



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Third periodic reports of States parties

NORWAY*

* For the initial report submitted by the Government of Norway, see CEDAW/C/5/Add.7, CEDAW/C/5/Add.7/Amend.1 and CEDAW/C/5/Add.7/Amend.1/Rev.1; for its consideration by the Committee, see CEDAW/C/SR. 38 and CEDAW/C/SR. 39, and Official Records of the General Assembly, thirty-ninth session Supplement No. 45 (A/39/45), paras. 277-338, for second periodic report submitted by the Government of Norway, see CEDAW/C/13/Add.15; for its consideration by the Committee, see CEDAW/C/SR.175, and Official Records of the General Assembly, forty-sixth session Supplement No.46 (A/46/38), paras 139-165.

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Part I

1. The most important development in the Norwegian economy and social conditions during the period since the last report was submitted has been a dramatic increase in unemployment. The unemployment rate reached over 5 per cent in 1990, and is slightly higher for men than for women at present.
2. The Government's Second Programme of Action to Promote Equal Status will come to an end in 1990, and work is currently in progress on a Report to the Storting which will outline the guidelines for Norway's equal status policy in the 1990s.
3. The legal framework for the Norwegian policy on equal status is provided by the Act relating to Worker Protection and Working Environment, the Act relating to National Insurance and the Act relating to Equal Status between the Sexes.
4. With respect to further particulars concerning the current situation as regards the framework of social, economic, political and legal conditions within which measures to promote equal status are implemented, we refer to the two earlier reports submitted by Norway.
5. The Equal Status Act is enforced by a special Equal Status Ombud. Norway's third periodic report to CEDAW begins with a summary by the Ombud of the contents, areas of application and enforcement of the Equal Status Act, and a description of the problems to be resolved in connection with the Act. The Ombud proposes certain amendments of the Act. These proposals will be evaluated by the Ministry of Consumer Affairs in connection with the above mentioned report to the Storting on Equal Status Policy in the 1990s.
6. At the same time the Ombud's general report covers articles 1-5 of the Convention.
7. Part II contains more specific information concerning developments during the period since the last report in the areas specified by the Convention, insofar as the text of the Convention appears to be relevant to Norwegian conditions.

The Norwegian Equal Status Act

1. A brief historical survey

1.1 History of the Act

8. The Norwegian Equal Status Act is dated 9 June 1978 and entered into force on 15 March 1979. Its background was the marked discrepancy in the situation of women and men in Norway. Women's participation in the labour market was far less than that of men, and varied according to the age composition and size of the family while men's participation remained stable. Women had less education than men, and chose traditional female professions. Their wages were lower than those earned by men. And women, even those who worked full-time outside the house, spent much more time than men on child-care and housework.
9. The Equal Status Act, when it was introduced, had a two-fold aim. On the one hand it was designed to ensure substantial equality of treatment in all areas where this might be possible. On the other hand it was intended to influence attitudes as regards to sex roles, committing the authorities to promote equal status actively by means of instruments which were not encompassed by the Act.

10. It was understood that the Act could not be implemented successfully without a special, independent control body. The body should be easily accessible and its services should be free of charge. The institution of the Ombud derives from the Scandinavian tradition of Ombudsman, appointed to ensure justice for the individual with respect to public administration. In the spirit of the equal status objective, the gender-neutral term Ombud was chosen, leaving an opening for both Ombudsmen and Ombudswomen.

2. The contents and scope of the Equal Status Act

2.1 All fields covered

11. The Norwegian Equal Status Act is rather unique in the sense that it does not cover working life conditions alone, as is the case, for example, in Sweden. It is of a general nature, encompassing all sectors, including education, politisse and family affairs. The only formal exemption is in the case of internal conditions in religious communities, including the Norwegian State Church. The exception stems from the fact that freedom of religion is guaranteed by the Norwegian Constitution.

2.2 No enforcement in family affairs

12. To state that the Act also covers family affairs may give an overly progressive impression. In actual fact, the Act is not enforced in the area of family and personal affairs. The Ombud has no authority whatsoever and is under an obligation to dismiss all such cases.

13. In this field, women claim that the burden of household work and household responsibilities is divided unfairly, and men increasingly maintain that they are denied access to their children and to equal participation in family affairs.

14. Truly, it would be very difficult to attempt to try to enforce equal status in this very private sphere. The implementation of equal treatment in this area would be impossible if the conflict is between husband and wife. What would constitute equal treatment in such cases? On the other hand, it is highly questionable whether the Act has much value in its present form, without any sanctions. This might be one field in which political and educational strategies are called for, rather than legal.

3. The objective of the Act

3.1 Improving the position of women

15. The objective of the Act is expressed in the first paragraph of its Section 1.

It reads: "This Act shall promote equal status between the sexes and aims particularly at improving the position of women"

16. The underlined portion of the objective gave rise to considerable controversy when the Act was passed. After a long debate, the Norwegian Parliament, the Storting, decided on a wording which is not completely neutral as to gender. Seen in retrospect, this addition has proved to be of great importance in the work of the Ombud.

17. Basically, it provides the legal framework for initiating positive action in favour of women. It must be seen in connection with the General Clause, which is based on the principle that all discrimination between men and women, including certain forms of de facto discrimination, is prohibited. However, this does not preclude differential treatment which, in accordance with the purpose of the Act promotes equal status between the sexes.

18. The provision is particularly useful when introducing quota systems in favour of women, i.e. in the recruitment of civil servants. Although such systems are mandatory under the Act, they are in perfect compliance with it, and complaints by men who feel discriminated against will normally be rejected by the Ombud.

3.2 Preferential treatment of men?

19. On the other hand, quota arrangements in favour of men will in most cases be considered unlawful, due to the fact that they are seldom considered to be measures to promote equality. Only in fields and on levels where men are under represented in number and influence may such arrangements be considered. In other words, it is not sufficient to wish to create a sexual balance, this balance must promote equality between the sexes.

20. For instance, the Ombud is often asked whether a male applicant may be preferred for a leading position in a health-care institution, in view of the high percentage of female employees in such institutions. The answer will invariably be no, unless it can be proved that men are under represented in leading health-care positions in society as well.

4. Positive discrimination

4.1 The Norwegian Equal Status Act

4.1.1 Positive action permitted but not prescribed

21. The UN Convention on the Elimination of all forms of Discrimination Against Women does not actually prescribe positive action, but it states very clearly that such a policy will not be contrary to the Convention. This is in itself a very important statement, as omitting it might have rendered all attempts to promote real equality by supporting women impossible.

22. The Norwegian Equal Status Act is based on the same assumption: Although not specifically provided for, with one exception outlined under 5.2 below, positive action is permitted. The Ombud has raised the question of whether the Act should go one step further and actually prescribe such action.

23. Making positive action part of national legislation would enable the bodies responsible for monitoring and enforcing the Act to ensure the implementation of the measures in question. The lack of such authority has often proved a shortcoming for the Ombud.

24. In Norway employers' and employees' organizations have, to some extent, agreed upon measures for recruitment involving preferential treatment of the under represented sex, i.e. women. These agreements now apply in general in all State and government agencies and in most municipalities. These schemes involve positive discrimination of a moderate degree, stating that a woman shall be preferred if she is equally or approximately equally qualified

25. The public is informed of the special recruitment conditions when the post in question is advertised as vacant. The advertisement then includes the following phrase: "Women are encouraged to apply". This phrasing does not involve any special obligation to actually employ a woman, at least not at any cost. In fact, many women who respond to the invitation to apply find that they are not given any favourable treatment at all.

4.2 Enforcement

26. The measures might have a better effect, however, if the Ombud was given authority to control their application. The Ombud may monitor whether any employment involving the use of a quota is in accordance with the Equal Status Act. But she may not enforce the quota itself, that is, ensure that the employers fulfill their obligation as parties to the agreement.

27. According to the Equal Status Act, public authorities, i.e. all State and municipal bodies, have a special obligation actively to promote equality of status between the sexes in all sectors of society. The Ombud may point out that failing to apply a specific quota-agreement is not in accordance with this obligation and criticize the employer. Such interventions may be made also with respect to a proposed decision.

4.3 A debate in favour of a more radical policy?

28. A fairly large percentage (69.6) of women are employed.

29. In 1987, the percentage of women in leading positions was as follows:

Private enterprise:	3%
Government ministries:	10%
Counties and municipalities:	5%
Universities (professors):	4.6%

30. It should be noted that the moderate preferential system has been in effect in all public institutions for some years. Ten years ago, the figure for Government ministries was only 3%. As for universities, a more active recruitment programme has been tried out lately, including the creation up of new professorates to be granted to women. The percentage for 1988 was therefore 7.4 %. Since then, no particular progress has been observed in this field.

31. Since women in Norway are highly educated and since women are still considerably under represented in all kinds of leading positions, the Equal Status Ombud argues that there is a need for a debate on a more radical policy on positive action.

32. In such a debate the Ombud proposes that the possibility of creating other forms of stronger preferential systems should also be discussed. For instance, in order to increase the proportion of women, both a preferential system could be introduced and a number of positions reserved for women only.

