well as employer and worker organisations established in the gender equality and anti-discrimination legislation. Each government ministry has to ensure gender mainstreaming within its respective policy area. Three regional centres help ensure gender mainstreaming in regional planning and development (see below).³⁰

Gender mainstreaming also includes specific measures, such as initiatives to strengthen the gender equality perspective in municipal work and policy. As mentioned above, the Equality Commission documented challenges in gender mainstreaming work: unless it is not followed up by financial means, the mainstreaming integration strategy does not lead to active work for GE.

2.7.5. Action plans for gender equality during the 2000s

During the 2000s, the government issued many action plans relating to gender equality, involving several ministries. The themes of these action plans are related to various fields (see Appendix). Some action plans are related to health, e.g. for improving women's reproductive rights and prevention of unwanted pregnancies, and for improving health and social services for the Sami population. Also, there is an action plan for improvement of the living conditions of LGBT people, and several action plans dealing with migrants; on the inclusion of migrants, for the elimination of ethnic discrimination, as well as plans to combat

³⁰ From "Nation by nation", Nordic Information on Gender (NIKK), <http://www.nikk.no/en/facts/nations/norway/>.

female genital mutilation and against forced marriage. There are also action plans related to sexual violence, against trafficking and against violence in close relations.

Action plans have also been made to promote gender equality within education, in daycare centres and in primary schools. Regarding employment and gender equality, four action plans have been made: one for increasing entrepreneurship among women, one for increasing the proportion of women in the marine sector, one for promoting gender equality in the agricultural sector and one for obtaining gender equality in reindeer husbandry. Some action plans involve foreign policy and the UN, and deal with such questions as women, peace and security, and women and development. Additionally, action plans have been issued on how the ministries themselves should work for gender equality, and how to cooperate with other Nordic countries in the field of gender equality.

In addition to the above, the parliament has issued several white papers and propositions related to gender equality. These deal with employment, e.g. the aforementioned white paper on equal pay from 2008. White papers concerning the cultural sector (performing arts, film production) also suggest measures in order to improve the gender balance, e.g. that public funding of film production depends on the gender balance of the project. There is also a white paper on the recruitment of women in the armed forces, one on living conditions and quality of life for lesbians and gays, and one that deals explicitly with men, masculinity and gender equality. In addition, there are white papers dealing implicitly with gender equality, on the improvement of public health and on rural and regional policy.

Despite gender equality perspectives being central in many areas of government policies, there are several examples of objectives and measures in action plans being followed up only to a small extent. An example from the educational sector may serve as an illustration, as gender equality is considered a major core value in education. In 2010, a research group evaluated the effect of the action plan for Gender Equality in Kindergartens and Basic Education 2008–2010 (*Handlingsplan for likestilling i barnehage og grunnsopplæring 2008–2010*). The report concluded that gender equality was largely ignored (Støren et al. 2010). In schools, the commitment to combat gender stereotype choices of education and gender-based harassment proved to be generally weak. The gender-related question that received the most attention concerned boys and how to increase the joy of reading among boys.

It is apparent from the official reports of the Equality Commission that in practice gender equality is frequently ignored. We will soon return to the Commission's critique, after briefly presenting an overview of the institutional body of gender equality policies.

3. The institutional body of gender equality policies

The institutional body of gender equality policies in Norway is represented by the Ministry of Children, Equality and Social Inclusion, two directorates, county governors and municipalities, the Equality Ombud, the Equality Tribunal, gender equality centres and NGOs.

3.1. The ministry responsible for gender equality policies

The Ministry of Children, Equality and Social Inclusion (*Barne-, likestillings- og inkluderingsdepartementet*, BLD) is the main body responsible for the government's gender equality policies. However, according to the so-called sector responsibility principle, all ministries are responsible for promoting gender equality in their fields.

As a field of political decisions, gender equality has from the beginning been placed in the ministry responsible for family policy. This clearly illustrates how Norwegian policy articulates an emphasis on the connection between family life and gender equality. This is different from a number of other European countries, where the responsibility for gender equality rotates among different ministries (e.g. Sweden), or ministries responsible for gender equality come and go according to shifting governments (e.g. France). However, despite the Ministry of Children, Equality and Social Inclusion's general responsibility for gender equality policy, it does not have superior authority over other ministries as regards gender equality policy.

In Norway, the responsibility for promoting gender equality has been based in the same ministry since 1991, though on several occasions it has changed its name as well as assignments, reflecting the political affiliation of governments.³¹ From 2008, the then Ministry of Children and Equality became responsible for coordinating the work to promote gender equality and to eliminate discrimination, also for other reasons than that of gender

³¹ 1990: Ministry of Family and Consumer Affairs; 1991-2005: Ministry of Children and Family Affairs; 2006-2009: Ministry of Children and Equality; 2010-: Ministry of Children, Equality and Social Inclusion

(see above). The change of assignment is reflected in the 2010 change of name to the Ministry of Children, Equality and Social Inclusion.³² In terms of size of budgets, number of employees and so on, this is the smallest ministry in the government.

In addition to gender equality, the ministry is responsible for children, families, cohabitation, youth, consumers, integration and inclusion of immigrants. Most of its budget goes toward benefits for families with children. Of the ministry's budget of NOK 17.2 billion in 2011, NOK 16.4 billion was spent on child allowances and cash benefits. The ministry also manages parental leave schemes (paid by the employers) as well as adoptions. Among social welfare services, the largest budgetary items are for child welfare and protection. The ministry is organised in **five departments** with a total of 206 employees (2011). From 2013 these are: the Department of Integration and Diversity, the Department of Children and Welfare Services (i.e. child protection), the Department of Family Affairs and Childhood Development, the Department of Consumer Affairs, Anti-discrimination and Equality, and the Department of Planning and Administration (see organisational chart below).

The department responsible for gender equality is the **Department of Consumer Affairs, Anti-discrimination and Equality** (prior to the change of government in 2013 it was the Department of Cohabitation and Equality, which has now closed). This department consists of five sections, of which one focuses on gender equality and anti-discrimination policy.

For some central gender equality policy areas, the responsibility is located in several ministries. Regarding such matters as violence in close relationships, the responsibility is distributed between the Ministry of Justice, the Ministry of Health and Care Services, the Ministry of Education and Research, and the Ministry of Children, Equality and Social Inclusion.

³² English website of the ministry: <http://www.regjeringen.no/en/dep/bld.html?id=298>.

