

## 5 Men in relationships and family life

Overall goals

- Gender equality in couple relationships and family life
- Gender equality in the care and responsibility for children in family life
- Equality in parenthood after a family breakup

### 5.1 Introduction

A secure upbringing and good living conditions for children and youth are some of the main family policy goals of the government. The government bases its policy on the fact that parents are the most important caregivers for children, and that stable and lasting family relations are in the best interests of both adults and children.

The family constitutes a basic social unit in society, the most important arena for belonging, companionship and care. The family as the basic framework for childrearing has existed for generations, regardless of culture or religion.

The term ‘family’ must now be linked with more than the nuclear family. The traditional nuclear family still has a dominant position, and 75 percent of all children under the age of 18 grow up with both biological parents. But the concept of family must now include married couples with and without children, couples living together with and without children, single parents who live together with children, parents with visiting rights, families with foster children and single people living alone.

After divorce and other breakups, new family constellations arise with stepchildren and common children. It can be challenging for a family to organise daily life with “my, your and our children”. Stepparents are often daily caregivers of their stepchildren, while the children’s contact with the biological parents is simultaneously maintained and nurtured. When we see so many people putting a lot of resources and time into resolving these challenges in a positive way, we see how much the family means to us as individuals.

Changes in lifestyles imply that more and more fathers have daily contact with their stepchildren and only periodic contact with their biological children. It also happens that father and mother choose to stay together, although they don’t live together physically. New lifestyles require men to adapt and require an adjustment of male roles.

Living together in a family situation is a collaborative effort on the part of both men and women. A more even distribution of responsibilities and tasks can strengthen the couple’s relationship. When a couple has children, equality in parenting is usually in the best interests of the child. The aim is for both sexes to feel that they are equal partners and caregivers in the family. By focussing on the roles and functions that men have as a member of a couple and a family, we make male awareness of these roles as a partner and father a conscious objective. Another aim is to make men aware of how important and necessary it is that he does his best to nurture good family relationships.

The Gender Quality Survey and other research shows further that more equal practice in the home and family serve to promote more robust relationships, thereby lowering the risk of a

breakup. Therefore, equality in parenting and strengthening the male role and function in relationships with both partner and children are important elements of a general family policy.

This is a very important, but also difficult political issue. Gender equality in the family concerns equality in daily life and that applies to many. The UN Convention on the Rights of the Child that is incorporated in Norwegian law states that the child's best interests are to be a fundamental consideration in all decisions regarding children. The topic is also difficult because there are obvious limits as to how far the state can go in regulating the internal conditions in the family as long as no violations of laws and regulations result.

Both men and women want family life to be a joint venture. But it also seems that women and men enter into relationships and start families with somewhat different opinions and expectations about how family life is going to be. These differences between men and women are laid out in more detail in part 5.2.

The Gender Equality Survey has found that there is a clear correlation between more gender equality in the home and the degree of satisfaction that both women and men feel in the relationship. This in turn deters them from wanting to break off the relationship. This is discussed in part 5.2.

Having children is a life event that brings with it great changes in the fundamentals of life, like responsibility, care giving and commitment. Part 5.3 goes into more detail about what significance becoming a father has for men.

Equality in parenthood means that mother and father are equally important in giving children a secure upbringing. Young fathers today show significantly more interest in their role as a father than men of earlier generations. This bodes well for the future of equality in parenting. Surveys show a clear increase in men's motivation to take on independent responsibility for participating in their children's lives from birth onward.

Researchers find that it is usually in the best interests of a child to have good contact with both parents. It is important to facilitate this, both within the nuclear family and also after a breakup of the family.

Challenges and factors that are important to strengthen the role of men as caregivers of children is the theme of Part 5.4

It is an important family policy challenge to facilitate stability in family life. Achieving harmonious family relationships is a societal goal both because it affects the conditions children must grow up under, and because breakups can have serious negative consequences both for society and the individual. Mental, physical, economic and social problems that individuals suffer from because of a breakup or divorce also have societal repercussions.

Most couples and families experience problems or conflicts from time to time. The Family Counselling Agencies are special services that offer advice and treatment in connection with conflicts in families and in couples. The Family Counselling Agencies constitute the core of the help that can be given to families in connection with relationship problems and family conflicts, and the service is the only part of the state help apparatus that has the family as a main area of work and couples counselling as a speciality. These agencies' efforts to strengthen relationships and reduce the number of family breakups will come to play a significant role in the future, too. See further discussion of this in section 5.5.

Every year many children and adults experience a split in the family. For those involved, some degree of mental stress is a result. A breakup can have consequences for an individual's health, economy, way of life, quality of life and other things. Statistics show that men have a greater increase than women in sick leave after a divorce or family breakup. They also seem to suffer from more personal and social problems. Section 5.6 looks at how men experience and handle relationship conflicts and family breakups.

Men are showing an increasing desire and a willingness to participate actively in the care and responsibility for children. In light of this, it is important to consider the question of custody and care for children after a separation, divorce, or breakup. Fathers are increasingly expressing frustration over the fact that children end up in most cases living with their mothers, reducing significantly any contact with the father. Aspects of more equality in parenthood are discussed in section 5.6.

The Strandbakken Committee ("The Children's Act Committee") has submitted a report after a review of the Children's Act in April 2008. The study and input from the round of hearings will lay the foundation for eventual changes in the Children's Act. See a more detailed description of this in paragraph 5.6.5 and 5.7.4.

Section 5.7 summarises in a more holistic manner proposed measures to improve equality in relationships and family life.

## **5.2 Gender equality in couple relationships**

*Gender equality in couple relationships means that the parties have a joint responsibility to develop the relationship in line with the desires and needs of both parties, and to prevent and resolve conflicts so that both parties and any children involved get their needs met in a positive way.*

### **5.2.1. Men in couple and family relationships**

Gender research has focused much more on how women experience relationships and living together, than about how men look at it. We have little knowledge of what men think about living in a relationship and/or family. What we can surmise from the knowledge we have is that men and women do have somewhat different attitudes towards living together and relationships. Increased research efforts in this area are recommended.

The Gender Equality Survey shows that men (and women) who live in what they see as equal partnerships, meaning that the couple shares housework and/or childcare approximately equally, also experience a higher quality of life than other groups in the survey. For men this is especially true with regard to childcare. When it comes to the quality of the couple relationship, those couples who saw themselves as more equal, enjoyed a better relationship, a lowered level of conflict and more stability. This was true for both men and women.

The Gender Equality Survey also found that women and men give different criteria with respect to how they choose a partner. More men than women believe that sexual attraction and appearance are important criteria for choosing a partner, while more women than men believe that one's partner should be independent, secure in themselves, and good with children. Both genders express the desire for a partner who is understanding. Career ambition and high income landed low on the list of important criteria.

In the Gender Equality Survey, 90 % of both men and women said that they expect to live with their partners their whole lives. In isolation this indicates that most people do have a long-term perspective on family life and a hope of a lasting relationship. Confidence in the longevity of the partnership influences strongly how the couple experiences the quality of the relationship. These finds support the political goal of providing good preventive measures to try and strengthen couple relationships and reduce conflict and breakups.

Still, 35% of women and 27% of the men say that they have seriously considered breaking out of their relationship. Compared with the corresponding figures from 1988 (11%) the percentage of men who have considered leaving the relationship has significantly increased the last twenty years. There are also many more men than before who seek out family counselling services (just under 30% 15-20 years ago, just under 40 % during the last few years). More equal division of labour in the home leads to fewer people considering leaving the relationship, both among men and women. Of those who express that equality at home is bad or very bad (both sexes), 61 percent considered leaving. Among those who rated equality at home as pretty good, only 27 percent considered leaving, and among those rated equality at home as very good, only 16 percent considered breaking out of the relationship. This is a very clear and strong correlation, and it is interesting that the pattern is the same for men as for women. The discovery can be interpreted as a sign that people feel there is a connection between gender equality in practical tasks in the home and the quality of life of the couple.

The criteria for choice of partner and attitudes towards marriage and living together have changed dramatically in just a few decades. Only a couple of generations ago many people entered into marriages for economic, social and practical reasons. Today, couple relationships are established (and broken) more on the basis of the prospects for the individual's self-realisation. When traditions, obligations and solidarity no longer contribute the major guidelines for family life, love becomes a fundamental criterion for who to choose as a partner and how long to continue the relationship. Both women and men desire a relationship characterized by trust, equal worth and gender equality. They want to be seen, respected and challenged. They expect marriage and family life to be a "joint venture".

The requirements for gender equality and equal worth in couple relationships are not always fulfilled, especially when it comes to household chores. Although some women are disappointed when the division of labour in the home is not as equal as they had expected, they choose to stay in the relationship. As mentioned in Chapter 4, it is not always equal sharing of housework that is the precondition for equality in parenthood. Lack of pure gender equality is tolerated as long as the woman experiences that she and her partner, despite everything, "pull in the same direction". She must feel that the relationship and family are "joint ventures". What is really important may be how the man takes care of the children, according to the Norwegian researcher Hassel. As mentioned in Chapter 4, the feeling of companionship and cooperation seems to be the most fundamental prerequisites for the experience of equality, rather than equal division of labour in the home.

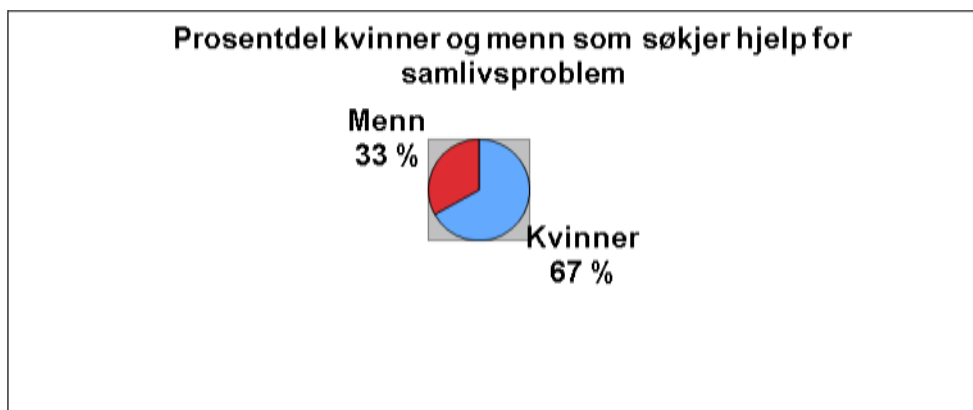
The man often experiences that it is the woman who has the power to define the relationship. The ideal image of a relationship is often characterized by traditional female values tied to intimacy and communication through "good conversation". This is reflected among other places in self-help literature, which emphasizes how one can keep love alive by learning to better communicate with each other. It seems, however, to be some gender-specific differences in what defines an expression of love. If the goal of equality in couple relationships is to be reached, it is important to learn to value the diversity of ways in which love can be shown, not just to concentrate on conversation. Men have traditionally preferred

to express closeness and companionship through doing things together rather than talking together. If love is to develop and last, both members of the couple need to show understanding and respect for the many ways in which love and affection can be expressed.