5. Positive action in the political field

5.1 Recruitment to the Storting and the Government

33. Norway has been noted for its high percentage of women in the political field. This is certainly true of the Government, where at present 9 out of 19 ministers are women. In the Storting 59 out of 165 representatives are women, which constitutes a percentage of 35.7. Cfr. art. 7-8 for further information.

5.2 Public committees: 40% representation of each sex!

34. The Equal Status Act has a special provision, Article 21, which stipulates that all government or municipal appointed committees shall have at least 40% representation of each sex.

35. The article previously had a weaker wording, stating that both sexes, as far as possible, should be equally represented. The minimum requirement was that committees consisting of 4 members or more, should have at least 2 members of either sex. This provision was adopted in 1981 as an amendment to the Act.

36. The present wording requiring 40% representation of each sex entered into force on 1 May 1988, and its effects will be seen after the local elections in 1991.

37. Figures from 1988 show that the percentage of women in governmental committees appointed in 1987 was 38 and in municipal committees 36.1%.

38. In conclusion, it may be stated that those limited requirements of positive action have certainly proved effective, although they might have achieved more rapid results. Enforcement of Article 21, which is the responsibility of the Ministry of Children and Family Affairs Equal Status and the Equal Status Ombud respectively, has been difficult. Both state and municipal bodies, and often the political parties, show reluctance to accept any interference with their freedom of choice. General acceptance seems, to be greater today, however, than when the Article was first introduced in 1981.

6. Equal pay for work of equal value

6.1 ILO Convention No. 100

39. The most important International Agreement in this field is ILO Convention No. 100, dated 1951. (The Equal Remuneration Convention, under the International Labour Office). Article 2 of this Convention reads as follows:

"1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as it is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value;

2. This principle may be applied by means of:

- (a) national laws or regulations;
- (b) legally established or recognised machinery for wage determination;
- (c) collective agreements between employers and workers; or
- (d) a combination of these various means".

40. The Convention was ratified by Norway on 24 September 1959.

41. It is understood that "work of equal value" is a broader term than merely equal work or work of an equal nature.

42. It is also clear that the term does not refer to the subjective value for the employer, but is intended to include an objective standard. Furthermore, it is the task to be carried out that shall be evaluated, not the performance of the individual worker.

6.2 Implementation of the ILO Convention

43. As one may see, the ILO Convention does not impose transformation of its rules into national legislation. States are free to choose their method of effective implementation. In the years immediately following ratification, Norway did not introduce any special legislation. An Equal Pay Council was established. Another important step was taken when differential rates for women and men in collective wage agreements were abolished in 1961.

44. However, it proved difficult to apply the principles of the convention without specific legislation. In Norway, as in most other countries, wages are fixed by agreements between employers and employees. In most cases, the agreements are collective and made by the employers' and employees' respective organizations.

45. As both individual employers and employees and their organizations are autonomous in this respect, the Government has limited means of influencing the outcome of their negotiations.

46. Another problem is that collective agreements more often prescribe minimum rates, thereby not precluding groups of workers, i.e. men, from obtaining higher wages. Finally, collective agreements are only binding upon members of the respective organizations, and membership is optional.

6.3. The Norwegian Equal Status Act

6.3.1 Article 5

47. Thus, when the Norwegian Equal Status Act was prepared, there was general agreement that it would have to include a section on equal pay.

48. Section 5 of the Equal Status Act reads:

"Women and men employed by the same employer shall have equal pay for work of equal value".

49. The term "pay" shall mean ordinary remuneration for work, including other supplements or cash bonuses, or other benefits given by the employer.

50. The term "equal pay" shall mean that pay shall be determined in the same manner regardless of sex.

51. The King may prescribe by regulation specific rules as to who shall be considered to have "the same employer" in central and local government service.

6.3.2 Effects of the Section

52. The section has now been in force for 11 years. As with the other parts of the Act enforcement rests with the Equal Status Ombud and the Equal Status Appeals Board. Quite a number of cases have been brought before the Ombud and resolved. The cases not only concern wages in the narrow sense, but also other benefits, such as pension schemes and a free car.

53. However, the section is not sufficiently effective. Differences between women's and men's wages have decreased considerably in the past 30 years, but have still not quite been eradicated. The effect of the equal pay provision in the Equal Status Act must be described as rather negligible.

54. Statistics show that women in the same trade or industry, and on the same level of work, still earn an average of 15% less than their male colleagues. These are disparities that cannot be explained by differences in age, education or seniority. The discrepancy has been stable for some years now, and seems very difficult to eliminate.

6.3.3 Enforcement problems

55. One of the reasons for this is that the Act is not entirely clear. It is evident that "work of equal value" means more than "equal work", but exactly what does it imply? Employers still misunderstand the term and insist that they are complying with the Act when women and men doing the same work are paid equally.

56. In actual fact, however, women and men rarely do exactly the same things. In factories, male workers are placed with one kind of machine on one floor, and women with a different kind of machines on another floor, or they perform different parts of the same production process on different sides of the room.

57. This pattern seems to be consistent and enduring not only in Norway, but also in other European countries. The application of the principle of equal pay merely to identical work will thus be extremely inefficient. On the other hand, equal value is a vague term, and objective systems for job evaluation are difficult to find.

6.3.4 Systems for job evaluation

58. At present no consistent system for job evaluation exists in Norway. The Ombud will have to find her own solutions to the problem based on criteria in terms of education, skills and experience, the difficulty and responsibility of the work, etc. Comparisons should be made beyond existing classifications.

59. The Ombud compares not only individual women and men but also groups of women and men. Due to the sex-segregated labour market described above, women and men often choose quite different professions. A more equitable division of wages between those professions, exceeds, on the whole, what may be achieved by the Equal Status Act. But some efforts have been made. Thus female medical laboratory technologists were granted pay equal to that earned by male biomedical engineers in a case that was ultimately taken to the Labour Disputes Court in 1990. The two groups of employees work side by side at the same laboratory in a public hospital; they perform similar and partly identical tasks.

60. Another case that was similarly tried this year, by the Equal Status Appeals Board was unsuccessful. The longstanding demand of the nurses' union that head nurses should be remunerated on a par as the leading engineers employed by the municipality of Oslo was not upheld by the Board. The argument that both groups work for the "same employer" was accepted, as was the contention that the extent of education of both groups is comparable, that the two groups perform comparable duties with regard to managerial, administrative and economic tasks. The Appeals Board, however, did not find the two groups comparable due to the lack of similarity of the two professions, which makes it impossible for a person from one group to replace a person from the other group.

6.3.5 Collective wage agreements

61. According to Article 14 of the Equal Status Act, questions that involve the validity, interpretation or continued existence of a collective wage agreement, shall be brought before the Labour Disputes Court. This court is considered to have exclusive competence with regard to such agreements.

62. Even though the Ombud may bring individual cases before the Equal Status Appeals Board, the Ombud cannot bring cases before the Labour Disputes Court. Only the parties directly involved in the dispute may do so.

63. The Ombud also has a very limited possibility of influencing the contents of collective wage agreements in order to ensure equality between the sexes. A more active role, including the possibility of attending formal negotiations between the parties, or assessing their results, might thus be called for. In Norway, however, this would constitute a breach of tradition and might be considered an infringement on the autonomy of the parties.

7. The institution of the Ombud

7.1 Organization

64. As pointed out under 2 above, enforcement of the Equal Status Act in Norway is the task of a quasi-judicial body, the Equal Status Ombud. The level of appeal, the Equal Status Appeals Board, is also a quasi-judicial body. Both are appointed by the King and financed by the Government, but carry out their tasks independently of one another.

65. The existence of special bodies does not preclude individuals from appealing directly to the courts of law. As all proceedings involving the Ombud (and the Appeals Board) are free of charge and may well be carried out without the assistance of a lawyer, the courts are rarely burdened with these matters.

66. It is clear, however, that in some cases bringing the matter before a court of law might be more appropriate. The Ombud has no power to make binding decisions, and will in most cases merely negotiate and issue an opinion. The Board may make binding decisions (and it is a criminal offence to ignore such decisions), but cannot issue damages or other monetary compensation in cases of a breach of the law. Nor can it rule that a person who has not been employed in a job shall be hired instead of another person.

67. The authority to actually order that a specific person be employed in cases involving job applications is, however, not much exercised by courts of law. Consideration for the person who has obtained, and started working in a certain job tends to preclude a reversal of the employment contract.

68. In this respect, the Ombud has one advantage and can act with greater flexibility than a court: in cases when a decision has not yet been made and is still pending, she may intervene on the basis of a proposed decision, and object that it will constitute a breach of the law. In most of these cases, the person who has been wronged is given the job. This procedure may best be followed in the public sector, where the actual decision is always preceded by a proposed decision, available to the parties concerned.

7.2 Investigations and burden of proof

69. In order to perform such interventions, it is essential that the Ombud have access to all available information, including all written documents. The Act provides for such a right, in respect of private public enterprises. The information shall and may be given regardless of any pledge of secrecy.

70. The right to obtain information in this way is probably the most important tool of a quasi-judicial control body such as the Ombud. Without access to information originally recorded in the case, the burden of proof would be difficult.