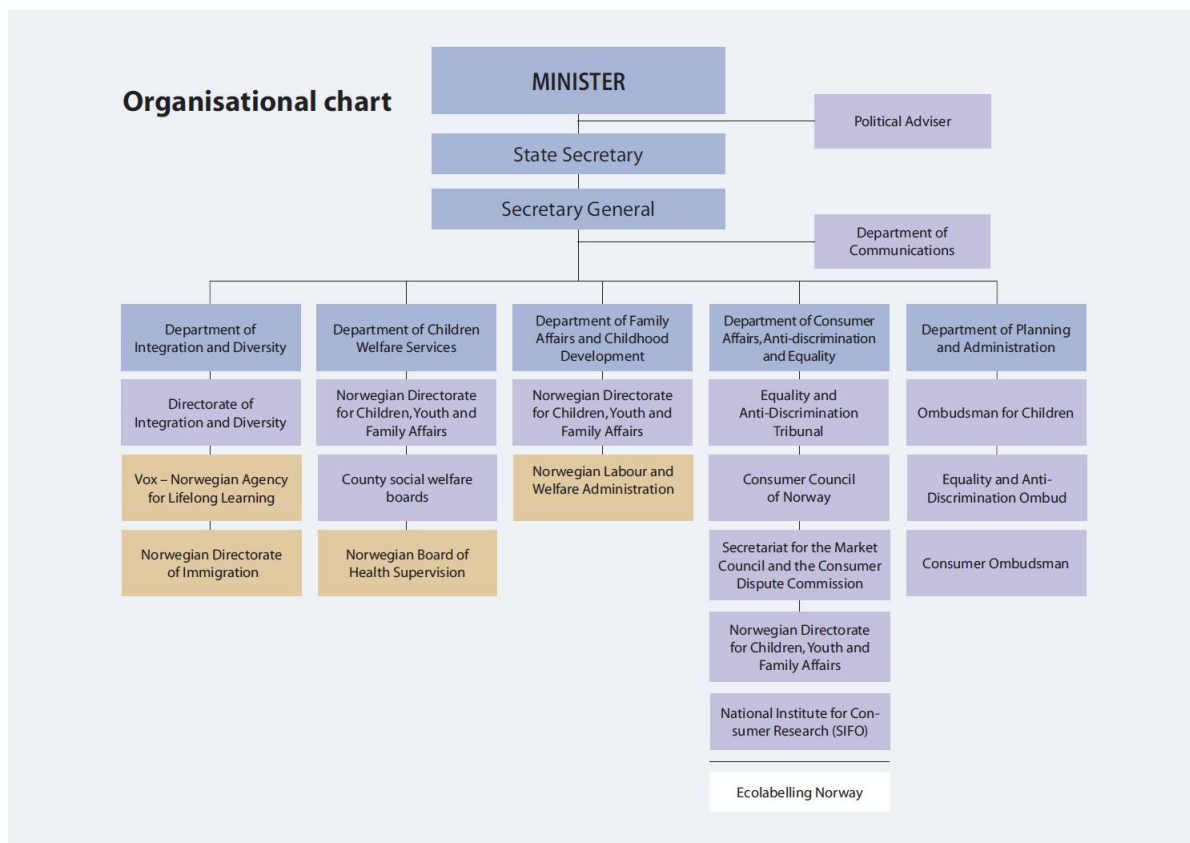


Fig. 3. Organisational chart of the Ministry of Children, Equality and Social Inclusion, 2014

Source: government <http://www.regjeringen.no/upload/BLD/organisasjonskart.jpg>

According to the government webpage, the Ministry of Children and Equality and Social Inclusion seeks:

To strengthen consumer rights, interests and safety, to allow children and young people to grow up safely and to participate in public decision-making processes, to promote economic and social security for families and to promote full equality of status between men and women.³³

In the area of gender equality, the government aims to:

Give women and men equal formal rights and combat all discrimination

Ensure genuine equality between women and men through equal distribution of goods, responsibility and power

Consider gender in the context of ethnicity, sexual orientation, disabilities, age and class.³⁴

³³ <http://www.regjeringen.no/en/dep/bld.html?id=298>.

³⁴ <http://www.regjeringen.no/en/dep/bld/topics/equality-and-discrimination/gender-equality.html?id=670481>.

3.2. The directorates and the county governors

The Ministry of Children and Equality and Social Inclusion delegates certain responsibilities to two directorates: the **Directorate for Children, Youth and Family Affairs (Bufdir)** and the **Directorate for Integration and Diversity (IMDi)**.³⁵ Their tasks are to promote gender equality and prevent discrimination based on gender, functionality, ethnicity, belief, sexual orientation, gender expression and gender identity. None of these directorates, however, has specific responsibility for gender equality.

The county governors [Fylkesmenn], the representatives of the King and Norwegian government in each of the 18 counties and the connection between the state and the municipalities, are mandated to be the driving force towards the **municipalities** to promote equality. However, they are not allocated any resources for equality work (NOU 2011: 18, p. 19).

3.3. The Equality Ombud (LDO) and the Equality Tribunal

The Gender Equality Ombud was established in 1979 and was reorganised in 2006 when it changed its name to the Equality and Anti-Discrimination Ombud (*Likestillings- og diskrimineringsombudet*, LDO) (see above).

LDO is an independent unit placed administratively under the Ministry of Children, Equality and Social Inclusion. Its aim is to combat discrimination and to actively promote gender equality by ensuring compliance with the anti-discrimination legislation. The Ombud also ensures that the design and implementation of Norwegian laws are in line with the principles of gender equality and anti-discrimination laid down in international agreements.

Since 2006, the Ombud has focused on seven grounds for discrimination, of which gender is one. The others are ethnicity, functional ability, language, religion, sexual orientation and age.

Anyone who experiences discrimination can present their case to the Ombud, free of charge. After obtaining information from both parties, the Ombud carries out an impartial assessment of the case and makes a statement about whether discrimination has taken

³⁵ <http://www.bufetat.no/engelsk/bufdir/>; <http://www.imdi.no/en/sprak/english/>.

place. An independent committee, the **Norwegian Equality Tribunal** (*Likestillings- og diskrimineringsnemnda*), handles complaints and appeals related to the Ombud's recommendations.³⁶ Both the parties of an appeal (typically an employee reporting discrimination and an employer denying the allegations of discrimination) and the Ombud can appeal cases before the Equality Tribunal. The Equality Tribunal can make decisions imposing the measures necessary to ensure that discrimination stops. Decisions by the Equality Tribunal may be reviewed (and overruled) by the courts.

A vital assignment of the Equality and Anti-Discrimination Ombud is to **actively promote increased equality in society**. According to the Ombud's website, the promotional work includes:

- Uncovering and pointing out conditions that counteract equality and equal treatment
- Contributing to increased awareness and pushing for changes in attitudes and behaviour
- Providing information, support and guidance in the workplace to promote equality and fight discrimination
- Providing advice and guidance with regard to ethnic diversity at work to employers in the public and private sector
- Imparting knowledge and developing documentation about equality and supervising the nature and scope of discrimination
- Acting as a meeting place and information centre that helps to arrange cooperation between relevant participants.³⁷

Further, "[t]he **law enforcement role** of the Ombud includes making statements in connection with complaints regarding violations of laws and regulations that are within the working scope of the Ombud, and providing advice and guidance concerning this legislation."³⁸ It is the duty of the Ombud to enforce the following laws: the Gender Equality Act, the Anti-Discrimination Act, the Anti-Discrimination and Accessibility Act, the chapter on equal opportunities in the Working Environment Act, the non-discrimination clauses in the housing legislation, the Tenancy Act, the Housing Association Act and the Residential Building Association Act.