Results from the Gender Equality Survey support the view that women are generally less satisfied with their relationships than men. Other research in the field has not found fundamental differences between men and women regarding how satisfied or dissatisfied they are with the relationship.

If it is true that men generally experience more satisfaction in their relationships than women do, that may be one of the reasons that men, to a lesser extent than women seek help to prevent conflicts and breakups. Statistics show that men are less prone (about 1/3) than women (about 2/3) to be the party that takes contact with a Family Counselling Agency for help with their relationship problems; see figure 5.1.

*Figure 5.1 The percentage of women and men who seek help for relationship problems*



*Source: Central Board of Statistics*

menn: men  
kvinner: women

To admit there might be a problem in the relationship can be very difficult for many men. They may find it embarrassing to ask for help with such problems. For the most part, men know little about the services that are offered by the Family Counselling Services and other sources of help regarding relationship issues. Another reason that men seek help less than women may be that it is through conversation that problems are laid on the table and solutions discussed. Read more about this in the section below about how men tend to handle problems in their relationships. Surveys on the subject however, reveal no noteworthy differences in how satisfied men and women are with the help they actually receive from the service.

Women also express a greater interest in relationship workshops than men. In a Norwegian survey, 1/3 of women expressed a need for such a workshop, while only 1/6 of the men answered the same.

## 5.2.2 Gender equality and freedom of choice in couple relationships

The practical responsibility for home and family is more evenly divided between the sexes today than it was a generation ago; see Chapter 4. This stems partly from women using less time working at home as a result of participating more in paid employment, but also suggests that men take a larger share of the responsibility. Men definitely take more care of children now. A more even division however, is not the same as equal division. Women still bear the greatest responsibility for household tasks and they tend to reserve the right to decide about areas that they traditionally have taken care of. See more detail in paragraph 5.4.1

The Gender Equality Survey shows a significant gap between what men say about their opinions on gender equality in a general way, and their attitudes in more concrete situations. A number of men who express that they think equality has gone far enough, are actually likely to support equality in concrete situations. Specific topics like whether or not housework should be divided equally, whether both parties have equal responsibility for breadwinning, and whether care leave for fathers at the time of a birth should be extended, have the support of between 60 percent and 90 percent in this group. This is an important result of the survey both with regard to our understanding of gender equality in general and of gender equality in practice.

The Gender Equality Survey also shows that a large majority of both genders (91 percent of men and 83 percent of women) believe that the concept of equal worth is more important than the concept of equal division. There are no clear age differences in the women and men regarding this question. However, social class does have an influence on these statistics; 89 percent of women from lower socio-economic backgrounds express this opinion. Socio-economic background does not seem to affect the men's answers in any significant way.

Gender equality in the family is a complicated political issue because there are clear limits to the extent in which the state can regulate internal relationships in the family. An important challenge lies in finding the thin line between the goal of full equality between the genders and respecting the freedom of choice that allows each family to choose a system that works for them. Gender equality work should take care not to become too dogmatic with regards to "right" solutions within the family.

"The question is not whether women and men are alike or different, but what each woman and man wants to be - and how they should be able to become what they wish."

### 5.2.2.1 Diversity in family life in a multi-ethnic Norway

Norway is now a multi-cultural society, where different family structures and traditions must be increasingly taken into account. Different groups of ethnic minority background have different family traditions and cultural structures for the relationship between the sexes. Many families with immigrant backgrounds have a family tradition where the upbringing of children and family conflicts are not just the business of the nuclear family. Parents, the extended family, neighbours and friends all may be involved. Going to a public agency for help in solving family and relationship conflicts may seem like an alien practice. The loss of familiar social networks is a major challenge for many immigrants who move to the west either by choice or by necessity.

There is little systematised understanding of male roles and gender equality practices in different ethnic groups, and there is a need for more research in this area.

The Ministry of Children and Equality has given an assignment to the FAFO Institute for Labour and Welfare Research to start a research project about family relationships and gender equality among immigrants. The goal of the investigation is to gather more knowledge on behaviour within the family in order to better organise the structure of public services to that meet the needs of immigrant and gain an understanding about how immigrant men view masculinity and gender roles in order to purposefully direct efforts on behalf of gender equality. The project will be finished in the spring of 2009.

The Ministry is also financing a project under the direction of REFORM – Resource Centre for Men, on the types of services offered to fathers of ethnic minority backgrounds by public child health centres. A pilot project has been initiated with the aim of making a preliminary survey of how the child health centres handle ethnic minority fathers and how both parties experience the meeting. Information will be gathered about what measures have been taken to integrate fathers with ethnic minority background and what initiatives have been begun to develop the services offered to minority parents, especially fathers. The investigation will also focus on what types of experiences these fathers have had at the public child health centres and how they view themselves in their role as fathers. The pilot project will form the basis for a larger project in the future.

#### *5.2.2.2 Men in homosexual relationships as fathers*

The increased political focus on the rights and opportunities of homosexuals and lesbians runs parallel to the engagement of these groups in the question of the right to have children. In the debate about modern parenthood, research shows that gay fathers have often been the most innovative with regards to the role of the father. Among gay men the motivation for having children is built on the understanding that children have independent value. A man does not become a father primarily or only because his wife becomes a mother, but more because of his own desire to be a father. A central premise of this type of parenthood is, according to the Norwegian researcher Andersen, that a structure should be built for the upbringing of the children that is relatively the same whether the child is staying with the mother or the father. This ensures that norms and rules for upbringing, mealtimes, bedtimes and the like are as equivalent as possible in the two homes. The fathers often move nearer to the mother and children if they do not already live close by. Even if the parents each have a household, they stress that the child should experience the two households as one home.

Research suggests that socio-economic class is definitive for whether gays become fathers. Anderson has found out that homosexual fathers are often resourceful. “They are secure in themselves and comfortable with their orientation. They have good jobs, high income, and a secure living situation.”

### **5.2.3 How men handle family and relationship conflicts**

In the vast majority of couples and families, conflicts and problems arise from time to time. It is common to find that men do not perceive the difficulties as early as women, and they don't understand the seriousness of them. The expectations of what life together should be like are different among men and women. One wonders if the way that men experience difficulties in relationships has gender-specific causes. It is mainly women who seem to take the initiative to

try to put the conflict into words. Not all men appreciate this initiative. It is a common belief among women that men are reluctant to talk about their feelings and about relationships. Women have therefore had the responsibility for working on relationship issues.

The most common way to resolve relationship conflicts has been through conversation, either between the parties or through therapy. As mentioned, the communication through the “good conversation” has traditionally appeared to be easier for women than men. This can be a part of the explanation for why men do not seek professional advice as often as women for these kinds of problems.

Different ways of dealing with conflicts of living together are also described by the Norwegian researcher Lilleaas:

“When conversation stops and the couple is not able to talk together, many of the fathers put on the jogging suit and take a run. Training and jogging are the best way to solve problems, say several of the men. In that way they get rid of tension and excess energy. Women however, are unhappy about this way of resolving conflicts, “nothing happens with the relationship,” they say.”

The results from the Gender Equality Survey correspond well with the general perception that women turn to scolding and accusations as “weapons” in couples’ conflicts, while men often go silent, pull back and create distance. These reaction patterns often exacerbate the conflict because the man experiences the constant reprimands as threatening. When he reacts by pulling away and going silent, she experiences him as rejecting her. These traditional reaction patterns in conflict situations make both parties insecure and may intensify the conflict.

### **5.3 Men, the couple relationship and the transition to parenthood**

In recent years we have gained more understanding of what it means for men when their partner becomes pregnant. This is because men today want a clearly more active role as father, but also because researchers have become more interested in fathers and their situation. Most men feel both proud and masculine when they become fathers. Fatherhood allows for growth and maturation as a man, not just as a father. While women through pregnancy and birth have a “head start” in adjusting to their new role as a parent, the father must take time to establish his own, independent relationship to the child. The earlier he starts this process, the earlier he can experience a close relationship to the child. This may also lay the foundation for more equality in parenting right from the beginning.

Fathers are not sufficiently involved in the preparations for birth and post-natal period. Public child health centres have not reached out with services that meet men’s needs with respect to the preparation needed in becoming a parent. Surveys show that while nine of ten women are satisfied with the way check-ups are conducted during pregnancy, only half of the fathers-to-be are happy with the current system.

Men often experience becoming a father as one of the most all-encompassing of life changes, though in a different way than women do. For most, the joyous and positive aspects of having a child are the most prevalent experiences in this transitional time. However, it is also common that difficult feelings are triggered by this event and those feelings may last for

shorter or longer period. Newer research shows that men have their own reactions to pregnancy and birth. The term “paternity blues” has been used to describe these reactions. The symptoms may consist of anxiety, sleeplessness, clinginess, feelings of unreality happening to them, jealousy towards the child and various physical problems.

Men can also develop post-partum depression. A survey shows that 7 percent of fathers had symptoms of depression after birth. In comparison, 10-14 percent of all new mothers develop such depression after birth. There can however, be differences between the symptoms men and women develop. Men tend to develop symptoms like lowered stress threshold, aggressiveness and reduced self-control. Men tend to feel irritable, restless, empty and burnt out.

Many couples experience an increased conflict level after a birth, and are less satisfied with their relationship after becoming parents. Conflicts about division of labour, responsibility, sex-life and future plans can arise. During the time after birth, parents devote most of their time and energy to caring for the child, and may lack the energy to manage conflicts in the relationship. Offering quick and accessible help if problems arise in this vulnerable period may improve the situation. The national program “Good couple relationship – relationship workshops for first-time parents” may be helpful in making this transition period easier for couples.

## **5.4 Men and childcare in family life**

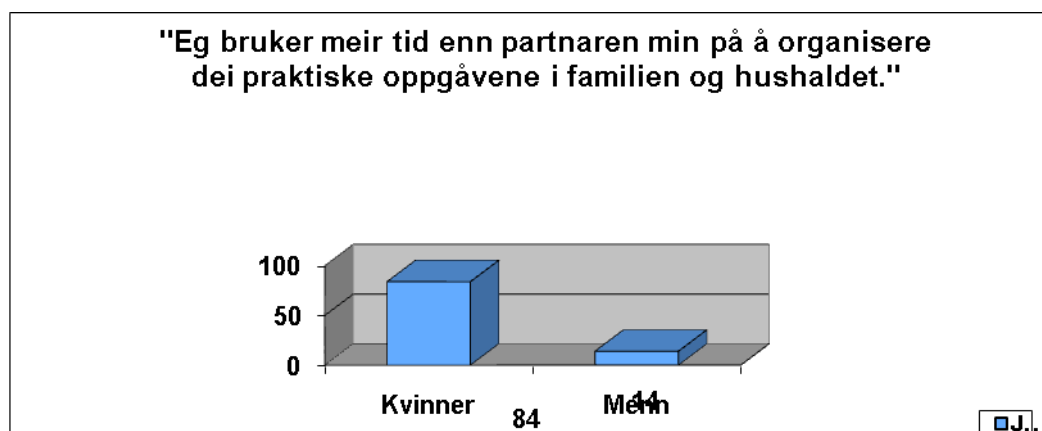
*Equality in childcare means that both parents shall have equal responsibility and equal opportunity to care for the fundamental, daily needs of children.*

### **5.4.1. Care and responsibility as gender phenomena**

One consequence of expanding the male role is the need to look more closely at the term “care giving” and what it really means. The traditional definition of the male responsibility in care giving has been to provide a secure economic foundation for the family. Women have expressed their care giving role in the form of accessibility, support and safety. The role of the father is now changing, and most fathers of small children are interested in a wider scope of care giving activity with respect to their children. We can see a trend away from the primary breadwinning role towards a role in which the father also has responsibility for the more emotional aspects of care giving.