71. The Ombud and the Board proceed on the assumption that if a woman, on the basis of written information, seems to be more qualified in terms of formal criteria such as education, work experience, etc., the employer will have to explain why she was rejected, and to prove that the rejection was not made on the basis of sex. Thus, this narrow field, there is a reversal of the burden of proof. Apart from this, no specific rules for the burden of proof apply.

7.3 Statistics

72. From the start in 1979 the Equal Status Ombud has received 7260 complaints. Since 1986 the Ombud has been able to computerize the compilation of statistics. Since then 2137 cases have been brought to a conclusion or closed for other reasons. Discrimination, primarily discrimination against women related to working life conditions, both in the private and public sector, constituted 57.5% of all these cases.

73. Discriminatory job-advertising has nearly been eradicated, but discriminatory practices still exist in recruitment, dismissals with regard to wages etc.

74. The results can be described as follows:

	Number of cases	% of all cases
A violation of the Act was found;	669	31
No particular violation of the Act was found, but the Ombud found grounds for criticizing the employer;	162	8
No violation of the Act was found;	267	12
No conclusion was arrived at, mainly because an agreement was reached during the proceedings, or the case was withdrawn for other reasons;	489	23
The Ombud did not intervene directly in the dispute, but expressed her view in general terms;	514	24
The case was dismissed.	36	2
	<hr/> 2137	100

7.4 Comments on the figures

75. In 12% of the cases the Ombud found no violation of the Act. In most of these cases, the opinion of the Ombud has been accepted. Up till 1990 only 58 cases, 0.8% of the total number of cases handled by the Ombud, have been brought before the Appeals Board. In the majority of these cases the plaintiffs have disagreed with the negative conclusions reached by the Ombud. The decisions of the Appeals Board have in most of these cases upheld the decisions of the Ombud.

76. In 8 %of the cases brought before the Ombud, no particular violation of the Act was found, but there was reason to criticize an employer, for instance, for not having complied with internal preferential systems. Cfr. (above)

77. The Ombud found that there has been a violation of the Act in 31% of the cases. As mentioned above quite a number of cases have been remedied especially cases of unequal pay. However in cases of discrimination in recruitment/promotion it is more difficult to take corrective action. Cfr. 7.1 (above)

78. Furthermore, sometimes corrective action will depend on a decision made by the Government or by Parliament.

79. Through the years several discriminatory provisions have been abolished by Parliament. Recently (May 1990) even the Constitution was changed. The right of succession to the Norwegian throne, which has been through the male line only, has now been brought into accordance with the principle of equal status between the sexes. However this Constitutional change will have little impact in the foreseeable future.

80. With a few exceptions, Norwegian legislation now confirms the principle of equal status.

7.5 Further amendments requested

81. According to special provisions in the Act relating to the Norwegian International Ships Register, adopted in 1987, terms of pay and employment and other working conditions on ships in this register are to be fixed in collective wage agreements subject to Norwegian jurisdiction.

PART II

Part I of the Convention

Articles 1-5

82. See Part I of the report.

Article 6

83. During the past few years we have learned more about prostitution as a social phenomenon, partly as a result of a research programme on sex-related violence against women.

84. Prostitution in Norway appears to be a problem that exists primarily in the capital, Oslo, but is also to be found in all of Norway's largest cities. Street prostitution and prostitution through advertisements are the most common forms.

85. A recently conducted study focused on the buyer: the motivation and extent of men's demand for sexual services. The study showed that 13 % of the respondents had purchased sex from prostitutes on one or more occasions, the vast majority having done so abroad. Half of the respondents stated that they had only purchased sex once or twice. Men with that type of experience were to be found in all age groups, national regions, occupations and social stratification. They were motivated primarily by a desire to buy control of sexual relations, to have sex on their own terms, when, how and with whom they wanted.

86. Another Norwegian study shows that a majority of women prostitutes were sexually abused as children. This is consistent with the findings of similar studies in other industrialized nations.

87. Municipal and county municipal health and social welfare services have been developed to assist incest victims and their families. These services will presumably help to prevent prostitution in future.

88. Attempts are being made to reduce both the "supply" and "demand" in relation to prostitution by means of an information campaign aimed at influencing the attitudes of young people.

89. Only the largest cities in Norway have any experience in rehabilitating prostitutes. The central authorities are now in the process of arranging a series of seminars designed to disseminate information to smaller urban centres concerning prostitution as a social phenomenon, ways of exposing prostitution and approaches in rehabilitating prostitutes. Invitations will be issued to representatives from the police, various types of health and social welfare personnel, the school authorities, organizations, taxi drivers and hotels. The first seminar was held in May 1990.

90. A leaflet on the subject of prostitution is currently being produced for use by health and social welfare personnel, police and others who are involved in the rehabilitation of prostitutes.

Part II of the Convention

The work of the Equal Status Council

91. The Equal Status Council, established by a Storting decision in 1972, took over the tasks of the Equal Pay Council created in 1959. Legal authority to establish the Equal Status Council was provided by the Equal Status Act of 1979. The Council has seven members with personal deputies which are appointed for four years at a time. The Council's secretariat has a permanent staff of five employees.

92. The Equal Status Council has the following mandate, laid down by the Storting on 3 April 1979:

- The objective of the Equal Status Council is to promote equal status between the sexes in all areas of society: family affairs, business, educational institutions and community affairs;
- The Equal Status Council is to monitor social developments to identifying and drawing attention to conditions which counteract equal status and equality between women and men, and to advise the public sector on measures that should be adopted to rectify such conditions;
- The Equal Status Council is to serve as a body for liaison and cooperation between the public authorities, organizations and the general public in matters concerning equal status.

93. From 1987-91 the Equal Status Council has focused its efforts on equal pay, labour reforms and women in Europe. Priority has also been given throughout the 1980s to establishing active equal status committees in the municipalities.

Articles 7 and 8

94. The proportion of women representatives in political bodies in Norway increased radically in the 1970s and 1980s. As a result, about one third of the representatives in the Storting, municipal councils and official committees, and over 40 per cent of county council representatives and members of the Government, are women.

Official boards, councils and committees

95. Section 21 of the Equal Status Act concerning representation of both sexes on all official committees has been amended several times. (Cf. Part I, point 5.2. of the report) Since 1988 at least 40 per cent representation of each sex is mandatory on all publicly appointed boards, councils and committees.

96. Section 21 also applies to official delegations to international assemblies.

97. From 1985 to 1989 the representation of women on government councils and committees increased from 30 to 35 per cent. In 1989, 39 per cent of newly appointed committee members were women, as opposed to 43 per cent in 1988.

98. When new representatives were appointed to municipal committees in 1988, the average proportion of women rose from 31.6 to 36.1 per cent. In 116 out of 448 municipalities (compared with 32 in the previous period), women constitute over 40 per cent of committee representatives. In no municipality now (as opposed to 11 in the previous period) do the committees have less than 20 per cent women members. The gender structure of municipal committees in the various sectors continues to follow a traditional pattern: women are in the majority in the health and social welfare sector, while in the public works sector and in committees responsible for business activities women are conspicuously under represented.

Popularly elected bodies

99. In the 1989 elections 59 women were elected among the 165 representatives to the Storting, an increase from 34 to 36 per cent in the number of women representatives. The proportion of women varies greatly in the six parties represented in the Storting, ranging from the Labour Party's 32 out of 63 representatives (50.8 per cent) to the Progress Party's 1 out of 22 representatives (4.5 per cent).

100. As a result of the municipal and county council elections in 1987 the number of women representatives rose sharply. On a nationwide basis the number of women on municipal councils increased from 23.8 to 32.2 per cent. The number of women on county councils increased from an average of 32.8 per cent to 40.6 per cent. Fifty-three municipal councils (compared with 13 in the previous period) had over 40 per cent women members. The number of municipal councils with less than 20 per cent women members was reduced from 174 to 51.

Campaigns and quota systems

101. Women in Norway have organized campaigns and demonstrations prior to elections since 1967. The initiative for such action has come from independent women's organizations. Gradually, the Equal Status Council and the women's organizations of the various political parties have also taken an active role. These campaigns, financed by government funds, have brought constant pressure to bear on the political parties and legitimized the laborious efforts to promote women's policy within the various parties. The influence of the voters in municipal elections has dramatized the issue, maintaining it as a topic of lively debate. The campaigns have also helped to focus attention on the question of women's role in politics and stimulated the discussion as to the type of policy instruments that can and should be used.

102. Political parties in Norway have been concerned about introducing a system of quotas to achieve greater representation by women. The Liberal Party and the Socialist Left Party adopted rules regarding quotas for men and women (at least 40 per cent of both sexes) in 1974 and 1975 respectively. The other parties have been more reluctant to act. However, the Labour Party adopted the 40 per cent rule in 1983 and the Centre Party followed suit in 1989.

103. In Gro Harlem Brundtland's Government in 1986, eight of 18 ministers were women. Eight of 21 state secretaries were women. This set an example which was followed by the Syse Government after the elections in 1989: eight of the 19 ministerial posts in his administration were held by women. However, only two of the 23 state secretaries were women. The current Labour Party Government has nine women ministers out of a total of 19. Nine of the 22 state secretaries are women.