³⁶ <http://www.diskrimineringsnemnda.no/iwips/1416077327/>.

³⁷ <http://www.ido.no/en/About-the-Ombud/Facts-about-the-Equality-and-Anti-Discrimination-Ombud/>.

³⁸ Ibid.

The Ombud has a duty to provide guidance in discrimination cases that are not within the Ombud's scope, and plays an active role in public debates.

3.4. Gender equality centres and NGOs

In this report, the gender equality policies of the government are at the centre of attention. However, a number of other NGOs also involved in promoting gender equality receive varying degrees of public funding.

There are three regional resource centres for gender equality, all located in peripheral areas of the country. These are publicly funded private foundations which aim to ensure gender mainstreaming in regional planning and development. **KUN Centre for gender equality** (*Senter for kunnskap og likestilling*) was established 1991 and is run by the Northern Feminist University in Steigen municipality in Nordland.³⁹ **The Centre for Equality** (*Likestillingssenteret*), established in 1983 by the Women's University (*Kvinneuniversitetet*), is located in the city of Hamar.⁴⁰ **The Centre for Gender and Equality** (*Senter for likestilling*) was established by the University of Agder, Kristiansand.⁴¹ Also among the publicly funded private foundations promoting gender equality is **Reform – resource centre for men**, established in Oslo in 2002 in order to work towards gender equality from a male perspective.⁴² **Gender Balance in Research** (Komité for kjønnsbalanse i forskning (Kif)) was appointed by the Ministry of Education and Research in 2004 to work to improve gender balance in the research sector.⁴³

Labour market organisations such as the Norwegian Confederation of Trade Unions (LO)⁴⁴ and the Confederation of Norwegian Enterprise (NHO)⁴⁵ are also involved in promoting gender equality, through such mechanisms as the Basic Agreement. Trade unions outside the LO, notably unions organising women-dominated professions, such as the Union of Education Norway and the Norwegian Nurses' Association, are particularly engaged in issues related to gender equality in the labour market.

³⁹ http://www.kun.nl.no/no/om_kun/in_english/.

⁴⁰ <http://www.likestillingssenteret.no/InEnglish.aspx>.

⁴¹ <http://senterforlikestilling.org/om-senteret/historikk/?sprak=gb>.

⁴² <http://reform.no/in-english/>.

⁴³ <http://eng.kifinfo.no/>.

⁴⁴ <http://www.lo.no/Sprak/English/>.

⁴⁵ <https://www.nho.no/en/>.

There are a number of **voluntary NGOs** working with gender equality without receiving much public funding. They participate in public debates and are also invited to give their comments on legislative proposals, government reports, white papers and so forth. In a mapping of women's organisations from 2007, researchers registered approximately 200 women's organisations in Norway (Eggebo, Halsaa, Skjeie and Thun 2007). Of these, 77 were local women's organisations, 26 women's groups and committees within other organisations, 24 minority political organisations, 17 social/humanitarian organisations, 15 gender political organisations, 14 vocational organisations, 12 gender and violence-based organisations, 11 religious organisations, eight women's groups within mosques in Oslo, and seven were women's sections of political parties (Halsaa & Thun 2010, p. 8.)

A number of these organisations are affiliated in the **FOKUS Forum for Women and Development**.⁴⁶ In 2014, the organisation consists of 66 women's organisations and women's committees in political parties, trade unions, and solidarity and aid organisations.⁴⁷ FOKUS was established in 1995 and is currently the only permanent structure for cooperation between the government and gender equality organisations through an annual

⁴⁶ <http://www.fokuskvinner.no/en/About-FOKUS/>

⁴⁷ ACID- The Africa Center for Information and Development Gender Committee, Association for Somali Women and Children, Committee of Gender and Gender-Equality in the Church Council, Crisis-Centre Secretariat, Inner Wheel Norway, International Association of Women in Radio and Television (IAWRT), KFUK Committee, KUN Center for Knowledge and Gender Equality, Legal Advice for Women (JURK), MiRA Resource Center for Refugee and Immigrant Women, Musu Kambeng Kaffo (MKBK), Network BK – Network for Bosnian Women in Norway, Network for East Timor Women (NET), No to the EU's Women's Section, Norway's Liberal Party's Women's Committee, Norwegian Afghanistan Committee, Women's Committee, Norwegian Christian Students' Association, International Women's Committee, Norwegian Council for Africa, Norwegian Ecumenical Contact Forum for Women, Norwegian Farmers' and Smallholders' Union Women's Committee, Norwegian Female Lawyers' Association (NKJF), Norwegian Labour Party's Women's Network, Norwegian Nurses' Association, Norwegian Somali Women's Organisation – Help Towards Self-Help, from Woman to Woman, Norwegian Union of Municipal and General Employees Women's Committee, Norwegian Union of Social Educators and Social Workers, Norwegian Union of Soroptimists, Norwegian Women Academics, Norwegian Women's and Family Association [former Housewife Association], Norwegian Women's Public Health Association, Norwegian Women's Theologian Association, International Committee, Nursing [Breastfeeding] Help, Pan-African Women's Association in Norway (PAWA), RadiOrakel, SAIH Women and Gender Equality Committee, Salvation Army Women, Sex and Politics, Socialist Left Party's Women's Political Committee, Somali Women's Association, Somalian Culture-House Women's Group, Tamil Women's Organisation, The Amazon Network, The Conservative Party's Women's Network, The Development Fund Women's Committee, The National Association of Gay, Lesbian, Bisexual and Transgender People, The Norwegian Association for Women's Rights (NKF), The Norwegian Baptist Women's Association, The Norwegian Midwives Association, The Norwegian Society of Rural Women (NBK), The Norwegian Solidarity Committee for Latin America Women's Team (LAG-KU), The Norwegian Tibet Committee's Women's Section, The Red Party Women's Committee, Union of Education Norway, Women in Forestry, Women in the Centre Party, Women of the Norwegian Christian Democratic Party, Women's Front, Women's International League for Peace and Freedom (IKFF), Zonta International. <http://www.fokuskvinner.no/en/About-FOKUS/Member-organizations/>.

conference. However, FOKUS is primarily a knowledge and resource centre for international women's issues with an emphasis on dissemination of information as well as women-centred development cooperation. The goal is to contribute to the improvement of women's social, economic, and political situation internationally. FOKUS has since 2010 represented the Norwegian National Committee for UN Women, and receives financial support from the Norwegian Agency for Development (NORAD) and the Ministry of Foreign Affairs (UD).