In the same way – and to a stronger degree – it appears that women still find that they have most of the responsibility for organising family life and setting the standards for housework. In the Gender Equality Survey, 84 percent of women claimed that they spent more time than their partner organising all the practical aspects of the household and family life, while only 14 percent of men claimed the same.

Fig. 5.2 Who uses the most time to organise household tasks?



Source: Gender Equality Survey

"I use more time than my partner to organise the practical tasks in the household and family.

"Menn: men

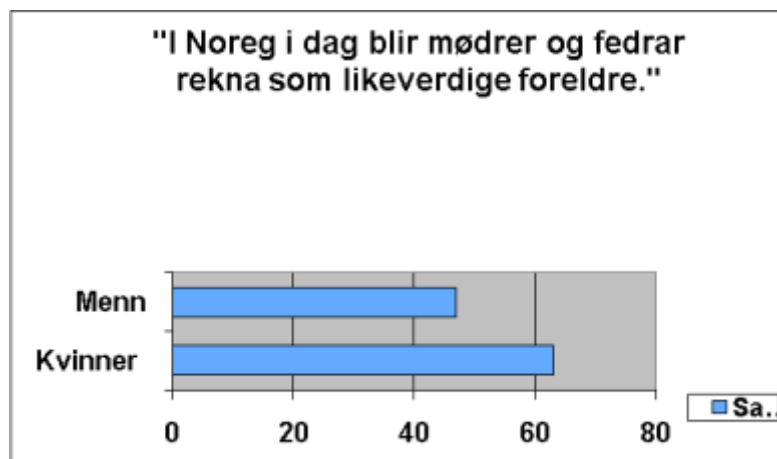
Kvinner: women

This is one of the questions in the Gender Equality Survey where there is the greatest difference in responses from women and men. While caring for children may have become more evenly divided among the sexes, the general organisation of family life seems to follow a more traditional pattern. Here, it is not a matter of how much time each person *actually spends* on these activities, but how much time (and energy) one uses to organise them. The responses indicate that even if men participate more in household tasks than before, the women have the most decision-making power, because they set the standards for how systems, meals and order should be set up and maintained. The Gender Equality Survey also indicates that on certain individual tasks, like shopping, cooking and cleaning, there is progress towards more gender equality. Redistribution of responsibility and decision-making power seems to be a slower process than reallocation of individual tasks.

The Norwegian researcher Døving points out that we tend to let economics colour our understanding of who has the most influence in the family, and that may hinder us in seeing the actual dynamics of power in the home. "When women's liberation and researchers claim that women are oppressed by men, they have forgotten women's roles and status as "mother" and "wife", he says. Døving looks at these roles and statuses, "mother" and "wife" and shows how women gain control over various informal spheres of the home through these roles. This kind of power has been traditionally connected to female identity and self-worth. This power also gives women an advantage if and when a breakup occurs, and a discussion ensues about custody and who is better able to care for the children.

The results of the Gender Equality Survey state that it is still important to work in a systematic way, using varying means, towards equality in parenting practice. Fewer men (47 percent) than women (63 percent) experience that mothers and fathers are considered to be comparable as parents.

Fig. 5.3 Are mothers and fathers considered comparable as parents today?



Source: Gender Equality Survey

In Norway today, mothers and fathers are considered to be comparable as parents.”

Menn: men

Kvinner: women

### 5.4.2 From inaccessible to accessible fathers

Young men and fathers show significantly more interest for their role as a father. This correlates with a general rise in awareness about, and a change in attitudes towards children and family life. Most men today want a better balance between work and home, time for caring for their family, better quality of life and a more equal partnership with women. Fathers take more care of infants and toddlers now, and are more emotionally engaged in their children’s lives. This expands the concept of masculinity and is a good starting point for even greater changes in attitudes of men towards their own masculinity. The paternal quota that was introduced in 1993 has made a substantial contribution to this new development.

Fathers are an important resource as caregivers. Taking a more active role in caring for children benefits men and women, the couple’s relationship and the children. It gives men the possibility for expanding the scope of masculinity and the opportunity for showing that they can be good and caring parents. It benefits women because it gives them more opportunity to participate in paid employment and provides a stronger experience of partnership in parenting. This might in turn strengthen the quality of the couple’s relationship. For the children it means more access to, and contact with both parents. More equal partnership in parenting also makes a better foundation for parental equality after a prospective breakup.

Sharing care-giving tasks in the family seems to have a strong influence on whether or not parents are able to cooperate and maintain a good relationship with their children after a divorce or family breakup. In cases where the parents choose to have shared custody for the

children, the transition may be less problematic if both parents have been actively sharing childcare since the children were small.

Care giving tasks have traditionally been passed on from mother to daughter. As fathers participate more, it becomes more obvious that caring is a competence that both boys and men can and must acquire as well. Instead of looking at caring as something vaguely natural only for women, one must look at care giving as a practice that can be learned. New standards for parenting roles develop as a consequence of the fact that both female and male parenting roles are changing. It has become part of being a good mother to value that the father has the right to be able to care for his own children. And the concept of modern masculinity now has caring for children as a component.

At the same time, care-giving ability, like any other ability, may vary individually, according to personality or other individual prerequisites.

Studies of fathers show that the way in which the father is at home plays a large part in what he learns and how well he develops his care-giving competence. The Norwegian researchers Brandth and Kvande state that when a father is home alone for a longer period of time, while the mother goes to work, he has the opportunity to really develop his repertoire of care-giving skills. To have children and be alone with them during parental leave gives men experience that clearly expands their “emotional spectrum”. Closeness to children in this way develops the empathy of fathers and allows them to really live out the role of caregiver.

The Men’s Panel proposes in its conclusion that public child health clinics must offer better services to new fathers, and that fathers must be included in care activities during pregnancy and post-natal care. This is discussed in more detail in section 5.7.2.

When men are given primary responsibility and spend a lot of time with children, they become more capable of understanding what the child needs and how needs can be met. Fathers have emphasised the importance of “slow time” in developing this understanding, where one does not run from one task to another, but where the child’s needs are central.

The Gender Quality Survey supports previous surveys showing that men who have spent time alone with children during parental leave around the birth of the child, are more engaged later in the children’s lives than men who have never had that kind of responsibility. Many of the men who spent the most time alone with their child during the parental leave time (93%) said that they felt it led to better contact with the children later, compared to men who were at home together with their partner (80%). There is no difference in the statistics for women of the two groups. When the mother is home during the father’s parental leave period, the fathers participate somewhat more in the daily life routines than when the fathers are at work. But they do not often get full responsibility, and are often not allowed to try being alone with the children. They do not develop the same close relationship to the child as fathers who were home alone with the child. Those fathers who seemed to develop their care giving capacities best were those who took a longer leave than the paternal quota of four weeks, which was the allotted time when these data were collected.

The intimacy that grows between parent and child during parental leave forms the foundation for a long-term closeness. Fathers who have been home with their child for a longer period are also concerned with maintaining this closeness and they wish to take longer parental leave with any subsequent children they may have in order to establish the same kind of intimacy with them. Even when parental leave is over, these fathers tend to try to maintain an active care-giving role towards their children. The accessible father has become an ideal.

There are also other interesting consequences that follow fathers taking their paternal quota. Families who share parental leave usually have more children and a lower divorce rate than other families:

”An increase in the use of paternal leave may serve to promote health, stabilise families and promote having children, which would have a positive influence on Swedish population growth.” (Aftonbladet, 26.6.2002)

One survey shows that the rate of divorce or family breakup is 30 percent lower for families that share the parental leave. The explanation for this may be that stronger cooperation for the good of the child during a time when there are many changes in the family’s structure and life also strengthens the couple’s relationship. See section 5.3.

The standard should not be to make fathers into mothers, but to help them to be more psychologically present and behave differently than fathers of previous generations. The “new father” appeared first as a middle-class phenomenon. Today we do not see any signs that working class men are any less involved in practical daily tasks related to children. This indicates that the trend towards more active and participatory fathers is a general societal trend. However, there is still a lack of systematic information on the effect of social class on this area, and a need for more research.

In recent years, meeting places have been established for fathers. Many child health clinics, family centres and volunteer organisations have offered “dad-groups”. Fathers can get together in groups and share their experiences about caring for infants and toddlers. Participation in these groups makes it possible for men to define their own roles as caregivers and might give them a stronger identity as caregivers. Fathers who have longer experience can give new fathers tips and advice to help them along.

### **5.4.3 Obstacles**

In spite of the fact that younger fathers are noticeably more engaged in caring for their children, there is still much to be done to make parenting practice equal in Norway. Women still take most of the responsibility for children and the household. Fathers of young children are still the group of fathers that works the most, see Chapter 4.

There are a number of reasons why men are not spending more time with their children than they do. Some possible reasons that can be suggested are:

- The workplace (employer) is not set up with consideration for men’s care-giving responsibilities at home, but expects overtime and the like.
- Men themselves do not take sufficient responsibility for tasks involved with childcare, but leave them up to women, consciously or unconsciously.
- The public welfare services lack a gender perspective towards contact with parents and neglect to bring both parents into cooperation with child health clinics, preschools, childcare centres and schools.
- In a Nordic survey on men and gender equality, only 13 percent of women said they were interested in giving over more responsibility for “Family Inc.” to the man. This indicates that many women seem to want gender equality and balance in the workplace, but want to keep a traditional pattern of gender roles in the home.

### **5.4.4 Men and care giving in the different phases of life**

The focus of the sections above has been mostly on men's care-giving role towards very young children. But the expansion of the male role in this area has served to strengthen the male care-giving role in a general way, not only when children are infants and toddlers. Here is a brief description of care giving for children in different phases of life.

#### *5.4.4.1 Care for older children*

Traditionally, fathers have taken more part in their children's upbringing as the children grow older. Most fathers have been engaged in the recreational activities of their children and have volunteered for positions and tasks in the organised free time.

#### *5.4.4.2 Care for children with chronic illnesses*

Fathers with chronically ill children are often actively engaged in following up the care of their child. But fathers are often neglected in studies of families with chronically ill children. Recent Norwegian and international research shows that one of four fathers suffers from posttraumatic stress symptoms after a child has been diagnosed with a serious chronic condition.