Article 9

104. The Norwegian Nationality Act of 8 December 1950 does not differentiate fundamentally between women and men, i.e. women have the same rights as men with regard to obtaining, changing or retaining their nationality. If a person marries, that in itself does not affect his/her right to retain his/her Norwegian nationality.

105. According to Section 1, litra (a) of the Act, a child becomes a Norwegian citizen at birth if the mother is a Norwegian national. Children may also become Norwegian nationals under other conditions, such as if the father is a Norwegian national and the parents are married. Thus the basic rule is that if the child's mother is a Norwegian national, the child will also receive Norwegian nationality. This rule was introduced in an amendment to the Act on 25 May 1979.

106. Thus it can be said that Norwegian rules and regulations are in accordance with article 9 as far as point 1 is concerned. As regards point 2, Norwegian legislation goes further than article 9 when it comes to protecting the rights of women.

Part III of the Convention

Article 10

(a) Legal and other measures adopted since the previous report to implement the Convention

107. During this period the Model Plan for Primary and Lower Secondary Education (1987) was revised. It now contains a special chapter on equal status between the sexes which deals with the way the problem of discrimination between men and women affects various aspects of education, such as school curricula, work methods, interaction between pupils, vocational choices, etc.

108. In 1986, in connection with the Second Programme of Action to promote Equal Status between the Sexes, which was adopted by the Storting in 1984 for the period 1985-90, a secretariat was established in the Ministry of Education and Research to coordinate and stimulate measures to promote equal status in the field of education.

109. In addition to the two areas dealt with in the previous report, mention may be made of the following two fields:

1. Upgrading of activities, educational programmes and occupations traditionally dominated by women. These measures have been designed
 - (i) to integrate equal status issues into school curricula by placing greater emphasis on the conditions and role of women in society, and
 - (ii) to improve the structure and content of the educational programmes which young women tend to choose, so that they will provide as good a foundation for further studies (higher education) as the programmes traditionally chosen by young men, or so that they will qualify the young women for an occupation.
2. Intensifying the focus on equal status issues in teacher education and research.

110. Special attention is currently being concentrated on teacher education, and efforts are being made to establish a professional network in Europe to develop framework curricula and subject syllabuses with a view to intensifying the focus on equal status issues in teacher education.

111. The Centre for Research on Women of the Norwegian Research Council for Science and the Humanities (NAVF) will become a permanent institution as of 1 January 1991. Established in 1977, the centre originally carried out research in the social sciences. In 1981 it was decided to convert the centre into an interdisciplinary centre and its period of operation was temporarily extended to 31 December 1990.

112. The Centre for Research on Women is responsible for the following tasks:

- recruiting more women for research positions;
- promoting and coordinating research on women;
- presenting the findings of research on women.

113. In order to promote research on women and the recruitment of women to work in research, equal status committees have been established in educational institutions and programmes of action have been drawn up.

114. Efforts have also been made internally in the Ministry of Education and Research to create a greater awareness of the equal status perspective in order to achieve an integration of the two sexes at all levels of the ministry's activity.

(b) Actual progress made in promoting and ensuring the elimination of discrimination against women

115. One important area on which the Ministry of Education, Research and Church Affairs has concentrated is training at all levels of the educational system. Besides courses for personnel in the central and regional schools administration, courses have been held for resource persons in every county. These persons are used as counsellors for school teachers and to intensify efforts to implement measures designed to eliminate discrimination and actively promote equal status.

116. Steps are being taken to improve educational programmes in a number of traditionally female-dominated fields of activity so that they qualify participants for studies in institutions of higher education or for an occupation. This applies in particular to studies in the field of health and social services.

117. Subject syllabuses have been developed which will upgrade the various fields of study. Textbooks are subject to approval by the Ministry of Education, Research and Church Affairs and, in that connection, are evaluated with equal status in mind. This practice has produced positive results with regard to the use of examples, illustrations and approaches to the subject so that the conditions, role and perspectives of women become more apparent.

118. Funds are allocated to innovative educational projects which could be instrumental in the development of courses that promote equal status. Such projects include efforts to improve the working environment of teachers and the organization of educational and vocational guidance counselling.

(c) Any significant changes in the status and equality of women since the previous report

119. As far as the choice of educational programme and the ratio between men and women employees in the education and research sector, etc. is concerned, it is often possible to find reasonably accurate figures which reflect the changes that have taken place. However, a number of qualitative changes, such as changes in the subjects being taught and researched, are not as easy to measure. Nonetheless, these are areas in which a great deal has been achieved towards promoting equal status.

120. Young women are studying more and for a greater length of time. There has been a dramatic increase in the percentage of young women in educational institutions in the past 10-15 years. Young women now comprise 50 per cent or more of the total number of pupils and students at all levels of the educational system.

121. Young women and young men still follow the traditional, sex related patterns when it comes to education, but some important changes have occurred. The educational choices made by young women have changed considerably in a relatively short period of time.

122. Young women now comprise slightly over 50 per cent of the total number of upper secondary school pupils. There is a clear tendency for a growing number of young women to continue their schooling at upper secondary level. As many as 77.7 per cent of all young women between the ages of 16 and 18 were enrolled in upper secondary schools in 1988, as compared with 73.9 per cent of all young men in the same age group.

123. Young women choose a broader range of educational programmes than was previously the case. By far the majority of all young women select an educational programme which qualifies them for further studies at an institution of higher learning, a programme of general subjects or commercial and clerical subjects. This applies to as many as 74 per cent of young women in upper secondary schools. The remaining 26 per cent have chosen one of a variety of vocational training programmes.

124. Young women comprise only 18 per cent of the pupils studying technical and industrial subjects, but more young women nonetheless now choose this area of study rather than home economics or domestic handicrafts and aesthetic subjects (traditionally female-dominated disciplines). A slighter larger number of young women study social services and health related subjects.

125. In some fields previously dominated by men, young women are now in the majority. This is true, for example, of graphics studies in which young women constituted 72 per cent of pupils studying that discipline in 1988-89. In the traditionally female-dominated chemical laboratory assistant branch of study, the proportion of male pupils has increased from 20 per cent to 34.5 per cent.

126. It is primarily the technical and industrial subjects that have traditionally had a system of on-the-job vocational training, which is governed by a special Act. The number of young women who enrol in vocational training programmes has increased steadily for some years, but progress is slow in this area. In 1986, 20 per cent of apprentices with a contract were young women, a percentage which has remained stable in the past few years. Young women comprised 26 per cent of those who signed an apprenticeship contract in 1989 and 16.3 per cent of those who sat for a trade/apprenticeship examination in the same year. Eighty per cent of the female apprentices were working in programmes in traditionally feminine occupations (hairdresser, cook, etc.). But recent trends indicate a substantial increase in the number of young women in disciplines such as subjects related to electrical power and electronics and in new disciplines such as automation and technical skills.

127. The increase in the number of women students is most pronounced in institutions of higher education. Women now comprise 50 per cent of the total number of university and college students, and more than half of the new students.

128. More women are completing their studies than before. But the percentage of women still declines as they rise through the university system. The proportion of women among students who had completed an undergraduate degree was 52 per cent, for example, a postgraduate degree 42 per cent, and a doctorate degree 21 per cent.

129. Women are not only participating more in educational programmes. They are increasingly choosing fields of study which were previously dominated by men.

130. Today more than half of the students in disciplines such as law, medicine, veterinary science and odontology are women. It is also worthwhile noting the larger participation of women in artistic fields, which traditionally have been completely dominated by men. Sixty-seven per cent of the students at the National Academy of Fine Arts were women in 1989.

131. There have been a few male bastions at university level, such as the Norwegian College of Economics and Business Administration, the Norwegian College of Agriculture, the Norwegian Institute of Advanced Technology and science departments at universities. But just in the past couple of years there has been a great increase in the number of young women recruited to these programmes. In 1982, 19 per cent of the students at the Norwegian College of Economics and Business Administration were women, rising to 38 per cent in 1989. The corresponding figures for the Norwegian Institute of Advanced Technology were 16 per cent in 1982 and 28 per cent in 1985. In subsequent years the proportion of women declined somewhat, reaching 24 per cent in 1988.

132. There are no changes in the pattern of choices made by young men that are comparable to the changes registered as regards young women.

133. The number of women on the research staffs of institutions of higher education and research has increased significantly during the 1980s. This increase is particularly noticeable when it comes to recruitment positions (temporary positions for research and teaching assistants), but there has also been a certain shift at top administrative level, where women now hold 10 per cent of the positions.

(d) Any remaining obstacles to the participation of women on an equal basis with men in the political, social, economic and cultural life of their country

134. Educational programmes within the social services and health subjects do not have sufficient capacity to admit all the young women who wish to study these popular disciplines. Consequently, young women have a tendency to spend more years than young men in reaching the same level of education.

135. It is difficult for young women to obtain apprenticeship contracts in male-dominated areas of trade and industry. Employers constitute a bottleneck obstructing progress in this field.

Article 11

Working life (art. 11.1 a-c)

136. The percentage of working women between the ages of 16-74 years increased from 60 per cent in 1985 to 62 per cent in 1989, whereas the percentage of working men decreased slightly from 78 to 77 per cent. (According to the Norwegian Central Bureau of Statistics, the percentage was 78 in 1985, not 77 as stated in the previous report.) In the same period the percentage of working women between the ages of 25-66 years increased from 69 to 72 per cent. The corresponding percentage for men decreased from 90 to 88 per cent.