Dissatisfied with the fact that much of the organisations' resources through FOKUS are spent on administration of development projects in third countries, eight women's organisations founded the Norwegian Women's Lobby (NWL) in 2014. The aim is to promote women's human rights, based on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Platform for Action, and other international agreements.⁴⁸ So far, nine women's organisations have joined this new umbrella project, most of which are explicitly feminist.⁴⁹ The main national feminist organisations are the Norwegian Women's Rights Association (Norsk kvinnesaksforening), established in 1884,⁵⁰ Women's Front (Kvinnefronten), established in 1972,⁵¹ and Feminist Group Ottar (Kvinnegruppa Ottar), established in 1991.⁵² These organisations are not affiliated to any political parties, but are nevertheless distinctly leftist, stressing structural explanations of women's oppression. Over the past few years, several feminist initiatives have emerged, such as feminist student groups, blog collectives and cultural initiatives that are actively engaging in public debates, especially on the internet but also at open meetings gathering quite a substantial number of interested feminists, particularly among young women. These initiatives are, however, loosely organised and do not function as democratic membership associations.

4. The Equality Commission 2010-2012 and its critical evaluation of Norwegian gender equality policies

⁴⁸ <http://www.kvinnelobby.no/about>

⁴⁹ These are: Feminist Group Ottar, [Legal Advice for Women](#), [MiRA Resource Centre for Black, Immigrant and Refugee Women](#), [Nordic Women's University](#), [Norwegian Association for Women's Rights](#), [Norwegian Female Lawyers' Association](#), [Sámi Women's Network](#), [Secretariat of the Shelter Movement](#), and Women's Front.

⁵⁰ <http://kvinnesak.no/>.

⁵¹ <http://kvinnefronten.no/>.

⁵² <http://kvinnegruppa-ottar.r.squarespace.com/english/>.

In the introduction to this paper, the Equality Commission's assessment of Norwegian gender equality policies as ineffective was raised. In the following, we will take a closer look at the Equality Commission's evaluation of the gender equality policy and present its proposed improvement measures.

The Equality Commission was appointed by the Red-Green government in 2010 in order to investigate Norwegian gender equality policy on the basis of life cycle, ethnicity and class. The aim was to lay the foundation for an integrated and evidence-based gender equality policy for the future (NOU 2011: 18, p. 11). The Commission was a so-called "expert commission" composed of 12 researchers and headed by Professor in Political Science Hege Skjeie. Two official reports were published: *Structure for Equality (Struktur for likestilling* (NOU 2011: 18)) in 2011 and *Policy for Equality (Politikk for likestilling* (NOU 2012: 15)) in 2012.

The first official report (NOU 2011: 18) deals with the organisational framework for the public to promote equality at national, regional and local levels.⁵³ Also central is the evaluation of the roles and assignments of the Equality and Anti-Discrimination Ombud and the Equality Tribunal. The report evaluates the gender equality instruments based on the Gender Equality Act's provisions on protection against discrimination and active efforts to promote gender equality by emphasising the intersection between various forms of discrimination (gender, ethnicity, class, age, disability)

The second report (NOU 2012: 15) clarifies the state of gender equality in Norway, based on previous research, official reports, registry data and experiences.⁵⁴ It identifies fields where gender equality has not been achieved, including regional differences. The report focuses on gender equality policy in terms of political participation, education, employment, care, protection against discrimination, harassment and violence. It does not concentrate on the judicial framework for equality at large, although legislation influences gender equality in terms of citizenship, marriage, partnership, parenthood, children's rights, healthcare rights, employment rights and pension rights. In the legislative field, the report focuses on rights regarding gender and discrimination in a narrow sense.

⁵³ English summary of "Structure for Equality" (NOU 2011:18): http://www.regjeringen.no/upload/BLD/NOU18_TS.pdf.

⁵⁴ English summary of "Policy for Equality" (NOU 2012: 15): <http://kilden.forskningsradet.no/binfil/download.php?did=9672>.

Both reports are the results of comprehensive investigations and research, and the conclusions they make were controversial and provoked debates (Skjeie & Teigen 2012).

4.1. A weak, fragmented and poorly developed administrative structure

In NOU 2011: 18 the Equality Commission concluded that the administrative structure for implementing gender equality policies was too weak to realise the government's ambitions: the responsibility is dispersed to different ministries and independent administrative bodies and assignments are delegated to private foundations (see above). Especially at regional and local levels, the apparatus is generally poorly developed, has few resources and is fragmented.

The fragmentation of gender equality policies is explained as a product of policy governance that combines the so-called sector responsibility principle and a gender mainstreaming strategy. The sector responsibility principle means that all specialist authorities and all levels of public management have the same responsibility to promote gender equality. The gender mainstreaming strategy means that the work to promote gender equality shall be integrated in ongoing daily work in enterprises, at all levels of the decision processes. In practice this combination implies that no one is responsible. Additionally, the Ministry of Children, Equality and Social Inclusion has few powerful tools at its disposal to promote and coordinate the government's gender equality policy.

According to the legislation, **municipalities** have a duty to actively promote gender equality. The Equality Commission exposed the fact that less than one third of municipalities responded that they were aware of the statutory duty to actively work for gender equality! Only one third have an action plan for gender equality, and only 10 per cent of municipalities have a special gender equality committee.

As described above, the mandate of the **Equality and Anti-Discrimination Ombud** is to supervise employers' duty to account for the actual state of gender equality and for actions that are planned in order to comply with the obligation to actively promote gender equality. Examples of employers' proactive duty as regards gender equality practice are ensuring gender balance in educational choices, ensuring equal pay for equal work, preventing

involuntary part-time work in women-dominated employments, ensuring that disabled job seekers are not discriminated against, etc.

The Equality Commission found that this control function has been concentrated on public enterprises. In the years 2007-2009, 160 equality reports from 86 municipalities were checked. Later, public institutions such as ministries and universities were verified; generally without meeting the legal requirements of gender equality reporting (NOU 2011: 18. 20). Such controls are rarely carried out on private enterprises. In 2010, when the Ombud checked five major audit companies, none of them met the legal requirements.

According to the legislation, public institutions are also obliged to conduct measures in order to promote gender equality and to integrate gender equality considerations in all enterprises. The Equality Commission states that the Equality and Anti-Discrimination Ombud has to a lesser extent monitored this statutory provision.

Another task of the Equality and Anti-Discrimination Ombud is to prevent discrimination against individuals. The Equality Commission found that there were imbalances regarding who make use of the Ombud and which complaints of discrimination are raised: 70 percent of those complaining of discrimination live in the Oslo area, and 50 percent work as officials or managers in administrative or academic professions. Additionally, offences were far more frequently confirmed in cases involving gender discrimination than in cases of ethnic discrimination.