#### *5.4.4.3 Men's self-care*

There is a general assumption that men are not sufficiently interested in self-care. This may be partly related to traditional stereotypes about masculinity as discussed in Chapter 9. The ideal image of the tough, enduring and strong man does not give room for caring about personal needs. Consequences include a poor ability to evaluate one's own health, see Chapter 6. As the Men's Panel points out in its conclusion, there is a great need for initiatives towards the improvement of men's health and quality of life.

#### *5.4.4.4. Care after a family breakup*

We see a strong trend towards men wanting to maintain close contact with their children after a family breakup. This is a result of their expanding role in childcare. See a more detailed discussion of this in part 5.6.

#### *5.4.4.5 Care for their own parents*

Seven of ten men and women aged 45 to 65 years, whose parents are still alive, provide practical help and/or care for parents while they are working. A cross-sectional survey on living conditions in 2000 (SSB/Statistics Norway) showed that approximately 1/3 of the population over 16 years gave regular unpaid help to parents or others. The most aid (five hours per week) was given by men over 67 years and women in the age group 45-66 years. It is worth noting that in the oldest age groups there are more men than women who give such aid, and that men in all different age groups provide at least as much help as women. It appears that women to a greater extent care for their own children, while men take greater care of their parents.

#### *5.4.4.6 Men's care needs when they get older*

One survey shows that, in more than half of cases, children are the primary caregivers for the elderly. More than 80% of the caregivers of the elderly are from the immediate family and are either the spouse, children, daughters or sons-in-law, grandchildren or siblings. Elderly men without close family relationships tend to isolate themselves and receive less attention and care from their own children than elderly women. One analysis of divorced men and women carried out by NOVA (Norwegian Social Research) shows that divorced men receive

less help from their children than married men, while there was no difference in help given to divorced and married women. See description in part 5.6.4.

## **5.5 Prevention of family conflict and family breakups**

An overall family policy goal is to maintain stable and lasting family relationships for the benefit of both adults and children. In a time of many separations and breakups, it is a great challenge to help facilitate more families to be able to maintain a stable family life.

Preventive measures should be foremost in the work for positive and robust family relationships. Family counselling and preventive work with couples are founded on the ideology that stability and quality in couple and family relationships serves the society as a whole. Work towards positive family conditions is a societal issue on several levels. When a couple has a good relationship, the parties tend to take fewer sick leaves, which is a boon to the health of the general community. Stable couple relationships are also seen to be the best for both children and adults. Thus, it is important to develop a solid and easily accessible service that will help people strengthen the quality of family life and prevent family conflicts and breaks. Family counselling and other measures to promote family stability are important ways in which to reduce problems and prevent breakups. Family conflicts and breakups cause many serious and long-lasting problems for children and adults. From an economic- societal perspective it is important to put effort into preventative measures.

*The Family Counselling Agencies are low-threshold primary help services, free of charge. The offices have interdisciplinary services and are manned by a specialist staff. The agencies provide a unique service because they give quick, easily accessible and reliable help to people with daily-life problems in their family relationships. One's income should not play a role in whether or not one should receive help with family issues.*

In 1996 a Norwegian opinion research institute conducted a survey of what information people had about the Family Counselling Services. The main discovery in the survey was that large groups of the population knew little about the nature of this family service and the assistance granted there. Men had less knowledge about the service than women, and the difference between the sexes was greatest among those under 30 years. There was little knowledge about all the services a Family Counselling Agency can offer. Many believed that the agency was purely a "divorce office", which one had to visit if one wanted to file for separation. Around 90% of those asked believed that there was a need for more information about the service. Later surveys have yielded corresponding findings. The Child, Youth and Family Directorate has developed an information plan for the Family Counselling Agencies in order to increase knowledge about the service and lower the threshold to apply for assistance.

## **5.6 Men and childcare after a family breakup**

### **5.6.1. How men handle family breakups**

12 000 marriages have been dissolved every year in recent years. Although 75 percent of all children grow up with both parents, official statistics show that 13 700 children experienced their parents' filing for separation in 2006. There are no reliable statistics on how many

cohabitant couples have broken up, but it is estimated that the risk for a breakup of partners in cohabitant relationships is 2 ½ -3 times more than for married couples.

Separation and divorce have become more widespread during the last decades. Earlier, reasons given for divorce were usually the presence of “too much of something”: like violence, infidelity or drunkenness. Now many seem to be separating because they say there is “too little of something”: like emotions, respect and room for self-realisation. According to this way of thinking, much less has to happen for the imbalance to cause the relationship to fall apart. The family is therefore more vulnerable now than in the 1980’s. The Gender Equality Survey does not give definitive answers about whether this is an accurate interpretation of the information, but the results imply it.

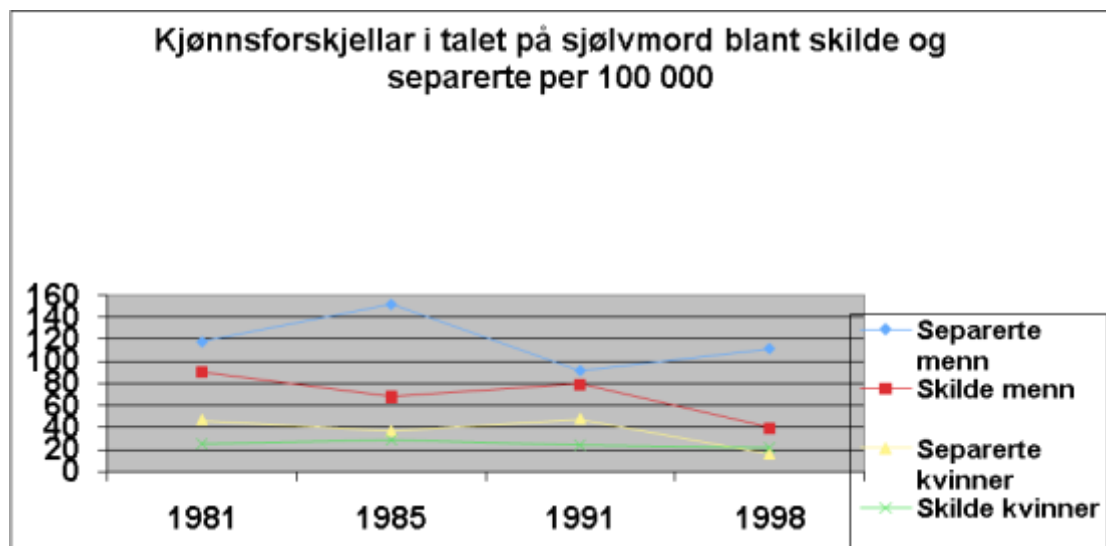
The research shows that it is the woman who usually experiences and identifies the problems preceding a breakup. In 75 percent of cases it is the woman who decides to leave the relationship. Many women experience resistance from men when they try to broach the subject of relationship problems through talking. This often intensifies the feeling of emotional distance and lack of companionship.

Some men experience it as a giant paradox to be separated without even having any idea what the problem was all about. The Norwegian psychologist Kjær points out that leaving a relationship is something that might violate fundamental factors belonging to the idea of masculinity: endurance and mastery. If men trivialize difficulties, it may be because to take them more seriously would generate the insecurity of not being successful, of not mastering the problem. To leave the relationship is a defeat and a result of not managing the challenges of family life. The Norwegian researcher Oftung also describes divorce as a downfall, a defeat, something that might give the individual a strong feeling of failure and loss of control. For many men, loss of control over their surroundings may be interpreted as unmanly.

Some relationships end undramatically and the breakup may lead to generally positive changes for both parties. For couples who live in deadlocked and long-term conflict, or in emotionless relationships, a breakup may be the best solution and open up new horizons for those involved. However, there is solid evidence to back up the assertion that breakups may also have some very negative health-related, psychological and social consequences both for adults and children. A Norwegian survey has concluded that one out of three divorced people suffer from psychological problems for a long time after the breakup. A divorce can be a serious life crisis for those involved. Other surveys show for example, that divorced and separated people have a significantly higher number of illness symptoms than one expects to find in the general population, and they are more often admitted to psychiatric hospitals. In the Infacts Family Survey 2007, 30 % of those who have experienced divorce respond that they regret the breakup, and 21 percent of the men and 32 percent of the women believe that the divorce was the greatest crisis of their lives.

The suicide rate for divorced and separated people is many times higher than for married people. In the period 1978 to 1992, separated and divorced men between the ages of 30 and 79 had a suicide rate six times higher than married men. The same pattern is true for women, but suicide frequency is much higher for men. For example, the suicide rate for separated men in 1998 was over seven times higher than for separated women (112 to 15,5 per 100,000).

Fig. 5.4 The rate of suicide among separated and divorced people



Source: Gjertsen 2003

Gender differences in the suicide rate among divorced and separated people per 100 000

Separerte menn: separated men

Skilde menn: divorced men

Separerte kvinner: separated women

Skilde kvinner: divorced women

How one reacts to a family breakup is dependent on many factors, not the least of which is what kind of attitude one has to the breakup. Those who are abandoned have greater problems in adapting than those who take the initiative for the breakup. The most common emotional reactions are sorrow and loss, a feeling of paralysis or passivity, followed often by anger and ambivalence.

As a group, men seem to handle breakups worse than women. Men show statistically higher illness, larger alcohol consumption, more absenteeism from work and more personal and social problems than women. The Gender Equality Survey shows a similar picture. To what degree men experience these negative consequences depends mostly on the degree of conflict between the parties –the greater the conflict; the more negative consequences are reported. The hardest hit groups are those that are abandoned, those who have little contact with their children after the breakup, those who have not begun a new relationship, and those who still have a high level of conflict with their ex-partner. To lose contact with children seems to be the most important factor in the lowering of the quality of life that people experience. This is especially true of men. One of three divorced men has psychological problems two years after a breakup. According to the Gender Equality Survey, the educational level of the person seems to play a role. Separated and divorced men with a high educational level seem to manage breakups better than those without higher education. This corresponds to similar data

from international research. There is reason to believe that it is not the education itself that causes the difference, but that higher education is an indicator of "social capital". Higher social capital in general is an asset when dealing with different life challenges.

Men who have experienced the divorce of their own parents are especially vulnerable to psychological problems, especially depressive reactions. For women the connection is not as clear. Furthermore, if one or the other of the parties in a marriage is a child of divorce, that marriage is twice as likely to fail. If both parties are children of divorced parents the marriage is 3 times as likely to fail.

At the same time as men report having more negative reactions to a breakup, they experience less of a need for professional help than women. This may be explained by the fact that men seem to have a higher threshold with regards to seeking outside help for any emotional problems.