137. As much as 48 per cent of all employed women work part-time, while the corresponding figure for men is only 8 per cent. Women are employed in other areas and occupations, and generally in lower positions, than men. In 1989, for example, women constituted only one-fifth of the number of persons employed in industry, while comprising over half of the employees engaged in the retail trade and the hotel and restaurant sector. The largest concentration of female employees is to be found within public, social and private services, where nearly two-thirds of the employees in 1989 were women. Despite the increase in the number of women in the work force, they seem to be largely concentrated in typical women's occupations.

- As a result of the Programme of Action for Women in the Labour Market, one county has been selected for a pilot project which aims at achieving a maximum implementation of the Programme of Action. This project is being carried out in conjunction with the Nordic project "BRYT", a programme designed to break down the sex differentiated labour market. The projects were concluded in December 1989;
- Another project conducted in 1986-87 concerns identification of the obstacles encountered by single female parents when trying to obtain an education and find employment;
- As part of the Programme of Action for Women in the Labour Market, courses have been set up for unemployed women to enable them to develop their personal resources and to motivate them to participate in the labour market. These courses are called "Fremtidsverksted" (Planning for the future).

138. At the end of 1989 a group was commissioned by the Directorate of Labour to evaluate labour market courses for women. The purpose of the project is to improve teachers' qualifications and develop appropriate methods. The Programme of Action for Women in the Labour Market also aims at encouraging men to choose untraditional occupations, such as child-care.

139. In conjunction with the Ministry of Education, Research and Church Affairs and other organizations, the labour market authorities make use of information campaigns to enlarge the range of occupations chosen by women.

140. Several counties have begun to cooperate actively with vocational training agencies to increase the number of female apprentices awarded contracts in male-dominated occupations.

"Future Jobs for Women"

141. In the pilot project called "Future Jobs for Women", a new model for vocational training for adult women in technical and industrial subjects has been developed and tested. This training does not merely develop professional skills and expertise; based on the background and experience of the individual women, it aims at developing the whole person. A key objective is to strengthen the participants' self confidence.

142. At the same time participants have acquired the necessary theoretical expertise. A 12 week introductory course and 27 weeks of broad basic training have been approved as first and second year of teacher's training college studies in industrial mechanics and electronics. This training has been designed in cooperation with industries in the county of Vestfold, with a view to meeting industry's future needs as regards a trained workforce.

Handbook on equal status

143. The Directorate of Labour is in the process of preparing a handbook on equal status. The purpose of this handbook is to take a close look at ordinary functions in order to see how efforts to promote equal status can be integrated into these activities.

144. The handbook consists of three parts:

Part 1 contains general information on the problems related to achieving equal status. This part will also be of interest to parties other than the labour market authorities which promote equal status;

Part 2 deals with the equal status measures implemented by the County Employment Offices, and;

Part 3 with the measures implemented by the Local Employment Offices.

145. The handbook is intended for use in training employees in the Directorate of Labour.

Vocational guidance

146. Vocational trade fairs and workshops are arranged in a number of counties for young women who choose untraditional courses of study at upper secondary school level. Information programmes also constitute a key element of vocational guidance in several counties.

147. A report has now been published on a major information project for women in six counties in the period 1986-87. The project was continued in the six counties in 1988. There is a strong interest in maintaining these information programmes, which have proven to be a highly effective form of vocational guidance from an equal status perspective.

148. Considerable use has also been made of informants in a project entitled "Women into Fishing", which was initiated by the counties of Nordland, Troms and Finnmark. The project, which aimed at recruiting women to the fishing industry, was conceived as a means of building up the population of outlying regions by ensuring that women remain in that part of the country. The final report was published in April 1990. In the county of Oppland a project called "Women in the Travel and Tourism Industry" was begun in 1987. This project aimed at establishing a programme of measures designed to improve/change working conditions, raise the level of expertise and recruit more women to the travel and tourism industry in the county.

Wages (Article 11.1 d)

149. In 1987 Norwegian women earned an average of NOK 58,100 per year. The average annual wage for men was approximately twice that amount, NOK 117,600. These figures were computed on the basis of wages of pensioners, school pupils, full-time and part-time employees.

150. One significant cause of the income disparity is the fact that women carry out the bulk of the unpaid care and housework tasks related to the family. Women spend more time on unpaid work and less time on paid work than men.

151. Even if we disregard these differences in the use of time and responsibilities/priorities, however, we see that women receive less for each hour of paid work than men.

152. In the chapter on working life (Article 11 a-c) some facts have been presented regarding the horizontal and vertical segmentation of the labour market; women and men work to a large extent in different trades and business sectors, and women more often hold lower positions than men in working life, regardless of the trade. Female employees are predominant in industries with low earning potential, such as the textile, garment and food industries. The segregation of the sexes is underscored by the disparities in wages.

153. Statistics show that working women employed in full-time positions earn less than men in all branches of trade and industry. In 1988 female industrial workers earned an average of 84.3 per cent of the average wage of male industrial workers; the average wages of female clerical staff in the industrial sector were only 66.9 per cent of the average wages of men. Women employed in commercial and savings banks earned average wages equivalent to 79 per cent of the wages earned by men. In the retail trade, women's average wages amounted to 69.7 per cent for clerical staff and 80.9 per cent for shop personnel of the average wages of men.

In the hotel and restaurant sector, women earned 92 per cent of the average wages of men; women employed by the government as senior officials and civil servants earned 83.2 per cent, and women employed within the school system earned 89.2 per cent of men's average wages.

154. Differences in age, education, work experience and seniority, coupled with differences in regional conditions or the different earning potential of various enterprises and industries are all factors which cause disparities in wages. However, statistics show that such differences explain only a portion of the discrepancy between men's and women's wages. The remaining, not inconsiderable, difference in wages can only be ascribed to the sex of the employee.

155. Throughout most of the 1980s there has been stagnation in the trend towards equal wages, probably connected with the relatively strong increase in real wages for all groups between 1983 and 1987.

156. In 1988 and 1989 the relative wage level of women rose slightly in most branches of industry. This development is an indication that the Temporary Pay and Dividends Freeze Act, which placed strict limitations on wage increases during these years, has led to a renewal of the moderate progress that characterized the move towards equal pay until the early 1980s.

157. The issue of women's wages was brought up in earnest in connection with the collective wage negotiations in 1990. Both the trade union organizations and the employers' organizations expressed a strong desire to give priority to women and low income groups. Women in the Storting crossed party boundaries in an initiative to support low income groups.

158. Strict limitations for the wage negotiations on the whole resulted in increases that were lower than many people had hoped. Nevertheless, the negotiations took the interests of low-income and women dominated occupations requiring three years of training into greater consideration than those of other groups.

159. There is also reason to believe that the issue of equal pay is an issue that is here to stay. The question of equal pay is being studied in a project funded by the Ministry of Labour and Government Administration. The Norwegian Federation of Trade Unions has implemented a pilot project to develop work assessment systems in order to test equal pay issues at selected workplaces. See also Part I, point 6 of the report.

160. The Ministry of Family and Consumer Affairs has also begun a four-year equal pay project on the initiative of the Nordic Council of Ministers. The Norwegian project, which parallels similar projects in each of the other Nordic countries, will focus on data production and wage creation processes related to the collective wage negotiations, work evaluation systems and the Equal Status Act.

Social Insurance (Article 11.1 e)

161. The report will discuss two factors that are significant in relation to the UN Convention: the introduction of a system of pension points for unpaid care-related work, and a disability pension for married women. Further details concerning bilateral agreements will also be given to supplement the information provided in earlier reports.

1. Pension points for unpaid care-related work

All persons over the age of 67 are entitled to an old age pension. Persons who have had an annual earned income in excess of certain specified levels receive a supplementary pension that is proportionate to their previously earned income. This supplementary pension is computed on the basis on the number of pension points earned;

A majority of those persons who are entitled to a supplementary pension are men. Three out of four persons receiving a minimum pension are women;

Part-time employees often do not earn enough to gain a sufficient number of pension points to be entitled to a supplementary pension. Persons who have had no income for periods of time will also be disadvantaged since one must also have had an annual earned income exceeding the basic amount for at least 40 years in order to be eligible for a full supplementary pension. This system of points is more beneficial to persons who have had an uninterrupted career of full-time employment (primarily men) than to persons who have alternated between full-time and part-time employment and who have had periods of unpaid care-related work (primarily women);

Due to dissimilar patterns of labour market participation between men and women, men earn considerably larger supplementary pensions than women. These differences are expected to persist in the future;

In order for men and women to achieve greater equality under the system of pension points, the Storting has adopted a policy of giving persons who are responsible for the care of children under the age of seven or of sick, old or disabled relatives in need of nursing care up to three pension points per year. Such persons will thereby earn a total number of pension points equivalent to what they would have received if they had had an annual income of NOK 130,800. (as of 1 January 1990);

Today's old age pensions are not at variance with the provisions of the Convention. However, the change described above will be instrumental in achieving a greater similarity of results when computing old age pensions for men and women;

The Ministry of Health and Social Affairs intends to present a bill on this subject so that the reform can be implemented from 1992.