4.2. Measures to improve gender equality policy as proposed by the Equality Commission

The Equality Commission concluded that the so-called sector responsibility principle is not sustainable because in practice it implies an abrogation of responsibility. In order to counteract the fragmentation of responsibility, the Commission argued that it is necessary to strengthen the enactment of duties to actively work for gender equality in all types of enterprises, public as well as private, at national as well as local levels. Through mandatory duties, the goal is to raise gender equality from an individual to a collective level. Along with this, the Equality Commission suggested specifying the duties and strengthening the structure for implementation of the gender equality policy under the Ministry of Children, Equality and Social Inclusion to issue instructions. The establishment of a professional gender equality body under the ministry was proposed, including a new gender equality

directorate, in order to mobilise local authorities (municipalities, counties) to carry out public gender equality work. In addition, the Equality Commission recommended strengthening the contact between the gender equality ministry and NGOs and the labour market actors, including increasing the public funding of NGOs working within the field of gender equality. The recommendations of the Equality Commission were largely inspired by the Swedish gender equality policy model. In Sweden, the commitment to advance gender equality is far more comprehensive than in Norway. Since 2007, the Swedish government has allocated a very generous budget and an extensive administrative apparatus to realise the goals. The largest part of the budget is aimed at combating violence by men against women. Other areas of gender equality efforts are financial equality, equality in education, and measures against prostitution and trafficking. Most of the financial means are allocated to the Swedish Association of Local Authorities and Regions (SALAR), which is both an employers' organisation and one that represents and advocates for local government in Sweden. The mission is to provide municipalities, county councils and regions with better conditions for local and regional self-government, and to develop democracy and the welfare system.⁵⁵ SALAR has a generous budget for working to integrate gender equality at all levels of local governance. Additionally, the Swedish government plays an active role in implementing gender equality practices at all levels of government bodies, including gender equality training models for key groups within the government. The gender equality budget also includes funding of research on methods to integrate gender equality.⁵⁶

According to the Equality Commission, gender equality policies must focus on four priority areas; democracy, freedom of choice, redistribution and vulnerability. The report states that a comprehensive gender equality policy must promote democracy, facilitate freedom of choice and independence and protect vulnerability. The list of the recommendations of the Equality Commission is as follows:

- Inclusion of multiple discrimination in the Gender Equality Act
- Concretisation of employers' and public authorities' duties to actively work for gender equality in the Gender Equality Act.

⁵⁵ http://english.skl.se/about_salar.

⁵⁶ For more about the Swedish model, see NOU 2011:18, p. 67. For Swedish government GE policy, see <http://www.regeringen.se/sb/d/2593>.

- Inclusion in § 1 of the Gender Equality Act of an imposition stating employers' responsibility to work systematically and actively to promote gender equality within their enterprises. The obligation of activities shall include recruitment, wages and working conditions, working hours (including involuntary part-time work), individual adaption, possibilities of development, protection against sexual harassment and gender-based harassment. The employment organisations should have equal duties within their field of activity.
- Giving the Ministry of Children, Equality and Social Inclusion the authority to verify that public authorities meet the obligation to actively work for GE.
- Establishment of new gender equality directorate under the Ministry of Children, Equality and Social Inclusion with professional responsibility for the implementation of the gender equality policy. This directorate should consist of five regional offices. The gender equality directorate should work multidimensionally, and its responsibilities should be to carry out controls on public authorities' obligation to actively work for gender equality, to inform employers about their duty to actively work for gender equality, managing financial means within the gender equality programmes and to maintain documentation and mediation of knowledge.
- Initiation of a ten-year development plan for regional and local gender equality work.
- Establishment of a contact committee between national authorities and NGOs working to promote gender equality (voluntary organisations, not professionals).
- An increase in government grants to voluntary gender equality NGOs.
- Establishment of a forum for gender equality in working life between the Ministry of Children, Equality and Social Inclusion and labour market organisations.
- Issuing the Equality and Anti-Discrimination Ombud the mandate to map and analyse their own cases of complaints and guidance. Also, that the Ombud be obliged to get information about the results of the cases
- Making the Equality Ombud responsible for enforcing the legal ban against sexual harassment (cases regarding sexual harassment are currently exempted from Equality Ombud enforcement).
- Entitling the Equality Tribunal to award reparations in cases of discrimination.

As mentioned earlier, the measures proposed by the Equality Commission were controversial. However, the Minister of Children, Equality and Social Inclusion, Inga Marthe Thorkilsen from the Socialist Left Party, initiated a white paper which was based on the recommendations of the Equality Commission. The white paper “Gender Equality will not come by itself” (*Likestilling kommer ikke av seg selv*) was delivered to the parliament on June 21 2013, and approved by government the same day.⁵⁷ However, after the election in September 2013, when the Red-Green alliance became the minority, the white paper was immediately withdrawn.

5. The current state of the gender equality policy (2014)

5.1. Reorganising of gender equality institutions and budget cuts

After the election in September 2013, the Conservative Party and the Progress Party entered government with the support of the Liberal Party and the Christian Democrat Party. The new government has proposed several amendments that many, especially feminists, regard as backlashes against Norwegian gender equality policies: it has proposed to budget cuts in the daycare sector, to cut the “daddy’s quota” from 14 to 10 weeks, to increase the cash benefit, to dismiss the act penalising the purchase of sexual services, and to introduce a system whereby doctors may on the grounds of conscientious objection refuse to refer women for abortion. After an immense mobilisation against the latter suggestion, the government withdrew this proposal. The cuts in the “daddy’s quota” and the increase of the cash benefit have already been approved by the parliament. The Minister of Children, Equality and Social Inclusion, Solveig Horne from the Progress Party, has even proposed to “relax” the control of the use of the “daddy quota”, a de facto annulation of the scheme. The government’s suggestions are currently provoking harsh public debates. The “daddy quota” is perceived as an important means to promote gender equality, not only by feminists. In a startling joint statement from usual opponents in the labour market, the Norwegian Confederation of Trade Unions (LO) and Confederation of Norwegian Enterprise (NHO) explain why:

Through the father’s quota, fathers are given greater caring responsibilities for children. In combination with daycare centres for all children, this increases mothers’

⁵⁷ Meld. St. 44 (2012–2013) Likestilling kommer ikke av seg selv. <http://www.regjeringen.no/nb/dep/bld/dok/regpubl/stmeld/2012-2013/meld-st-44-20122013.html?id=731019>.

scope to quickly return to full-time work (...). Fathers who have taken care responsibilities during the child's first year of life continue to take greater care responsibilities.