### **5.6.2 Equality in parenthood after a family breakup**

*Equality in parental responsibility for childcare after a family breakup means that both parents must take joint responsibility and have equal opportunity to meet the fundamental daily needs of the children. Equality in parenthood after a breakup also means that the children must have the opportunity for positive contact with both parents. Furthermore it means that parents have a joint responsibility to contribute to a living situation that takes the child's needs into consideration as much as possible. The legal framework for the choices that must be made about custody are stated in the Children's Act. A legal, equal parenting practice does not necessarily mean however that the child must live an equal amount of time with each parent.*

It is understandable that different families choose different living and care situations after a breakup. Families are varied and have different needs. It is not a public responsibility to regulate internal family affairs. The government emphasises that parents of small children are free to choose what form of care they want for their children, both before and after a breakup. What is best for the child is the central issue, and the parents must evaluate what arrangement works best for their case. Parents must take most of the responsibility for their own lives, their own children and their own choices. The overarching political challenge is to prepare the groundwork so that there are equitable rights to free choice of how family life and relationships are to be conducted.

Today, 80% of children live with their mother after a breakup; see figure 5.5. Many fathers are frustrated over this unfair distribution and feel inhibited in their rights as fathers since they get much less contact with and responsibility for their children. In many cases this frustration leads to serious and long-term conflict between the parents, something we know is harmful to the children.

*Fig. 5.5 With whom does the child live after a family breakup?*



Source: Skjørten mfl. 2007

Hos mor: with the mother

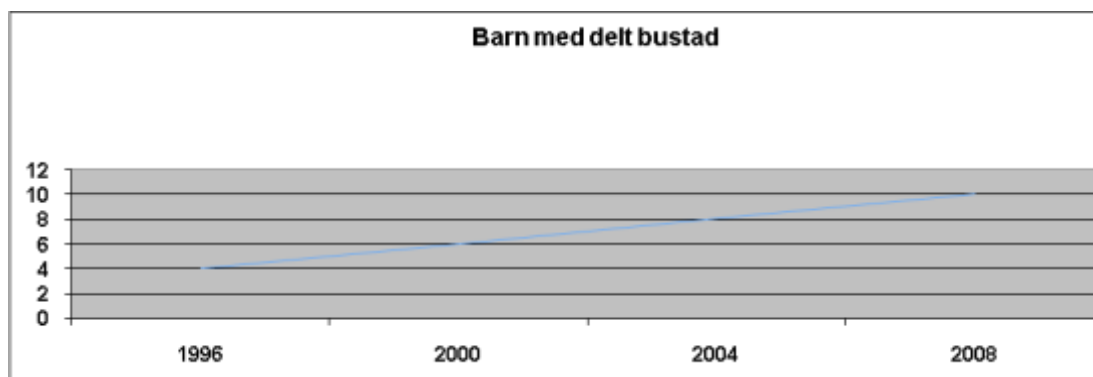
Hos far: with the father

Delt bustad: joint custody, partly with the mother, partly with the father

The most common cause of this unequal distribution is that the parents themselves agree that the permanent residence for the child will be with the mother, and the father will have visiting rights or partial custody. In some cases this arrangement is made because this is the arrangement that is most like the division of childcare the parents had while they were still together. Other times the father gives way under pressure from the mother and/or the father agrees to such an arrangement because he thinks his case would not stand up as well in court. It is worth noting that of the custody cases that have come up for the Court of Appeal, custody has been distributed about equally between mother and father.

It is an important political task to facilitate equality in parenting also after a breakup, taking into consideration the basic needs of the child, the child's age and developmental level. The goal of equality in parenting can best be reached by helping parents to agree on solutions and learn to cooperate better when it comes to their children. Children need positive and safe relationships to both parents, especially after a breakup. The Children's Act ensures that both parents automatically have shared responsibility for their children unless something else has been agreed upon, whether they are married or living together. According to the Children's Act it is the parents themselves who must make agreements about where the children will live permanently and about contact and partial custody.

*Fig. 5.6 Percentage of children living in joint custody arrangements 1996-2008*



Source: Skjørten et al. 2007

On certain conditions, joint custody may be a successful arrangement for both adults and children after a breakup. There are three variables that stand out in respect to how well children adapt to a breakup: The level of conflict between the parents, communication between them, and how the parents adapt psychologically to the breakup. Parents need to cooperate, and children must have a sense of well-being in both homes. The two homes should be geographically close to one another, and parents should keep more or less the same types of routines. A large disparity in daily life routines and rules can increase the conflict level, making the shared custody system difficult. Both parents must experience that all parties, not least the children, are satisfied with the arrangement. It is important that the parents listen to and consider the children, and the parents must be prepared to change the arrangement and show some flexibility should the child show signs of a failure to thrive. Even though these shared custody arrangements may contribute to ensure stable and greater contact between the child and both parents, they may also create practical and emotional stress on the children.

It is the opinion of a large number of professionals who work with divorce conflicts and custody arrangements within the Family Counselling Services that it is generally wise to make a custody arrangement that is based on the pattern of roles and responsibilities that the parents already established when they were together. Therefore, if fathers take more responsibility for childcare in family life, they pave the way for more equality in custody arrangements after an eventual breakup.

Most parents have a lot of contact with children even if they do not live permanently with them. Men on the whole say they are reasonably happy with custody and contact arrangements.

### 5.6.3 Parental cooperation after a family breakup

One consequence of the new and more active father role is that fathers desire more often than before close contact with their children after a family breakup. This is a deliberate development that is generally positive. In most cases, it is in the child's best interests to have close contact with both parents. Such contact should be fostered both before and after any breakup.

Most parents are able to come to an amicable arrangement regarding the children by themselves. In some cases, however, there is a huge difference in how the mother and father

perceive the best solution for care of the child. In these cases a power struggle often ensues where the parents tend to put their own interests and needs in the foreground instead of looking for a solution based on the child's needs.

“Consideration of the best interests of the child should first and foremost serve to put the child's perspective at the base of any discussions or solutions so that the child's perspective is paramount to any desires or individual rights of the parents.” (The Children's Act Commission)

The consequences of any lasting conflict between the parents on such issues can be serious for the children. Long, drawn out parental conflict is a major cause of most of the serious problems children suffer from after a family breakup, say professionals. Unresolved conflicts between the parents also have a negative influence on any further parental cooperation.

The road must be paved so that parents as far as possible can give preference to the child's perspective after a breakup. The Gender Equality Survey shows that many divorced parents are able to avoid child-related conflicts. About 60 percent of those who have been divorced and who have children have not experienced serious conflicts about the children. The results indicate a large and possibly growing “peace tendency” in this area, with more balanced arrangements being sought, especially by younger parents. It is also the case that there is a general tendency for the level of conflict between parents to decrease over time.

Conflicts concerning contact arrangements with children can become rigid and long-term. In some cases the cause of this is that the father doesn't want contact with the child; in others it is the mother who does not want the father to have contact with the child. In both cases unresolved conflicts between the adults as previous partners may be the underlying cause of the problems they have cooperating about the children. Research shows that as many as 20 percent of parents report having big conflicts with their ex-partner two years after the separation. When we know that enduring conflict between parents is one of the most important reasons for children developing emotional, behavioural and psychosocial difficulties after a family breakup, then we must look at measures for preventing parents from holding grudges over a long period of time as a major political objective. If parents had been better able to separate their roles as parents from their roles as ex-partners, they might be better able to prevent problems arising in their arrangements for the children.

#### **5.6.4 The lack of gender equality may contribute to fathers receiving poorer care as they get older**

Many fathers have greatly reduced contact with their children after a family breakup, and this can have long-term consequences. The reduced contact seems to continue over time, such that men, as they get older, do not receive the same amount of attention and care from their children that women receive; see part 5.4.4.6. This is a societal consequence of gender inequality that is rarely discussed.

#### **5.6.5 The Children's Act Commission**

The Children's Act Commission was established by the Cabinet in January 2007. The committee met to consider changes in the Children's Act in respect to parental responsibility, permanent residence of the child and contact arrangements. According to the mandate given, the main goal of the examination was to evaluate possible changes in the Children's Act from the perspective that both parents be seen as equally important for the child and where one should seek to support a general societal development where parents will be on equal footing

regarding time, responsibility, care and decision-making with regards to major aspects of a child's life. The commission should let their conclusions be guided by the fact that the UN Convention on the Rights of the Child is fully incorporated in Norwegian law and that the best interests of the child shall be normative for all decisions concerning children. The commission would further look in more detail at whether or not the best interests of the child might be better considered by making rights and responsibilities more equal between mothers and fathers. The commission was to consider if a more gender equal starting point could serve to ameliorate conflicts between the parents. As a step in this investigation the commission was to discuss and propose legislation on questions like common parental responsibility whether parents have lived together or not, joint custody for children and norms regarding contact arrangements.

The report was submitted in April 2008. Here are the conclusions that are most relevant for this white paper.

- **Moving:** The committee has been asked to look more closely at the rights of the resident parent to move away with the child without the consent of the parent with visiting rights. A majority of the commission supports the idea that both parents who have parental responsibility must agree whether the resident parent may move away with the child. One minority believes that the resident parent should be able to take this decision unilaterally, but that there should be an obligation to notify the other parent. Another minority supports keeping the legislation as it is on this point.
- **Visiting Rights:** A majority of the commission thinks that the rule about "normal visiting rights" should be kept, but that contact should be expanded to include up to five overnight stays per 14 days and 3 weeks of summer holidays. The number of holidays should also be expanded to include autumn and winter breaks. A minority believes that the rule about normal visiting rights should be taken out of the act.
- **Enforced fulfilment of visiting rights agreements:** According to the current law, the only means of enforcing visiting rights agreements is an obligatory fine. The majority of the commission believes that actual physical pick-up should also be allowed. The minority believes that the legislation should not be changed on this point.

For further discussion, see paragraph 5.7.4.

## **5.7 Proposed initiatives to strengthen men's role and responsibility in family life**

The government believes that a prerequisite in the efforts towards real gender equality is the preparation of suitable conditions in which men can better realise their roles and functions in family life and childcare. Equality in parenting is also an important factor in reducing family conflict and in the prevention of family breakups.

In weighing the advantages of different measures towards a gender equal family life it is important to be clear about what the public authorities can and should do, and what needs to be relegated to civil society. It is the task of the public authorities to create a framework in which the individual can make positive choices for his or her life. It is a government duty to pass legislation that removes obstacles to gender equality and promotes equal treatment and equal opportunities. But the state cannot guarantee equality on the level of the individual.

### 5.7.1 Men in couples and family life

- More and focussed information about couple relationships and family life may help make family conflicts more manageable and lower the threshold for seeking help. The Family Counselling Agencies can play a central role in this. The population must be informed about the services that exist. People must know about the agency and use it. The Family Counselling Agencies should advertise itself as the natural place to look for help with family conflicts. The Family Counselling Agencies should establish goal-oriented measures for making its services better known to men and inform the population about things they can do to prevent undesired family breakups. The government stresses that it is important to increase the research done on men and men's roles in couple relationships and family life. There is a need to systematise the knowledge that can be gained from both national and international sources. The newly established professorship in masculinity and gender equality research at the Centre for Gender Competence, University of Oslo, will have a natural part to play in this endeavour.