2. Disability pension for women

To be entitled to a disability pension, a person's working capacity must be permanently reduced by at least 50 per cent. The size of the pension depends on the degree of lost working capacity. Any work within the physical capability of the insured person, such as housework, shall be equated with working capacity, in accordance with the existing rules;

It is often the case that a person who is 100 per cent disabled when it comes to working life is considered capable of doing ordinary housework at home. In practice, this is only expected of married women. If a woman can do housework, her degree of lost working capacity may be reduced to 50 per cent. In that case she will receive only half of the pension she would have been granted if only her lost working capacity in working life was taken into consideration. In the opinion of the Ministry of Health and Social Affairs, this arrangement is unreasonable, and the matter has been included in the ministry's equal status programme of action. Due to a lack of budgeted funds it has not been possible to make the necessary changes in regulations;

The present regulations are therefore not entirely in accordance with article 11.1 (e) of the Convention, since married working women may be granted a lower disability pension than married working men.

3. Bilateral agreements with other countries

Norway has entered into bilateral agreements on social security with a number of countries. One of the main intentions of the agreement is the export of national insurance benefits, i.e. the payment of these benefits in another country without any restrictions that may be imposed by that country's legislation. The agreements are formulated so as to enable persons to take any rights to benefits they may have earned from Norway to another country. In Norway the basic pension is computed on the basis of the period of residence, so that housewives who move to a country with which Norway has concluded an agreement, may take their rights with them from Norway to that country. These agreements are therefore favourable to women who move from Norway to another country;

As of 1 May, Norway had agreements with the following countries: Austria, Canada (separate agreement with Quebec), France, Great Britain and Northern Ireland, Greece, Italy, the Nordic countries, Portugal, Switzerland, Turkey, the United States and Yugoslavia;

Agreements have also been negotiated with Hungary, Luxembourg and the Netherlands, and negotiations are in progress with a view to concluding an agreement with Belgium, Germany and Spain.

Work and pregnancy/birth (Article 11.2 a-b)

162. The right to a paid maternity leave is laid down in Chapter 3 of the National Insurance Act under "Cash benefits during sickness and maternity".

163. Between 1986 and 1990 the length of time during which a maternity allowance is paid has increased from 18 to 28 weeks. Since 1 January 1986 mothers have been entitled to two additional weeks of paid maternity leave for each child in excess of one in the event of a multiple birth. Since 1 January 1989 mothers have been able to choose between receiving full compensation for loss of wages or 80 per cent compensation for a proportionately longer period of leave. On 1 April 1991 the period of paid maternity leave will be extended by two weeks to a total of 30 weeks with full compensation or 38 weeks with 80 per cent compensation. Two weeks of leave before delivery have also been made mandatory.

164. To be eligible for a paid maternity leave, the mother must have been gainfully employed for a total of six out of the last ten months before delivery. Full wages are paid up to a maximum of six times the basic amount of the National Insurance Scheme. (This amount is adjusted each year, and as of 1 May 1990 corresponded to a wage of NOK 204,000) In the public sector and in some companies in the private sector, collective wage agreements guarantee employees full wage compensation, independent of the above mentioned "ceiling".

165. Women who do not meet the requirements for entitlement to a maternity allowance or who are entitled to an extremely low maternity allowance receive a maternity grant after giving birth. The amount of this maternity grant has more than doubled since 1986, from NOK 4,000 to NOK 8,750 in 1990. On 1 April 1991 the amount will be increased to NOK 10,750.

166. Since 1976 fathers have had the opportunity to take portions of the paid maternity leave, on condition that the mother is entitled to a maternity allowance and the father is gainfully employed at the time he takes paid leave. The father also has an independent right to two weeks of unpaid leave in connection with the birth of the child.

167. Pregnant women are protected against dismissal from their jobs and they are entitled to resume their employment at the end of their maternity leave.

Public child-care facilities (Article 11.2. c)

168. In order for parents to be able to combine family obligations with work responsibilities and participation in community affairs, social measures which include a sufficient number of high-quality child-care facilities are required. The most important facilities are kindergartens (for pre-school children) and supervision for schoolchildren outside of school hours.

Kindergartens

169. There is broad consensus among all the political parties in the Storting that the construction and operation of kindergartens should primarily be the responsibility of the municipalities. Kindergartens which are built and run by groups of parents, societies, etc. are viewed as a valuable supplement.

170. The percentage of pre-school children in Norway who have a place in a kindergarten is relatively low, but with the help of increased government support (legislation, grants for kindergarten operating costs and information, etc.), the number of kindergarten places available has increased significantly in the past few years. The objective is to provide places for all children who wish to attend a kindergarten. Some recent statistics:

	Number of children in kindergarten	Increase from previous year	% of children aged 0-6 in kindergarten	% of children in private kindergarten
1984	94 443	4 500	26.4	37.0
1986	104 302	5 850	29.1	36.3
1988	118 850	7 870	32.2	34.9
1989*	128 200	9 340	34.0	-

* Preliminary figures

171. All types of kindergartens have been included in the statistics, i.e. part-time, half-day and all-day kindergartens. Public kindergartens generally offer all-day places. Many of the private kindergartens provide only part time places, but these kindergartens are increasingly offering full-day places.

172. The percentage of pre-school children who have a place in a kindergarten varies significantly in the different age groups (1989):

0 years old:	1.7 % in kindergarten
1 year old :	9.7 % "
2 years old:	17.7 % "
3 years old:	37.8 % "
4 years old:	50.0 % "
5 years old:	58.9 % "
6 years old:	70.3 % "

(In Norway children start school at the age of 7)

173. The percentage of children in kindergarten increases noticeably as they grow older. The government grants are designed to stimulate the provision of kindergarten places for all children in the oldest age groups (over the age of 3) first.

174. In recent years the Government has increased the operating grants to kindergartens (which are differentiated according to the age of the children and the number of hours spent in the kindergarten per week) substantially from an average of approximately 25 per cent per place in 1986 to approximately 36 per cent in 1990. In 1991 the grant is to be increased to 39 per cent. The central authorities have decided to grant a special sum of NOK 10,000 per place as a further means of encouraging municipalities to establish kindergartens.

175. In keeping with the policy of municipal autonomy, each municipality fixes the amount to be paid by parents for a place in a municipal kindergarten and in kindergartens which receive an operating grant from the municipality. It is the opinion of the Government that the fee paid by parents should be reasonably proportionate / a reasonable percentage of their income, and that the municipalities should cover at least half of the remaining amount, i.e. operating expenses minus the government grant. In many municipalities the amount paid by the parents, even though it is proportionate to their income, is high in relation to many parents' ability to pay.

Facilities available for younger schoolchildren (7-9 years old)

176. The youngest children's school day (3-4 hours) is considerably shorter than a normal work day (approximately 8 hours in addition to travel time).

177. In Norway few school children have access to (organized and regular) child-care and recreational facilities before and after school hours. The number of children in recreation centres has increased in recent years. Nevertheless, in 1990 only one of ten children in primary school have access to a recreation centre or some other extracurricular school programme.

178. It is the opinion of the Government that, as from 1991, great emphasis should be placed on developing extra curricular school programmes for the youngest school children. Responsibility for developing such programmes lies with schools and municipalities working in cooperation with parents and organizations.

179. To monitor the development of extracurricular school programmes, the Ministry of Children and Family Affairs and the Ministry of Education, Research and Church Affairs have established a joint secretariat. As from 1991 responsibility for the extra curricular school programmes rests with the Ministry of Education, Research and Church Affairs.

All day schools

180. The Government wishes to introduce all day schools for those who need such a facility, by the end of 1993. All-day schools shall comprise a mandatory period of teaching, which is to be increased to 22-25 hours per week, for the first three grades. At the end of the teaching period, child-care and recreational organized as needed. This voluntary section of activities will probably be financed in part by fees paid by parents.

Lowering the age when children start school

181. In the spring of 1991 the Government will present a report to the Storting, in which it proposes to give six year olds access to all-day schools by lowering the age at which children start school by one year.

Article 12

Sex-related violence

182. We refer to Norway's initial report (1986), and wish to make the following additional comments.

183. There has been a steady increase in the number of sexual crimes reported to the police in Norway since the mid 1970s. Since the first half of the 1980s this increase has been greatest in the number of reported cases of sexual coercion, sexual exploitation in general and, in particular, the sexual exploitation of minors.

184. Registered sex crimes against children under the age of 15 now constitute 2/3 of all cases. One third of these cases are incest cases (committed by family members).

185. In most cases, men are responsible for the reported abuses and women/girls are the victims. Far more women than men seek help from the support apparatus for victims of sexual crimes.

Incest

186. Incest, the sexual abuse of children by a member of the family or another adult who is responsible for the care of the child, is a phenomenon that has been the focus of growing attention in recent years.

187. A survey conducted in 1985 showed that 16 per cent of the respondents had been victims of sexual abuse before reaching the age of 18, 14 per cent of the men and 19 per cent of the women. 20 per cent of the acts of sexual abuse were committed by an adult person responsible for the care of the child (incest). In 80-90 per cent of the cases, the sexual abuser was a man or older boy.