The result is a win-win situation. Mothers get greater opportunity to work on equal terms with men, and society and work places are benefitting from mothers' work capacity and expertise. And not at least: Fathers and children get more time with each other. This is good for the working life, for the national economy, for children, mothers – and fathers.⁵⁸

This framing of gender equality policy differs from the policy of the current minister of children, equality and social inclusion, Solveig Horne. In interviews, she declares herself an "everyday feminist", sceptical of government intervention in private spheres.⁵⁹ She has claimed that feminists must stop harassing women who want to be housewives. Paradoxically, she also argues that it is crucial for migrant women to be employed in order to be integrated in society. Currently, the main priority of gender equality policies seems to be combating violence in close relations, including migrant-related issues such as female genital mutilation and forced marriage.⁶⁰

As mentioned above, the right-wing government has announced that it wants to repeal the law banning the purchase of sexual services. It is uncertain, however, whether the government will conduct such a change in legislation, as the Sex Purchasing Act has large support among central representatives of the Conservative Party, such as the mayor of Oslo, as well as among rank and file members and the electorate. Also, an independent evaluation of the Sex Purchasing Act released in August 2014 concluded that the law functions with the intention of reducing the prostitution market. The researchers' main findings were that the prohibition of buying sex has made Norway a less attractive market for prostitution and trafficking; that the attitudes toward prostitution have changed, especially among young men, who have become more negative towards the buying of sexual services, and finally, that there is no evidence that violence against prostitutes has increased as a result of the ban.⁶¹

⁵⁸ Synnøve Konglevoll (LO) & Kristina Jullum Hagen (NHO): "NHO er enige: Vi trenger fedrekvoten!" NRK.no May 26, 2014. <http://www.nrk.no/ytring/arbeidslivet-trenger-fedrekvoten-1.11733811>.

⁵⁹ *Dagsavisen*, December 18 2013. <http://www.dagsavisen.no/samfunn/solveig-horne-jeg-er-en-hverdagsfeminist/>.

⁶⁰ See e.g. <http://www.gender.no>.

⁶¹ http://www.regjeringen.no/pages/38780386/evaluering_sexkjoeopsloven_2014.pdf.

The change of government has been manifested by a reorganisation of the ministry responsible for gender equality and through changes in the national budget. As shown above, the field of gender equality has been transferred to the department dealing with consumer affairs.

The revised national budget for 2014 shows that the new government has cut down on gender equality measures, such as measures against sexual harassment.⁶² The Red-Green government had proposed to spend NOK 4 million on establishing a national advisory service and developing a national programme against sexual harassment, but this was not implemented. The argument was that “government will promote equality and a better protection against discrimination for all” (Chapter 846, post 21). A general trend is that funds are transferred from the gender equality sector to the so-called family protection sector. There are budgetary cuts in funding to promote gender equality in municipalities, working life and the cultural sector, but increased funding of cash benefits and measures directed toward perpetrators and children who are victims of violence and sexual abuse.

5.2. Norway as “world champion of gender equality”?

The Equality Commission concluded that in Norway, gender equality “mainstreamed away” in general terms of equality being integrated in everyday work: no one really has the responsibility for promoting gender equality. Despite this, the Norwegian self-image is as “world champion of gender equality”, as a former minister responsible for gender equality policy expressed it in 2008 (Korsvik 2011). When explaining why Norway was supposedly a gender equality world champion, the minister referred to welfare schemes for families introduced by different Labour governments, as well as Norwegian men being the “world’s best fathers” because they make use of the “daddy’s quota” of the parental leave scheme. In spite of the naivety of the former minister’s explanation, it still touches upon a point; that Norwegian gender equality policy is basically equivalent to welfare policy, to put it critically. Generous parental leave schemes, the “daddy quota”, daycare facilities and high levels of women’s employment are, as we have seen, factors that are often highlighted when talking about gender equality. Sexual harassment is for instance to a lesser degree part of

⁶² http://www.statsbudsjettet.no/upload/Tilleggsproposisjon_2014/doks/1s_tillegg1.pdf.

government's framing of gender equality policy, and prohibition against sexual harassment is not included in the Gender Equality Act.

For the last few decades, gender equality has been regarded as a core Norwegian value. Governments have actively used gender equality as part of the branding of Norway internationally. Danielsen & Larsen (2013, p. 387) ask whether this branding is good for gender equality *within* Norway. They argue that the idea of Norway already being gender equal may hinder commitments and actions to prevent inequalities: when gender equality is already achieved, there is certainly no point in fighting more for it.

Despite extensive legislation for promoting gender equality, the Equality Commission pointed out how Norwegian society is still characterised by inequalities when it comes to the distribution of money and power. Both the educational and the employment sector are more gender-segregated than the European average. The administrative apparatus for realising the ideals is poorly developed: when "everyone" is supposed to be responsible for promoting gender equality, in the end, no one is, and gender equality policies remain a fragmented policy area.

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Appendix

The Act relating to Gender Equality

Ministry of Children, Equality and Social Inclusion

Act relating to gender equality (the Gender Equality Act)

Chapter 1. Purpose and scope

Section 1. *Purpose*

The purpose of this Act is to promote equality irrespective of gender. Equality shall mean:

- a) equal status,
- b) equal opportunities and rights,
- c) accessibility, and
- d) accommodation.

This Act has the particular objective of improving the position of women.

Section 2. *Factual scope of this Act*

This Act shall apply in all sectors of society.

The King may issue regulations providing that the service of women in the Norwegian Armed Forces shall fall entirely or partly outside the scope of this Act.

Section 3. *Geographical scope of this Act*

This Act shall apply throughout the country, including on Svalbard and Jan Mayen. This Act shall also apply on fixed and mobile installations in operation on the Norwegian continental shelf and aboard Norwegian ships and Norwegian aircraft.

The King shall issue regulations on the application of this Act to posted workers; see section 1-7 of the Working Environment Act.

Section 4. *Invariability*

The provisions of this Act may not be varied by agreement.

Chapter 2. Prohibition against discrimination

Section 5. *General rule regarding the prohibition against discrimination*

Discrimination on the basis of gender shall be prohibited. Discrimination on the basis of pregnancy and leave in connection with childbirth or adoption shall be deemed discrimination on the basis of gender. The prohibition shall apply to discrimination on the basis of a person's actual, assumed, former or future pregnancy or leave. The prohibition shall also apply to discrimination on the basis of the gender of a person with whom the person who is discriminated against has a connection.

"Discrimination" shall mean direct and indirect differential treatment that is not lawful pursuant to section 6 or section 7. "Direct differential treatment" shall mean an act or omission that has the purpose or effect that a person is treated worse than others in the

same situation, and that is due to gender. “Indirect differential treatment” shall mean any apparently neutral provision, condition, practice, act or omission that results in persons being put in a worse position than others, and that occurs on the basis of gender.

Section 6. *Lawful differential treatment*

Differential treatment shall not breach the prohibition in section 5 if:

- a) it has an objective purpose,
- b) it is necessary to achieve the purpose, and
- c) the negative impact of the differential treatment on the person or persons whose position will worsen is reasonably proportionate in view of the intended result.