### 5.7.2 Men and childcare in family life

- The majority of parents who come to the public health centres for infant checkups are mothers. This is tied to the fact that it is mothers who usually take parental leave during this intensive period when the infant's health is closely monitored. The Men's Panel suggests that new fathers need better access to the public child health centres. The government stresses the important role that the man also has during pregnancy and in preparation for birth. There is wide agreement that fathers should take up equal parenting responsibilities early on; in this way a good foundation is laid. By participating more in the pregnancy and the period of infancy the father can create for himself a better basis for being a support to the child later on. The health centres for children can play an important role by expecting and encouraging fathers' participation, by setting standards for the father's role in parenting and following up. The Ministry for Health and Care Services aims to set forth a white paper on pregnancy, birth and post-natal care in primary and specialist health care services, including follow-up services. The white paper will be submitted before the end of 2008. Measures will be promoted that can ensure the highest professional quality of birth care and accessible and secure services to pregnant women and women giving birth over the whole country. The father's role as a caregiver will also be looked at. The goal is for pregnant women and their families to meet a holistic and comprehensive pregnancy, birth and post-natal care service. That the father can receive wages during this leave of absence to care for a child in connection with childbirth is an important factor in this respect. See Chapter 4, paragraph 4.5.2
- The government will further propose that fathers, when living together with the biological mother of their children, shall be called in to the health centre for the child's check-up when the child is 8 months old. Although this summons will be directed to the father, the parents may decide which parent will accompany the child to the check-up. This is a signal to fathers that the public authorities see him as a central caregiver. On this visit it will be natural to focus on things that have to do with the father's role. The public child health centres need to have current information about local "dad-groups" and inform fathers about the possibilities during the check-up.
- The government will use measures to influence the attitudes of men towards taking their part of the responsibility of childcare. The programme "*Good couple*

*relationship – relationship workshops for first-time parents*”, is a natural forum for taking up these issues.

- The department wants to help make dad-groups an initiative that will encompass the whole nation. Experience shows that men are not able to create these types of networks themselves, to the degree that women do. Dad-groups will be organised as study groups linked to a study organisation. The study groups should co-operate with the local Family Counselling Agency, the child health centre and other municipal entities.
- The Ministry of Children and Equality will finance the development of a course curriculum for these study groups. Such a course curriculum can be developed through an organisation like REFORM. Then, relevant student organisations can apply for funding for the study groups through subsidies from adult education resources administered by VOX.
- Mothers still make up the majority in parent meetings in preschools and schools. The staff of preschools usually call the mother first when the child is sick. In order to increase awareness about the role of the father in childcare, the government proposes that the communication routines between preschool and parents be adjusted. Fathers need to be brought more actively into parent meetings and conferences in preschools and schools. Both parents should be invited to parent conferences and personnel should alternate between calling mother and father when a child is sick.
- The government will pave the way for a further commitment to strengthening the role of the father as caregiver. This work can build upon the experience from projects that are underway or have already been completed. Some of the most important are:
  - ”Adam – Where are you?” is a recently concluded project started by the Family Counselling office in Egersund. It has focussed on the man’s role in family life and childcare from a gender equality perspective. The project has reached out with services to a wide community. Among other things it has worked to make bosses and employees of businesses more aware of how important it is to adapt the workplace to make it easier for men to take more responsibility at home. The project has also included participation in family life education in the secondary schools, and group sessions have been started for men and children’s sessions for children who have experienced a family breakup. Putting the focus on men and family life has contributed to making family conflicts an everyday topic, made men aware of their role as a husband and father, helped to emphasise how important it is that men do their part to maintain stable and positive family relationships and made the Family Counselling Agencies more visible by informing more people of its services, lowering the threshold for seeking help.
  - ”Sustainable Families – Gender Equality throughout Life” is a project started by the Work Research Institute in cooperation with the Nordic Institute for Knowledge about Gender. The project’s overarching goal is to help men participate more in family life and childcare. The municipalities of Asker and Odda work together to run the project, helping businesses and enterprises create a better balance between working life and family life for men. Models will be developed for creating suitable conditions in the workplace that show consideration for the fact that men have a role as caregiver, and men will be offered help to establish networks that have the role of the father as their focus.

Couples will also be offered relationship enrichment workshops and courses in communication with a gender equality focus.

### **5.7.3 Prevention of family conflict and family breakups**

Relationship enrichment workshops are a preventative, low threshold opportunity for couples and can strengthen the quality of family life and prevent conflict. International studies show that various types of relationship workshops have a positive documented effect. One important function of a relationship workshop is that it seems to make people more aware of the value of putting effort into the couple relationship. This seems to be more important than learning specific communication techniques and the like. To reach out to men regarding this opportunity it is necessary to develop an information campaign directed towards men and strengthen the gender perspective of the Family Counselling Agencies; this will require increased resources. The service must be relevant for men in nuclear families, extended families and men in alternative family structures.

- The government will initiate information and motivation initiatives to make relationship workshops and other relationship building measures more known and attractive to men.
- The ministry has already begun work on a thorough and holistic review of the Family Counselling Services, looking among other things at whether the services are well enough adapted to today's needs, both with respect to resources and competence. Finding out whether the services are well enough adapted to the needs of men will also be part of this review.

### **5.7.4 Review of the Children's Act Commission's recommendations for measures to strengthen the role of the father after a family breakup**

#### *5.7.4.1 Parental responsibility when parents neither are married nor cohabitating at the time of birth*

#### Suggestions from the commission and the opinions of the consultancy round

Today parents usually have shared parental responsibilities for children they have together and these responsibilities continue even after a family breakup as long as nothing else is agreed upon. If parents are neither married nor living together when the child is born, the sole responsibility falls to the mother at the outset. Parents can also agree to share the responsibility or give the responsibility completely over to the father.

The Children's Act Commission has discussed whether there should be a general rule about shared parental responsibility regardless of what the connection is between the parents at the time of birth. The majority of the Commission think that the current regulation should continue. A minority think that the regulation should be amended to say that there is a common responsibility regardless of whether the parents have lived together or not.

In addition, the minority presents a subsidiary proposal that unmarried parents who are not living together should have shared responsibility if the father wishes it, as long as the mother has not protested within three months of being informed of the father's desire for shared parental responsibility.

38 different bodies entitled to comment have expressed their views on this proposal. Of these, 21 support the majority view, 16 support the minority view, and 4 support the subsidiary proposal of the minority.

The consultancy bodies who are of the opinion that the current rules should be continued are *Advokatforeningen (Lawyer Association)*, *Aleneforeldreforeningen (Association of Single Parents)*, *Alternativ til Vold (Alternatives to Violence)*, *Borgarting lagmannsrett (Borgarting Court of Appeal)*, *Den norske Dommerforening (The Norwegian Association of Judges)*, *Fellesorganisasjonen (The Norwegian Union of Social Educators and Social Workers)*, *Fylkesmannen i (The County Governors of) Finnmark, Nordland, Oslo/Akershus, Rogaland, Vest-Agder, and Vestfold*, *Juridisk rådgivning for kvinner (Legal Advice for Women)*, *Justisdepartementet (The Ministry of Justice)*, *Kirkens Bymisjon (The Church City Mission)*, *Kirkens Familevern (The Association of Christian Family Guidance Agencies)*, *MiRA-senteret (MiRA Resource Centre)*, *Norsk Krisesenterforbund (Norwegian Crisis Centre Association)*, *Norsk kvinnesaksforening (Norwegian Association for Women's Rights)*, *Oslo tingrett (Oslo District Court)* and *Stine Sofies Stiftelse (Stine Sofie's Foundation)*.

Most of these bodies emphasise that they are not against shared parental responsibility for parents who don't live together on principle, but they think that such a rule may end up being a burden for the mother and possibly not in the best interests of the child. Many of the bodies pointed out that it would be the mother would bear the burden of a lawsuit in the event of abuse or harassment. They also point out that it would be difficult to make rules for all the exceptions which might cover all the situations where shared responsibility might not be a good idea. They also pointed out that it is relatively easy for fathers to have the opportunity to share in parental responsibility at the present.

The following bodies believe that the basic rule should be common parental responsibility for all, regardless of whether the parents have lived together or not: *Aksjonsgruppen barns rett til samvær med foreldre og besteforeldre (Action Group The Child's Right to Contact with Parents and Grandparents)*, *Barnerettsadvokater (The Child Rights' Lawyers)*, *Barne-, ungdoms- og familiedirektoratet (Child, Youth and Family Directorate)*, *Drammen tingrett (Drammen District Court)*, *Familiestiftelsen (The Family Foundation)*, *Foreningen 2 Foreldre (Association 2 Parents)*, *Forum for Menn og Omsorg (Forum for Men and Care Giving)*, *Juss-Buss (Legal Bus Service)*, *Jusshjelpa i Nord-Norge (Legal Aid in Northern Norway)*, *(Kvinneuniversitet Nord (Women's University North)*, *Landsgruppen av helsesøstre NSF (National Association of Public Health Nurses)*, *Likestillings- og diskrimineringsombodet (Equality and Anti-Discrimination Board)*, *Redd Barna (Save the Children)*, *REFORM (Resource Centre for Men)*, *Trondheim tingrett (Trondheim District Court)* and *Senter for tverrfaglig kjønnsforskning (Centre for Multidisciplinary Gender Research)*.

These bodies base their opinion on the fact that both parents are equally important for the child and should have equal opportunities. They point out that it is unreasonable to treat children differently because of their parents' choice of lifestyle. Since it is common that both parents are quite capable of taking parental responsibility, then parents who live apart should not be evaluated differently from parents who live together. Several bodies also mentioned

that exceptions could be made in the rules for the cases where shared parental responsibility would not be in the best interests of the child.

Only a few consultancy bodies have responded to the subsidiary proposal from the minority, but these agencies say that they support it: *Barneombodet (The Ombudsman for Children)*, *Barne-, ungdoms- og familiedirektoratet (Child, Youth and Family Directorate)*, *Drammen tingrett (Drammen District Court)* and *Landsgruppen av helsesøstre NSF (National Association of Public Health Nurses)*. *The Ombudsman for Children* says among other things:

The Ombudsman for Children is basically positive to the proposal that all fathers shall share the responsibility for parenting, even those who are not married to, nor living with the child's mother at the time of the child's birth. This gives a signal that the child has the right to equal participation from both parents, regardless of the civil status of the parents. Common parental responsibility in these cases however, must be connected to active participation from the father. The Ombudsman supports therefore the minority subsidiary proposal. It involves letting the father participate in parental responsibility when he actively expresses the desire to do so, unless the child's mother comes with concrete reasons to deny him that responsibility that clearly show that it would not be in the child's best interests to let the father share parental rights and responsibilities, within a reasonable deadline. The Ombudsman has been in doubt about who should bear the burden of a lawsuit if the mother protests the sharing of parental responsibility. To go to court is a heavy charge on both parties. One must show consideration for the kind of stress that childbirth and childcare involves for the mother. Therefore the burden of legal action should be put on the father.