188. It is a well known fact that individuals who were victims of sexual abuse in their childhood and youth suffer from serious psychological and psychosomatic problems. The repercussions are particularly grave when the sexual abuser is the child's father or stepfather.

189. Norway's first support centre for incest victims (SMI) was opened in 1986. The centre was initiated and is operated by former incest victims, on the basis of the self-help principle. It is financed in the same way as the crisis centres for abused women by both the central and municipal authorities. In 1989 SMI received close to 3 700 telephone calls from women who were victims of incest and from the mothers of children who were victims of incest. Among other things, the centres arrange discussion groups for female incest victims and offer support to the families of incest victims.

190. In the past few years centres for incest victims have been opened in six major cities. These centres are financed with municipal and county municipal funds. In 1990 the first centre designed to help male incest victims was started. Male incest victims must deal with yet another problem: the fact that many men who have been the victims of sexual abuse in their childhood themselves become sexual abusers as adults.

191. It is difficult to find figures to measure the extent of violence against women and children in families. As far as violence against women is concerned, the health authorities registered 10 000 patients in 1984 who indicated physical abuse as the cause of their injuries. We know that a large number of cases go unreported.

192. According to a survey conducted in 1986, acts of violence committed against women by cohabitants or spouses constituted 8-9 per cent of all crimes of violence reported to Oslo Police Headquarters at the beginning of the 1980s.

193. Crisis centre records show that some 2 850 women and over 2 000 children spent the night at a centre of this type in 1988. A total of almost 70 000 days were spent by women and children at crisis centres. More than 20 000 inquiries regarding support/counselling were received by a total of 56 crisis centres/crisis telephone lines in 1988.

194. There has been a steady rise in the number of persons seeking help at crisis centres since the first centre was started in Oslo in 1978.

195. The number of immigrant women who contact the crisis centres has also increased significantly during the entire period, particularly in the past few years. In Oslo, which has a disproportionately large immigrant population, foreign women comprised approximately 1/3 of all crisis centre users in 1988.

Rape

196. The number of rapes reported to the police has increased steadily since the beginning of the 1950s. Since the mid 70s there has been a particular rise in the number of rapes reported in which the woman knows the person who raped her. It is estimated, nonetheless, that only one out of ten cases of rape in which the woman knows the rapist is reported. It is difficult to obtain a conviction in a rape case, and the majority of cases are dropped. It is especially difficult if the rapist is a person with whom the victim has a close relationship.

197. As is the case for other forms of sex-related violence, a large number of rape cases are never reported. The usual reason for refraining from reporting a rape is that the victim does not expect to be believed. Many victims also feel that they are personally to blame for the assault.

198. In 1986 a special reception centre for rape victims was opened at Oslo Municipal Emergency Clinic. While rape was formerly treated purely as a crime, the Rape Victim Reception Centre is based on the recognition of rape as a trauma on a par with torture, war or a natural disaster.

199. The Rape Victim Reception Centre offers a broad range of services: medical examinations and treatment, collection of evidence, counselling, accommodation and care for up to 24 hours, and assistance in contacting a lawyer and the police (if the victim so desires). The centre has also provided for follow-up measures, if necessary, for rape victims. In 1987 the Rape Victim Reception Centre treated 168 patients. This was four times the number of women referred by the police each year to physicians for a gynecological examination in connection with an alleged rape, before a special reception apparatus was established for rape victims. Four male patients were treated by the Rape Victim Reception Centre in 1987.

200. The Rape Victim Reception Centre treats patients of all ages, ranging from 14-90 years old in 1987. Most of the victims were between 14 and 39 years old. Children under the age of 14 who have been raped are sent to the pediatric ward of one of Oslo's municipal hospitals, where special procedures for the care and treatment of children who have been subjected to sexual abuse have existed since 1986.

201. For further information, please refer to article 6 regarding prostitution and article 15 on relevant amendments of Norwegian legislation.

Health services in connection with pregnancy and delivery (Article 12.2)

202. In accordance with the Act relating to Municipal Health Services (Act of 19 November 1982), municipalities are obligated to operate local health clinics with a view to protecting the physical, psychological and social welfare of children, and to improving children's overall state of health. The clinics should provide a programme of preventive health measures for parents and other family members. According to the regulations governing local health clinics, the activities of the clinics should include pre-natal courses, discussion groups for parents and parents-to-be, medical check-ups for pregnant women and post-natal examinations of new mothers.

Article 13

Social insurance benefits to families (Article 13 a)

203. With regard to social benefits in connection with the birth of a child, reference is made to the information provided under Article 11.2.(b).

204. Families receive a child allowance, a direct monthly cash payment, for each child until the age of 16. The amount of the allowance is fixed by the Storting each year, the amount per child varying according to the total number of children in the family. From 1986 to 1990 the allowance increased from NOK 5 352 per year to NOK 8 748 for the first child. One parent families are entitled to an allowance for one child more than they actually have. On 1 January 1991 the allowance for the first child increased to NOK 9 408. At the same time an additional allowance of NOK 3 144 for children under the age of three was introduced.

205. Please refer also to the information on old age pensions under Article 11.1 (e).

Article 14

206. The economic and social rights of agricultural workers are tied to the work they do. This means that, according to the rules, female and male workers have the same formal rights. In principle, women and men are treated equally in welfare schemes and the national insurance system. The Act of 1974 relating to the right of primogeniture and allodial rights also upholds the equal status of women and men, in as much as the Act determines that women and men born after 1965 shall have an equal right of primogeniture. Thus legislation in this field is based on equal status between the sexes, but as in every other area the rights must be used if they are to have any value.

207. In 1986 the Storting abolished the limitation which stipulated that the income earned by a spouse from a joint enterprise could not exceed NOK 40 000, unless special documentation was furnished. Distribution of income is the decision of each married couple, and must then be approved by the local tax offices. Income shall be shared according to the relative amount of work performed by each spouse and their participation in the enterprise otherwise.

208. Despite the fact that there are no formal obstacles, much remains to be done before women in the agricultural sector achieve a share of income proportionate to the amount of work they perform. This is due both to different definitions of the concept of work and to traditional attitudes towards the roles of men and women in agriculture.

209. On this basis information campaigns and other measures have been started and schemes have been established with a view to improving the status and work opportunities of women in agriculture:

- In 1988 a local pilot project was started with the objective of helping young women with the right of primogeniture to make well-informed, independent decisions about how they intend to make use of that right;
- An organization has been created for "Young Women in Forestry";
- Guidelines have been established for a system of gender quotas to be applied in connection with the admission of students to agricultural schools;
- Financial support schemes have been established for adult women who wish to obtain an education, or start an enterprise within the agricultural sector;
- In 1987 the authorities approved a part-time educational programme for a degree in agronomy at three agricultural schools;
- Work is currently in progress on a five-year study of women in agriculture.

Part IV of the Convention

Article 15

- Section 6 of the Norwegian Constitution was amended in May 1990, so that women and men now have an equal right of succession to the throne;
- Section 228 of the Penal Code was amended in the Act of 26 February 1988. To institute criminal proceedings, it is no longer a requirement that the aggrieved party request such action or that general considerations require prosecution. The public prosecution authorities may now unconditionally prosecute cases of violence in families, i.e. cases of bodily assault on the guilty party's former or present spouse or cohabitant (Section 228, fourth paragraph, litra c). Abused women have thus been relieved of the responsibility of and the psychological strain involved in pressing charges, and are now protected, to a greater degree than before, against pressure and threats designed to induce them to drop their charges;
- Section 211 of the Penal Code was amended in the Act No. 68 of 16 June 1989, making it a criminal offence to import pornography for dissemination;

- The aggrieved party in rape cases (and in certain other violations of personal liberties) are entitled to legal counsel financed by the public authorities, cf. Sections 107 (a) - 107 (d) of the Criminal Procedures Act. The lawyer is to protect the interests of the aggrieved party during the investigation and the main hearing of the case, and provide the aggrieved party with any other help and support as is natural and reasonable in connection with the case. Pursuant to Section 6 of Act No. 35 of 13 June 1980 relating to Free Legal Aid, the Ministry of Justice has decided that abused women shall be entitled to the same legal aid as rape victims. The term "abused women" refers primarily to women who have been subjected to physical mistreatment, the use of coercion or threats by the person with whom the woman is married or lives, and prostitutes who are subjected to such treatment by clients or pimps.

210. Victims of acts of violence (including victims of sexual abuse) are also entitled to free legal counsel and legal aid without a means test when bringing action against the perpetrator, cf. Appendix B to article 15.

211. Appended hereto is a memorandum concerning the Free Legal Aid Act written by the Civil Law Department of the Ministry of Justice. (Appendix A to article 15.)

Article 16

The rights of Parents and children (Article 16.1.d)

212. On 22 February 1989 the Storting adopted certain amendments to Act no. 7 of 8 April 1981 relating to Children and Parents (the Children's Act) concerning parents' right of access to children and maintenance payments to children.