Section 7. *Positive differential treatment*

Positive differential treatment of one gender shall not breach the prohibition in section 5 if:

- a) the differential treatment is suited to promote the purpose of this Act,
- b) the negative impact of the differential treatment on the person or persons whose position will worsen is reasonably proportionate in view of the intended result, and
- c) the differential treatment will cease when its purpose has been achieved.

The King may issue regulations on the types of differential treatment that are permitted pursuant to this Act, including provisions on the differential treatment of men in connection with teaching of and care for children.

Section 8. *Prohibition against harassment*

Harassment on the basis of gender and sexual harassment shall be prohibited.

“Harassment on the basis of gender” shall mean acts, omissions or statements that have the effect or purpose of being offensive, frightening, hostile, degrading or humiliating. “Sexual harassment” shall mean unwanted sexual attention that is troublesome to the person receiving the attention.

Section 9. *Prohibition against retaliation*

It shall be prohibited to retaliate against anyone who has submitted a complaint regarding breach of this Act, or who has stated that a complaint may be submitted. This shall not apply if the complainant has acted with gross negligence. The prohibition shall also apply to witnesses in a complaint case.

It shall be prohibited to retaliate against anyone who fails to follow an instruction that breaches section 10.

Section 10. *Prohibition against instructions*

It shall be prohibited to instruct anyone to discriminate, harass or engage in retaliation contrary to this Act.

Section 11. *Prohibition against participation*

It shall be prohibited to participate in discrimination, harassment, retaliation or instruction contrary to this Act.

Chapter 3. Active equality efforts

Section 12. *Duty of public authorities to make active equality efforts*

Public authorities shall make active, targeted and systematic efforts to promote gender equality.

Section 13. *Gender balance on public committees*

When a public body appoints or selects committees, governing boards, councils, boards, delegations, etc., both genders shall be represented as follows:

- a) If the committee has two or three members, both genders shall be represented.
- b) If the committee has four or five members, each gender shall be represented by at least two members.
- c) If the committee has six to eight members, each gender shall be represented by at least three members.
- d) If the committee has nine members, each gender shall be represented by at least four members.
- e) If the committee has more members, each gender shall be represented by at least 40 per cent of the members.

The first paragraph shall also apply in connection with the selection of deputy members.

The Ministry shall be authorised to grant exemptions when special circumstances apply that make it clearly unreasonable to meet the requirements.

The first paragraph shall not apply to committees, etc. that pursuant to statute may only have members from directly elected assemblies. In the case of committees, etc. elected by publicly elected bodies in municipalities and county authorities, the provisions of the Local Government Act shall apply.

The King shall issue regulations on enforcement and reporting. The King may also issue regulations containing supplementary provisions under this provision.

Section 14. *Activity duty of employer and employee organisations*

Employer and employee organisations shall make active, targeted and systematic efforts to promote the purpose of this Act within their fields of activity.

Section 15. *Duty of organisations and educational institutions to preclude and prevent harassment*

The managements of organisations and educational institutions shall, within their areas of responsibility, preclude and seek to prevent the occurrence of harassment contrary to section 8.

Section 16. *Content of teaching aids*

The teaching aids used in schools and other educational institutions shall be based on equality irrespective of gender.

Chapter 4. Supplementary rules relating to employment relationships

Section 17. *Prohibition against discrimination in employment relationships*

The prohibitions in chapter 2 shall apply to all aspects of an employment relationship. This shall include the following:

- a) announcement of a position,
- b) appointment, reassignment and promotion,
- c) training and skills development,
- d) pay and working conditions, and
- e) cessation of the employment relationship.

The first paragraph shall apply correspondingly to the employer's selection and treatment of self-employed persons and hired workers.

Section 18. *Prohibition against collection of information in connection with appointment*

An employer shall not collect information about pregnancy, adoption or plans to have children during the appointment process, whether during interviews or otherwise.

Section 19. *Employer's disclosure duty to job applicants*

Job applicants who consider themselves to have been disregarded contrary to this Act shall be entitled to demand that the employer provide written information about the person who has been appointed. The employer shall provide information about education, experience and other formal qualifications.

Section 20. *Workers' rights in connection with parental leave*

A worker who is or has been on parental leave pursuant to section 12-5 of the Working Environment Act shall be entitled to:

- a) return to the same, or a corresponding, position,
- b) benefit from improvements in working conditions to which the worker would otherwise have been entitled during the absence, and
- c) make pay claims and, in pay negotiations, be assessed in the same way as the other workers in the undertaking.

The first paragraph shall not govern the setting of or changes to pay and working conditions as a result of circumstances other than parental leave.

This section shall apply correspondingly in connection with other types of leave linked to pregnancy and childbirth; see sections 12-2 to 12-8 of the Working Environment Act.

Section 21. *Equal pay for work of equal value*

Women and men in the same undertaking shall receive equal pay for the same work or work of equal value. Pay shall be set in the same way for women and men without regard to gender.

The right to equal pay for the same work or work of equal value shall apply irrespective of whether the work relates to different professions or pay is governed by different wage agreements.

Whether the work is of equal value shall be determined following an overall assessment in which emphasis is given to the expertise that is required to perform the work and other relevant factors, such as effort, responsibility and working conditions.

“Pay” shall mean ordinary remuneration for work plus all other supplements or advantages or other benefits provided by the employer.

The King may issue regulations laying down further rules on what shall be deemed the same undertaking in central government and the municipal sector.

Section 22. *Employer’s disclosure duty regarding pay*

A worker who suspects discrimination in the setting of pay shall be entitled to demand that the employer provide written confirmation of the pay level and the criteria for the setting of the pay of the person or persons with whom the person in question is making a comparison.

A person who receives information about pay pursuant to this provision shall be subject to a duty of confidentiality and shall sign a confidentiality declaration. This shall not apply in the case of information covered by the Freedom of Information Act.

An employer who releases pay information about an employee under this provision shall simultaneously inform the person in question of what information has been released, and to whom.

Section 23. *Employer’s activity duty*

Employers shall make active, targeted and systematic efforts to promote the purpose of this Act in their undertakings. The activity duty shall encompass matters such as recruitment, pay and working conditions, promotion, development opportunities and protection against harassment.

Section 24. *Employer’s reporting duty*

Employers shall report on:

- a) the actual state of affairs as regards gender equality in their undertaking, and
- b) equality measures that have been implemented and that are to be implemented to satisfy the activity duty pursuant to section 23.

The reporting duty shall apply to undertakings that have a statutory duty to prepare an annual report. These undertakings shall include the reports in their annual reports.

The reporting duty shall also apply to public authorities and public undertakings that are not subject to a duty to prepare an annual report. These bodies shall include the reports in their annual budgets.