### The government's evaluation and conclusion

The government refers to the fact that parents who do not live together when the child is born are a diverse and complex group of people. It is difficult to design a regulation about parental responsibility that will apply to all and that takes account of the best interests of the child. It would also be difficult to make exceptions to the rule that would cover all the possible situations where shared responsibility would not be a positive thing. The government also sees that an unforeseen effect of such a rule about automatic shared parental responsibility for those who do not live together is that the mother may decide not to reveal the identity of the father.

Among parents who never have lived together, only 19% have shared parental responsibility. This was true both in 2002 and 2004. (SSB/Statistics Norway report nr 22 – 2005)

There are very few cases brought to court that only involve parental responsibility. A review of cases in the Oslo District Court in the period January 1, 1998 to March 1, 1999, shows that of 74 cases that were reviewed, only 2 cases involved parental responsibility alone, while 32 cases involved both parental responsibility, contact arrangements and residency of the child. In half of the cases the plaintiff was seeking to have sole responsibility for the child.

In most of the cases the court sustains the father's claim to shared parental responsibility.

The government supports the majority view of the commission and consultancy bodies, and does not support automatic shared responsibility regardless of the parents' connection to each other at the time of birth. The government will consider whether parents who did not live together when the child was born will be required to meet for mediation in order to make an agreement about custody and contact. Such mediation should be done within a specified period of time after the baby is born.

#### 5.7.4.2 Moving within the country

##### Proposal from the commission and the viewpoint of the bodies entitled to comment:

According to existing regulations, the custodial parent (the one the child lives with full time) may move within the country without the consent of the other parent.

The majority of the commission proposes that the limits around moving be placed under the jurisdiction of child custody that both parents must consent to a move within the country. In the proposal is a regulation that consent must be obtained if the move makes contact between the child and the parent who is not moving, difficult. Shorter domestic moves would not entail the need for consent. The proposal also makes an exception for moves that are found to be in the best interests of the child. It is also suggested that the issue must be tried in court if the parents cannot reach agreement on the move.

The minority proposes that the decision to move remain with the custodial parent, but that the custodial parent is required to inform the other parent of a move. This allows the other parent to take up the issue in mediation or if necessary in court, before the move is made.

One member of the commission did not want any change in the existing regulations with regards to the issue of moving away with a child.

There are 24 consultancy bodies whose opinion is against the proposal from the majority, including *Barne-, ungdoms- og familiedirektoratet (Child, Youth and Family Directorate)*, *domstolane (courts)*, *Den norske Advokatforening (The Norwegian Bar Association)*, *Barneombodet (The Ombudsman for Children)*, *Redd Barna (Save the Children)*, *Likestillings- og diskrimineringsombodet (Equality and Anti-Discrimination Board)*, *Alternativ til Vold (Alternatives to Violence)*, *Aleneforeldreforeningen (Association of Single Parents)* og *Fellesorganisasjonen (The Norwegian Union of Social Educators and Social Workers)*. Of these, most (18) expressed that they support the proposal from the first minority that will allow the decision to rest with the custodial parent but require that the custodial parent inform the other parent before the move happens.

The consultancy bodies that are against the proposal from the majority point out that the proposal may lead to an increased conflict level and more lawsuits. It is also stressed that there may be many good reasons to move, including education, work and working hours, economy, family and social networks; moving may also well be in the child's best interests. It is claimed that it is unreasonable to restrict the possibility of the custodial parent to move without similar restrictions being placed on the contact parent, and that the proposal will not promote more contact as long as the parent with visiting rights is free to move. Several point out that the parent with visiting rights would receive an inordinate amount of power over the ex-partner under such a rule, a power that could easily be misused. Experience shows that parents often exploit the rights and opportunities regulations give them to intensify the level of conflict with the other parent rather than to protect the interests of the child. It is also claimed that such a rule would have a stronger negative impact on women than men. Those living in the districts would be hardest hit as they might have the hardest time finding a job, taking education or retraining in their areas. There is also a disadvantage in the proposal in

that the parent with visiting rights can neglect to consent to a move without there being any subsequent requirement that the parent with visiting rights take over more parental responsibility. Moving is sometimes used as a way of protecting the child and nearest caregiver against violence or harassment from the other parent and that this method of protecting the custodial parent may be seriously compromised by the proposal.

The consultancy bodies that support the proposal from the first minority point out that it is important that the other parent get an opportunity to take up the issue of moving in mediation or if necessary in court before the move is made. Several believe that the duty to inform should also apply to the parent with visiting rights.

There are 14 consultancy bodies which advocate the proposal from the commission majority, including *Kirkens familievern (The Association of Christian Family Guidance Agencies)*, *Senter for tverrfaglig kjønnsforskning ved Universitetet i Oslo (Centre for Multidisciplinary Gender Research, Oslo University)*, *Norsk krisesenterforbund (Norwegian Association of Crisis Centres)*, *Foreningen 2 Foreldre (Association 2 Parents)*, *REFORM – ressurscenter for menn (Resource Centre for Men)*, *Forum for menn og omsorg (Forum for Men and Caregiving)*, *Landsgruppen av helsesøstre NSF (National Association of Public Health Nurses NSF)* and *Kirkens Bymisjon (The Church City Mission)*. They point out that the move represents a big life change for the child, and that it is therefore necessary that both parents have the authority to evaluate the pros and cons of the issue and the consequences a move might bring with it. It is stressed that an unchecked right to move can lead to the parents putting the interests of the child aside, and the benefit of a child maintaining contact with both parents should carry more weight than the custodial parent's desire to move. The opinion is that this proposal may actually reduce conflict in relation to the long-term conflicts that often follow as a consequence of moving with children. It may also be easier to reach an agreement through dialogue or mediation. It is claimed that moving knocks the ground out from under the right to contact, and that many experience that the custodial parent actually sabotages the other parent's visitation rights by changing their place of living.

#### The government's evaluation and conclusion

It can in many cases be a burden for the child to move, both because the child loses close contact with the other parent, and because the child is separated from friends, school and the local community. A decision about moving can in many cases also increase the conflict level between the parents. This may be more difficult in connection with a divorce / family breakup, when the child is particularly vulnerable. At the same time, there may in certain cases be good reasons to move, among others reasons linked to education, employment and working hours, economics, and family and social networks.

Although it can be a burden for the child to move, it could in some cases be in the best interests of the child, because the situation for the family overall might be better, something that can have a positive effect on the individual life of the child. On the other hand, in some cases it can be better for the child to be in the local community and have a permanent home with the other parent, rather than to move. The government believes that a regulating of this issue should include a consideration of where it might be best for the child to have permanent residency, and not whether one parent should have to get consent from the other to move.

The government believes that a move may involve big changes and be a problem for the child. It is therefore important that parents have time and any help they need to discuss where the child should have permanent residence and how any contact arrangements should be if one parent desires to move. The government would like to look more carefully at the possibility

of a rule obligating the custodial parent to inform the parent with visiting rights in a way that allows for enough time for both parents to think thoroughly through the plan. It should also give enough time for the parents to go to mediation or to court if necessary. Such a duty to inform must also apply to the parent with visiting rights.

#### 5.7.4.3 Visiting Rights

In 2004, 43% of parents with visiting rights had more than the precatory definition of “normal visiting rights”, i.e. 8 days per month. 26% had 8-12 days and 17% had 13 or more days per month.

#### Proposal from the Commission and the viewpoint of the bodies entitled to comment:

Parents can choose themselves what type of visiting rights are appropriate based on what they feel is in the best interests of the child. In the Children’s Act is found a definition that lays the foundation for the agreement if the agreement is to be so-called” normal visiting rights”. If ”normal visiting rights” are agreed upon, these give the non-custodial parent the right to contact with the child one afternoon per week, every other weekend, 14 days during the summer holidays and either Christmas or Easter.

The majority in the Commission seeks to retain the rule on normal visiting rights, but amend it such that the contact is expanded to include five overnights in total per 14 days and three weeks of summer holiday time. Autumn and Winter holidays should also be included. The minority view is that the rule about normal visiting rights should be taken out of the Act. Current supervised visiting rights with a publicly approved guardian may in special cases be allowed for up to 16 hours per year. The entire commission is in favour of increasing the limit to 32 hours.

22 consultancy bodies agreed with the majority view. Among these were:

*Aleneforeldreforeningen (Association of Single Parents), Foreningen 2 Foreldre (Association 2 Parents), Barne-, ungdoms- og familiedirektoratet (Child Youth and Family Directorate), Justisdepartementet (The Ministry of Justice), Den norske Advokatforening (The Norwegian Bar Association), Den norske Dommerforening (The Norwegian Association of Judges), Borgarting lagmannsrett (Borgarting Court of Appeal), Trondheim tingrett (Trondheim District Court), Fylkesmannen i (The County Governor of) Oslo og Akershus and Vest-Agder), Juridisk rådgivning for kvinner (Legal Advice for Women) , Juss-Buss (Legal Bus Service), Jusshjelpa i Nord-Norge (Legal Aid in Northern Norway), Fellesorganisasjonen (The Norwegian Union of Social Educators and Social Workers), Norsk krisesenterforbund (Norwegian Association of Crisis Centres), Norsk Kvinnesaksforening (Norwegian Association for Women’s Rights) and Senter for tverrfaglig kjønnsforskning (Centre for Multidisciplinary Gender Research).*

Six consultancy bodies agree with the minority viewpoint. In this group we find *Barneombudet (The Ombudsman for Children), Oslo tingrett (Oslo District Court), Fylkesmannen i (The County Governor of) Nordland and Vestfold).*

Many of the consultancy bodies wanting to keep a definition of ”normal visiting rights” in the Children’s Act, believe that such a definition will serve to increase the contact the child has with the parent he or she does not live with. The bodies emphasise that the definition of

”normal visiting rights” is often perceived by parents as a minimum standard and in that way helps the parties decide on contact that meets this standard or exceeds it. Several point out that such a definition can in fact ensure that the child has more contact with the parent who has visiting rights.

Many also believe that there is a good reason to keep the definition of ”normal visiting rights” in the law because a definition can serve to ameliorate conflict. Parents may themselves have difficulties in agreeing upon the amount of visitation and when it should happen. When they have a definition to start from it may be easier to reach a reasonable agreement.

The bodies that wish to remove the definition of ”normal visiting rights” in the Children’s Act have justified their opinion in several different ways. Some believe that parents would have an easier time focussing on creating an agreement that would be tailored to the particular child and situation if they were not focussing on the definition. A definition in the law may then become problematic for an otherwise civil and reasonable dialogue between parents as they find a good arrangement for the child.

One body believes that a ”norm” for visiting rights may be very unfortunate if it is followed as a minimum standard without really taking the child’s best interests into consideration. Another body has the opposite view: A definition may be limiting and to remove it would stimulate the parents to a free and independent evaluation of what type of visiting rights would be best for the child.

The Commission receives broad support from the bodies entitled to comment for their proposal to expand the definition of ”normal visiting rights”. In the consultancy round there was also strong support for the proposal to expand the limits for setting an amount of visitation supervised by a publicly appointed guardian.