Right of access

213. As far as right of access is concerned, amendments have been made to the Act to cover cases in which parents have not lived together after the child was born. The Act now states that the parent with whom the child does not live is entitled to right of access even when the parents have not lived together after the birth of the child. As a result of this amendment, a special agreement or a decision by a court of law, or the county governor, is now required for one parent to deny right of access to the other parent, cf. Section 44, second paragraph.

214. This amendment had a mixed reception. Those who opposed changing the basic premise of the Act were mainly women and equal status agencies. Among the women politicians in the Storting, there was broad resistance to the proposed amendment within all the parties. The following were among the arguments presented:

- "This protects the parent's rights and not the child's right of access to his/her parents";
- "The rule will be applied in a widely divergent cases, ranging from a "family situation" in which the parents ceased to live together during the mother's pregnancy to situations in which the child is the result of a rape committed by a stranger";
- "A change will only be of significance in those cases in which the mother denies the father right of access, and in those cases there is reason to believe that there are often objective grounds for denying the father right of access";

- "If the right of access becomes automatic, more mothers may refuse to reveal the name of the father, which will mean that no one can be made liable for maintenance".

Right to information concerning the child

215. Pursuant to an amendment of Section 50, sub-section 1 of the Children's Act, a father or a mother who does not share in the parental responsibility is now entitled to information about the child even when the parents have not lived together since the child was born, on condition that this is not detrimental to the child. The county governor may deprive the parent who does not have parental responsibility of the right to information if this right proves to have been abused.

Recovery of coercive fine

216. According to the Act of 1981 a coercive fine may be imposed when the parent who has the daily responsibility for the care of the child refuses to give the other parent right of access to the child, if that right of access has been determined by a court of law or the county governor. Until now the parent entitled to right of access has had to recover the coercive fine personally. The Act has now been amended, making the public authorities responsible for recovering the fine. Such recovery shall only take place if the person entitled to the fine and is carried out by the Claims Enforcement Officer.

Possibility of instituting new proceedings concerning the question of parental responsibility and with whom the child shall live in cases in which a parent's rights of access is not respected

217. The Children's Act now states explicitly that a parent who is prevented by the other parent from making use of his right of access to the child may bring the question of parental responsibility and with whom the child shall live before a court of law or the county governor for a new decision. At all times the decision should be based on what is best for the child.

Determination of maintenance payments to the child

218. As a result of the amendments to the Children's Act concerning the determination of maintenance payments to children, the initial authority to determine such payments is delegated to the maintenance enforcement officer in each county with the county governor as appeal body.

219. According to regulations laid down by the Ministry of Justice, the maintenance payment shall, as a rule, be determined as a percentage of the gross income of the person liable for maintenance payments, depending on the total number of children supported by the person in question.

Percentage rates:

1 child to support:	11 %
2 children to support:	18 %
3 children to support:	24 %
4 or more children to support:	28 %

220. Exceptionally, maintenance payments may be determined on a discretionary basis. The new rules do not entail any change in the legal obligation of parents to support their children. It is merely designed to simplify the procedures followed in child maintenance cases.

Appendix A to Article 15

Information on the right to free legal aid

221. Free legal aid provided by the State is governed by the Act No. 35 of 13 June 1980 relating to Free legal Aid. Free legal aid can in whole or in part be granted as free legal advice, free legal counsel or exemption from legal fees. Free legal advice covers assistance provided outside of court, while free legal counsel refers to assistance provided in court.

222. The purpose of free legal aid is to offer financial support to persons who do not themselves have the financial resources to pay for legal assistance. One basic condition of free legal aid is therefore that the person concerned has an income and capital assets that do not exceed specific limits, cf. Section 8 of the Free Legal Aid Act.

223. Free legal aid can be given to a private individual with a net income of

- less than NOK 60,000, and who has no other persons to support;
- less than NOK 70,000, and who is supporting one person;
- less than NOK 80,000, and who is supporting several persons.
(e.g. spouse and children)

224. The person's gross income must not exceed NOK 120,000. Moreover, his/her capital assets must amount to a net total of less than NOK 100,000. These limits apply regardless of the number of persons being supported.

225. For spouses and other persons who live together with joint means, computation shall be based on their total income and capital. This does not apply, however, if the case involves a dispute between the two persons concerned.

226. In special cases a dispensation from the means limit may be granted, cf. Section 10 of the Free Legal Aid Act.

227. When free legal aid is granted and the client has a net income that exceeds certain specified limits, he/she shall pay a contribution towards legal costs. The level of net income above which a client must pay a such a contribution is:

- NOK 50,000 if he/she has no other persons to support;
- NOK 60,000 if he/she is supporting one person;
- NOK 70,000 if he/she is supporting several persons.

228. If the client's net income exceeds these limits, he/she must pay a contribution to the lawyer of NOK 600 in addition to 20% of all expenses in excess of that amount. This applies to legal aid of more than one hour in duration.

229. In addition to the financial conditions, there are also other terms on which free legal aid is granted:

- As a main rule free legal aid can be granted if "it is considered reasonable on the basis of an overall evaluation of the case, cf. Section 17, paragraph 2 of the Free Legal Aid Act. In such an evaluation particular regard shall be paid to the nature of the case, the significance of the case for the applicant's personal situation and welfare, his possibilities of winning the case and any issues of principle involved in the case;
- For certain types of cases to which priority is given, Section 18 of the Act provides that free legal counsel shall be granted if the assistance of a lawyer is necessary and if it is reasonable for the authorities to provide free legal aid. The conditions in these cases are not as strict as those generally applied. For example, no evaluation is made of whether there is any point in bringing the case to trial;
- This applies to litigants in matrimonial or family cases, including cases relating to separation and divorce, property relationship between spouses, awarding of parental responsibility and right of access, as well as cases of family law that are brought before the Court of Execution of Claims, when the cases are handled as lawsuits. Furthermore, the rule applies to claimants or dependants in cases concerning compensation for personal injury or loss of supporter, to tenants in cases relating to house rents, and to employees in cases relating to dismissal from employment;
- In cases relating to the assumption of parental responsibility in accordance with Section 5 of Act No. 14 of 17 July 1953 relating to Child Welfare, the Expanded Child Welfare Committee shall on its own initiative and without a means test grant the parents free legal counsel;
- Free legal advice shall not, as a rule, be granted, unless "the problem in question is clearly of such great personal significance for the person concerned and for his welfare that it is reasonable on the basis of an overall evaluation that the public treasury pay for the assistance.", cf. Section 13, second paragraph. In this connection priority is given to the above-mentioned family and matrimonial cases, as well as cases concerning social insurance benefits and pensions;
- Pursuant to Section 6 of the Free Legal Aid Act, the Ministry of Justice has implemented particular legal aid measures for groups with special needs. Abused women are entitled to free legal aid without a means test and without having to pay a contribution towards legal costs in criminal cases against the offender, cf. Circular G 101/83 and G 62/87 issued by the Ministry of Justice. This applies both to the investigation of the case and during the main hearing. Victims of acts of violence are also entitled to free legal advice and free legal counsel without a means test in bringing legal action for damages against the perpetrator, cf. Circular G-38/39;
- Free legal aid is also granted without a means test in immigrant cases (cases in connection with an application for asylum, denial of entry, rejection of applications, expulsion, etc.), cf. i.e. Circular G-226/87;
- Rape victims are entitled to free legal aid in criminal cases against the offender, cf. Chapter 9a of the Criminal Procedures Act. The legal aid is provided by a publicly appointed lawyer, who shall assist the rape victim during the investigation and main hearing of the case.

Appendix B to Article 15

EXTENDED LEGAL AID FOR VICTIMS OF ACTS OF VIOLENCE

230. The Ministry of Justice wishes to increase the services of free legal aid granted to victims of acts of violence and has, pursuant to Section 6, second paragraph of Act No. 35 of 13 June 1980 relating to Free Legal Aid:

- Victims of acts of violence shall be entitled to free legal aid without a means test in cases against the Perpetrator to obtain compensation for personal injury, cf. Section 18, first paragraph, sub-section 2, of the Free Legal Aid Act. If a criminal case has previously been brought against the offender, it is a condition that a request was made for the claim for compensation to be included in the criminal case, cf. Chapter 29 of the Criminal Procedures Act, but that the claim was, however, either not presented by the prosecuting authorities or was not adjudged in its entirety by the court;
- The extended services of free legal aid for victims of acts of violence comprise both free legal counsel and free legal advice, cf. Section 13, first paragraph, of the Free Legal Aid Act, for necessary counselling and assistance from a lawyer in evaluating whether a claim for damages shall be presented against the perpetrator or in having the claim included in a criminal case against the perpetrator.

231. Applications in these cases are considered on the basis of the limitation of the term "victim of an act of violence" specified in Section 1 of the regulations relating to compensation, issued by Royal Decree of 23 January 1981 by authority of the Storting decision of 5 March 1976, amended by Royal Decree of 6 December 1985.

232. The Ministry hereby decides that lawyers may themselves grant free legal aid in the cases mentioned above, when such aid is not expected to exceed 10 hours of work, and the conditions in Section 15, first paragraph, have been satisfied. The county governor makes decisions on applications for free legal counsel, and applications of free legal advice when the legal aid is expected to exceed 10 hours of work.

233. The amendments entered into force on 1 March 1989.