Section 25. *Employer’s duty to preclude and prevent harassment*

Employers shall preclude and seek to prevent the occurrence of harassment contrary to section 8.

Chapter 5. Enforcement, burden of proof and penalties

Section 26. *Enforcement of this Act*

The Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal shall enforce and contribute to the implementation of this Act; see the Anti-Discrimination Ombud Act. However, the ombud and the tribunal shall not enforce the rules relating to:

- a) sexual harassment in section 8,
- b) active equality efforts in chapter 3 and section 23,
- c) handling of pay information in section 22, second paragraph, and
- d) compensation for non-economic loss and compensation for economic loss in section 28.

The ombud and the tribunal shall not enforce the prohibition against discrimination in family life and purely personal relationships.

Section 27. *Burden of proof*

Discrimination shall be assumed to have occurred if:

- a) circumstances apply that provide grounds for believing that discrimination has occurred, and
- b) the person responsible fails to substantiate that discrimination did not in fact occur.

This shall apply in the case of alleged breaches of the provisions in chapter 2 and sections 17, 18, 20 and 21.

Section 28. *Compensation for non-economic loss and compensation for economic loss*

A person who is discriminated against may claim compensation for non-economic loss and compensation for economic loss. This shall apply in the case of breaches of the provisions in chapter 2 and sections 17, 18, 20 and 21.

In an employment relationship, liability shall exist irrespective of whether the employer can be blamed for the discrimination. In other sectors of society, liability shall exist if the person who has committed the discriminatory act can be blamed for doing so.

The compensation for economic loss shall cover economic losses resulting from the discrimination. Compensation for non-economic loss shall be set at an amount that is reasonable in view of the scope and nature of the harm, the relationship between the parties and the circumstances otherwise.

These rules shall not limit the right of persons to claim compensation for non-economic loss and compensation for economic loss under the general principles of the law of damages.

Section 29. *Right of organisations to act as legal representatives*

In cases dealt with by the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal, an organisation that has anti-discrimination work as its sole or partial purpose may be used as a legal representative.

In cases before the courts, a person appointed by and associated with an organisation that has anti-discrimination work as its sole or partial purpose may be used as counsel. This shall not apply to the Supreme Court. The court may refuse to accept an appointment as counsel if the court finds there to be a risk that counsel lacks sufficient qualifications to safeguard the party's interests satisfactorily. In addition to the authority mentioned in section 3-4 of the Dispute Act, counsel shall at the same time submit written information from the organisation regarding counsel's qualifications.

Chapter 6. Entry into force, etc.

Section 30. *Entry into force*

This Act shall apply as of the date determined by the King. On the same date, the Act of 9 June 1978 No. 45 relating to gender equality shall be repealed

Section 31. *Continuation of regulations*

Regulations issued pursuant to section 2, fourth paragraph, of the Act of 9 June 1978 No. 45 relating to gender equality shall continue to apply after this Act has entered into force.

Action plans and white papers relating to gender equality during the 2000s

Action plan for the prevention of unwanted pregnancies and abortions 2004-2008 (Ministry of Health and Care Services) [*Handlingsplan for forebygging av uønsket svangerskap og abort 2004–2008 (HOD)*]

Action plan for the implementation of UN Security Council Resolution 1325 (2000) on women, peace and security (Ministry of Foreign Affairs) [*Handlingsplan for gjennomføring av FNs sikkerhetsråds resolusjon 1325 (2000) om kvinner, fred og sikkerhet (UD)*]

Action plan for the integration and inclusion of immigrants 2007-2010 (Ministry of Children, Equality and Social Inclusion) [*Handlingsplan for integrering og inkludering av innvandrerbefolkningen 2007–2010 (BLD)*]

Action plan for women's rights and gender equality in development cooperation 2007-2009. Continued 2010-2013 (Ministry of Foreign Affairs) [*Handlingsplan for kvinners rettigheter og likestilling i utviklingssamarbeidet 2007–2009. Videreføres 2010–2013 (UD)*]

Action plan for gender equality in kindergartens 2004-2007 (Ministry of Education and Research) [*Handlingsplan for likestilling i barnehagen 2004–2007 (KD)*]

Action plan for gender equality in kindergartens and primary education 2008-2010 (Ministry of Education and Research) [*Handlingsplan for likestilling i barnehage og grunnsopplæring 2008–2010 (KD)*]

Action plan for more entrepreneurship among women (Ministry of Trade and Industry) [*Handlingsplan for meir entreprenørskap blant kvinner (NHD)*]

Action plan for increased female representation in the marine sector (Ministry of Fisheries) [*Handlingsplan for økt kvinneandel i marin sektor (FKD)*]

Action plan to promote gender equality and prevent ethnic discrimination 2009-2012 (Ministry of Children, Equality and Social Inclusion) [*Handlingsplan for å fremme likestilling og hindre etnisk diskriminering 2009–2012 (BLD)*]

Action plan against female genital mutilation 2008-2011 (Ministry of Children, Equality and Social Inclusion) [*Handlingsplan mot kjønnslemlestelse 2008–2011(BLD)*]

Action plan against forced marriages 2008-2011 (Ministry of Children, Equality and Social Inclusion) [*Handlingsplan mot tvangsekteskap 2008–2011 (BLD)*]

Action plan Together to combat human trafficking 2011-2014 (Ministry of Justice) [*Handlingsplan Sammen mot menneskehandel 2011–2014 (JD)*]

Action plan Stop human trafficking 2006-2009 (Ministry of Justice) [*Handlingsplanen Stopp menneskehandel 2006–2009 (JD)*]

Action plan Combat domestic violence – Turning point 2008-2011 (Ministry of Justice) [*Handlingsplanen Vold i nære relasjoner – Vendepunkt 2008–2011 (JD)*]

Women, peace and security: strategic plan 2011-2013 (Ministry of Foreign Affairs) [*Kvinner, fred og sikkerhet: Strategisk plan 2011–2013 (UD)*]

Gender equality 2009? Objectives, strategies and measures to ensure gender equality between women and men (Ministry of Children, Equality and Social Inclusion) [*Likestilling 2009? Departementenes mål, strategier og tiltak for å sikre likestilling mellom kvinner og menn (BLD)*]

Gender equality in reindeer husbandry – Without women reindeer husbandry will stop. Report initiated by the Ministry of Agriculture and Food and the Norwegian Saami Reindeer Herders' Association, 2010 (Ministry of Agriculture and Food) [*Likestilling i reindriften – Uten kvinner stopper reindriften, rapport initiert av LMD og Norske Reindrifsamers landsforbund, 2010 (LMD)*]

Action plan Better quality of life for lesbians, gays, bisexuals and transgender persons 2009-2012 (Ministry of Children, Equality and Social Inclusion) [*Regjeringens handlingsplan Bedre livskvalitet for lesbiske, homofile, bifile og transpersoner 2009–2012 (BLD)*]

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