### The government’s evaluation and conclusion

As the government sees it, there are weighty arguments both for and against retaining a definition of ”normal visiting rights” in the Children’s Act. It is usually a good thing for a child to maintain positive contact with both parents even when they don’t live together. Both the Commission and many of the consultancy bodies think that the definition of ”normal visiting rights” serves to ensure a minimum level of contact for parents who have little contact with their children. But the Commission also points out that the definition may be too limiting for parents trying to reach an amicable agreement and may therefore be a hindrance to even greater contact between parents and children.

Perhaps will the legal definition helps some groups to achieve more contact while it will hinder others. One cannot exclude the possibility that some families would have found a more comprehensive arrangement if they had not had the definition as a framework. The government thinks however, that it is more important that those who have little contact with their children be ensured a minimum of contact. If the parents are initially interested in there being greater visitation rights, they are perfectly free to agree to them and such parents usually are able to come to an agreement that is more than the definition.

The government concludes that keeping a definition of ”normal visiting rights” in the Children’s Act has the most advantages. The government highlights the fact that such a definition may also serve to reduce conflict.

The government is in agreement with the Commission that the definition should be amended and expanded and sees this as a natural extension of the general societal development in which fathers desire more and closer contact with their children, also after family breakups.

The government also wishes to expand the framework for how many hours the public authorities can be held responsible for supplying an approved guardian for supervised visitation. This can serve to make possible contact in cases where it otherwise would be unacceptable, as in cases where there is danger of assault.

#### *5.7.4.4 Enforced fulfilment of visiting rights agreements*

##### Proposal from the Commission and the viewpoint of the bodies entitled to comment:

According to current law, if a custodial parent neglects to honour the parent's rights to visitation agreed upon either by a verdict or settlement, the court can impose a fine on the custodial parent. This practice stands in opposition to enforcement of decisions regarding parental responsibility and residence, where the law is open for the possibility of physically picking up the child as a means to an end. If the custodial parent, or the one the child lives with permanently, hinders the other parent in fulfilling visitation rights, the parent with visitation rights can file a lawsuit and demand a new decision on the question of custody. The court may find that, in consideration of the child's need to have contact with both parents, the child's residency may need to be changed to the other parent.

The majority of the Commission proposes that physical picking up of the child should be also allowed as a means of enforcing visiting rights. It is stressed that such drastic enforcement through actual physical fetching may have an important preventative effect.

The minority view is that physical picking up should not be allowed to be used as an means of enforcement in these cases because it would be a dramatic intervention by the public authority which may be traumatic both for children and parents. It is further maintained that there isn't a sufficient need for a change in the Act.

About half of the consultancy bodies who commented gave their support to the majority, among others *some of the County Governors Den norske Advokatforening (The Norwegian Bar Association), Politidirektoratet (The Police Directorate), Kirkens Familevern (The Association of Christian Family Guidance Agencies), Juridisk rådgivning for kvinner (Legal Advice for Women), Universitetet i Oslo / Senter for kvinne- og kjønnsforskning (Oslo University, Centre for Women's and Gender Studies), Foreningen 2 Foreldre (Association 2 Parents) and Aleneforeldreforeningen (Association of Single Parents).*

Most of the consultancy bodies emphasise that physical fetching of a child will have a preventative effect, but that such a means, out of consideration for the child, should only be used in extreme cases or as the last resort. Many of the consultancy bodies expressed that clear conditions must be included in the law to cover the use of such a measure, and that the actual picking up of the child needs to be done in a considerate manner. Some bodies mention that childcare professionals need to be present when picking up a child in this manner.

The Ombudsman for Children and The Association of Norwegian Crisis Centres are ambivalent about supporting such a measure. The Ombudsman for Children stresses, as do several other bodies, that one needs better documentation of the state of affairs in this area.

About half of the consultancy bodies who have commented are against the proposal from the majority, among others *some of the County Governors*), *Justisdepartementet (The Ministry of Justice)*, *Barne-, ungdoms- og familiedirektoratet (The Child, Youth and Family Directorate)*, *Den norske Dommerforening (The Norwegian Association of Judges)*, *Landsgruppen av helsesøstre NSF (The National Association of Public Health Nurses NSF)*, *Redd Barna (Save the Children)*, *Alternativ til Vold (Alternatives to Violence)* and *barnerettsgruppa ved det juridiske fakultetet i Tromsø (The Children's Rights Group at the Legal Faculty of the University of Tromsø)*. As a reason for their position they say that physically picking up the child would be experienced as very dramatic for the child, leading to possible psychological difficulties, and /or that the rule will increase the level of conflict between the parents. Many express that such an enforcement rule expresses a parent perspective not a child perspective, and that it is a paradox that the parent with visiting rights is under no similar pressure to show up. Several of the consultancy bodies stress that fines and the opportunity to retry the question of custody should the custodial parent deny the other parent visitation rights are enough of a deterrent. Many also express that mediation should be available and help services need to be active interventionists in such cases.

#### The government's evaluation and conclusion

One may question whether the current regulations are preventative enough and/or help decrease the number of cases where a custodial parent denies visiting rights. As several of the consultancy bodies pointed out, we lack a solid understanding of the actual situation today, and we lack an understanding of the effects the current methods achieve, an understanding of why contracted visitation rights are not fulfilled and the scope of the problem.

Issues where there is a problem fulfilling the agreed-upon conditions for visitation may be very diverse and complex. There may be reasons related to the situation of the child, the custodial parent or the parent with visiting rights, and often a combination of these. The problem may stem from a high conflict level between the parents, who may have different forms of communication and cooperation difficulties. The child may also resist spending time with the parent with visiting rights.

A current research project carried out by Statistics Norway/Agder Research, commissioned by BLD, concerning children who have little contact with one of his or her parents, will analyse which factors contribute to a higher risk for little contact between parents with visiting rights and their children, and the researchers will try to discern how much the level of conflict between the two parents plays a role. The first part of the investigation will be finished by the end of December 2008, while the qualitative part of the project will be finished by the summer of 2009.

Results from this and other investigations should throw more light on the problems regarding enforcement of the right of visitation. More information may give a better foundation for purposeful measures. A section of the Psychological Institute at the University of Oslo is also planning to look carefully at the process of picking up children who are to be placed outside the home under the care of the Child Protection Services.

The government would like however to map out some possible alternatives.

There seems to be a need for a broader repertoire of means of intervention in these cases, including measures that can serve to lower the level of conflict between parents and help them to cooperate on behalf of the child. Long-term, deadlocked conflicts between parents are harmful to children and can also reduce the care-giving capacity of the parents. Mediation and access to holistic aid from the whole of the help services (Family Counselling Agencies, Psychological Health Services, NAV (The Norwegian Labour and Welfare Administration)) may be well able to reduce the level of conflict between parents and strengthen the possibility of following through on visitation rights. There is help to be found for cooperation between parents under the auspices of the Family Counselling Agencies and other institutions. This kind of help can make it possible for parents to distinguish between their roles as parents and ex-partners. It is also possible to arrange for supervised visitation at this stage; custodial parents and/or children will then feel safer in case there is an actual problem with regards to visitation.

At the same time, it is important to ensure that the handling of such cases in court is careful and defensible, which will make it possible to separate out the cases for which mediation would not be appropriate or in which the visitation rights should not be enforced because of "impossibility", as when to do so would lead to serious psychological problems for the child. Such cases where there are exceptional reasons to try the case again, should be channelled into a new hearing in court.

Physical picking up of the child as a possible coercive means when the terms of the visitation are not being met may possibly have a preventative effect and lead to more agreements being fulfilled. That would be positive. However, such a measure needs to be weighed against other considerations. There is the danger that the opportunity to pick the child up, or the actual following through of the enforcement measure could have a negative effect on the child's psyche or be an unacceptable psychological burden on the custodial parent in a situation that already may be desperate. This may have a serious negative effect on the overall care-giving situation surrounding the child. Physical picking up of the child may also increase the conflict level and have a negative effect on any future cooperative efforts of the parents. Such an intervention can make it difficult for the child and/or the custodial parent to feel secure. The intervention can also be problematic with respect to the fact that visitations are recurring events and that the nature of visitation changes over time.

On the basis of this the government would like, in addition to the existing interventions, alternatives to the proposal from the Commission that might be better suited to promote the fulfilment of visitation rights in cases where the visitation is not able to be carried out as agreed. The government would also like to point out that the work to ensure that settlements and verdicts are solid and good is important in preventing difficult cases from developing.

### **5.7.5 Other proposed initiatives**

The government sees securing a satisfactory life situation for children after a family breakup as an important goal. Negative relations and poor cooperation between parents has a negative influence on both adults and children; it is important to strengthen the services and opportunities for help in this area.

Such measures may be initiated at many levels. There are legal and economic measures, conflict reduction measures between parents, or offers of help and support both before and after a breakup. In order to facilitate positive and close contact between a child and both its

parents after a breakup, interventions must be implemented that can reduce the level of conflict in situations where parents cannot put the past behind them.

- In its concluding notes, The Men's Panel advises that the Children's Act be amended to be based more on equality in parenting. The government will review which amendments might best ensure such equality in parenting with the best interests of the child at the centre. This evaluation will also take into consideration the Children's Act Commission's review of the Act (NOU 2008:9) with its subsequent round of hearings and the recommendations of the Men's Panel.
- Measures must be implemented to help parents make more use of the established services for conflict resolution and parental cooperation, such as the mediation system. Married parents who have children under 16 years of age, must attend mandatory mediation sessions before they are allowed to file for separation. Cohabiting parents with children under the age of 16 years of age must also attend mediation before they leave the relationship. Parents who want questions about the children decided in court must first attend mediation before the lawsuit can be filed. The intention of mediation is for the parents to come to an agreement about parental responsibility, the residence of the child, and what kinds of visiting rights should be set up. The Men's panel suggests that the mediation system as it exists today, should be re-evaluated. Today's arrangement with one obligatory hour of mediation plus up to six voluntary hours should be sufficient to work through the central problems regarding the arrangements for the children. The main challenge today lies in getting parents to use the mediation system better. The system of mediation was last changed in January 2007. At that time obligatory mediation was brought in for cohabiting parents of children under 16 years of age, and the number of hours available was changed. The system must be evaluated in order to see if it works as planned.
- The Ministry of Children and Equality works with problems related to how the conflict level within the family can be reduced after a breakup, such as how one can reduce the number of lawsuits that find their way into court.
- Measures must be implemented to lower the level of conflict between parents in connection with a family breakup and during the ensuing collaboration regarding the responsibility for the children. Parent mediation and other conflict resolution techniques can help parents to separate issues: conflicts regarding parental responsibility and cooperation for the good of the children on the one hand, and conflicts that are purely between the adults on the other. Offers of help to improve conflict resolution and improve parental cooperation after a breakup can be an important contribution to a situation where fewer children have to grow up under the stress of long-term and harmful conflicts between the parents. The Family Counselling Agencies need to be a central figure in this work.