



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

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS FOURTEENTH SESSION

Draft report

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Addendum

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

Norway

1. The Committee considered the third and fourth periodic reports of Norway (CEDAW/C/NOR/3 and CEDAW/C/NOR/4) at its 277th meeting, on 30 January (see CEDAW/C/SR.277).

2. In introducing the report, the representative pointed out that the priorities set out in the White Paper to the Parliament (Storting) in the spring of 1993 included an active child-care policy with a focus on shared family responsibilities between the parents, renewed efforts to reach the goal of equal pay, and more effective actions against the abuse of women and sexual violence. She noted that efforts to change the rules and tasks of men and to see the gender question as one of Norwegian human resource development, was one of the top priorities of the Government. She also focused on the instruments used in the gender equality policy, including the proposed revision of the Norwegian Gender Equality Act of 1978 and the discussion of equality as a concern for both local and regional authorities.

General comments

3. Members of the Committee commended the detailed and thorough written and oral reports. They praised the Government of Norway for the conceptualization and implementation of its gender policies, thereby serving as a role model for

many countries, and they welcomed the fact that the Convention had been ratified early without reservations.

4. Members applauded the fact that in preparing the third periodic report the Government had carried out consultations with non-governmental organizations (NGOs) and transmitted the report to major women's organizations in the country for comments. Members noted that the general view of the NGOs was that the Government had represented the situation of women extremely well, but that they felt that there were still problems in legal areas and in the participation of women in public and private life.

5. Members of the Committee wanted to know whether the meaning of the concept of equality in Norway refers to the recognition of equality in the Constitution as meaning equality between the sexes and an equal division of work, paid or not, and an equal availability of resources. The representative explained that the Norwegian Constitution is gender-neutral in its formulation. It contains no explicit provision of gender equality or prohibition against gender discrimination. The Government is currently considering whether to include various human rights conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women. In 1995, the Government will present a white paper on this subject. Equality between the sexes is regulated by the Gender Equality Act (1978), article 1 of which states: "This Act shall promote gender equality and aims particularly at improving the position of women. Norwegian women must, nevertheless, today be considered to have achieved de jure equal status with men". The representative noted that the gender perspective was currently mainstreamed in all areas of the Government, and all Ministries had established a focal point for gender issues. They had the obligation to make gender issues visible, to include them in policy formulation at the earliest stage possible and in all routines, to follow up and evaluate implementation and to influence recruitment policies; they planned to create gender balance and thereby improve substantive results.

6. Members wanted to know how the economic changes in the country which aimed at a revised distribution of social investments had affected programmes for women. The representative replied that the budgetary situation has been strained since the late 1980s. However, important reforms had been implemented in the same period, including improved and flexible solutions targeted at harmonizing work and family responsibilities. The welfare system is at present under revision. The aim is to achieve a more cost-effective system and to be better able to target services and benefits. Furthermore, the representative said that there has been an increased awareness of gender roles both among politicians and in the administration, which has served to counteract any possible negative impact on women.

7. Members requested more statistics and wanted additional information regarding articles 6, 13, 18 and 19 of the Convention.

Questions relating to specific articles

Article 2

8. There is some concern that the Equal Status Act is being interpreted in some quarters to mean equal access by men to occupations where they seem to be underrepresented, such as health and welfare occupations. Members wanted to know if, at the same time, there are plans to increase the number of women in areas dominated by men. The representative told members that the Gender Equality Act permits different treatment of the sexes when that promotes gender equality. So far, different treatment with respect to women has only been permitted in favour of women. The Act is at present under revision, and the Government has proposed modest forms of positive action in favour of men related to jobs in child care and the teaching of young children, in day-care centres, primary school and child welfare institutions. This will not alter the fact that the main purpose of the Gender Equality Act has been to promote the situation of women, and this will remain the case in the future too. The Norwegian statement also referred to the Nordic project "BRYT", a programme designed to break down the sex-differentiated labour market, as described in the third periodic report (see CEDAW/C/NOR/3, para. 137).

Article 3

9. The report stated that the Norwegian Equal Status Act covers all fields including education, employment and politics. However, as the Act does not cover family and personal affairs in reality, there is a high possibility that some critical areas of concern of women are left unaddressed by this legislation. The Committee was especially concerned with provisions in the Norwegian legislation to exempt certain religious communities from compliance with the equal rights law. Since women often face greater discrimination in family and personal affairs in certain communities and in religion, they asked the Norwegian Government to amend the Norwegian Equal Status Act to eliminate exceptions based on religion. The representative replied that the Norwegian Gender Equality Act stated that "The Act relates to discrimination between women and men in all areas, with the exception of internal conditions in religious communities". The reason for this exception is article 2 of the Constitution, which establishes the right of all persons, including both those from dissenting communities and the Church of Norway, to the free practice of religion. "Internal condition" may be what the religious communities themselves reasonably consider to be theological questions. The appointment of clergymen, preachers and chaplains has been exempted from the reach of the Act. However, the appointment of staff whose tasks have not been connected with religious practice, for example, caretakers or welfare officers at the church family guidance officers, has not been exempted from the Act. The family is not regarded as a religious community and therefore the Act also applied to family life and served as a guideline for family life.

10. Concerning the fact that immigrant women constitute a sizeable percentage of those abused in Norway, members asked what special programmes are in place to assist them. The representative answered that the disproportionately large numbers of immigrant women who are reported as seeking refuge at the crisis centre have been a phenomenon limited to the capital. Moreover, a joint Nordic

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survey concerning immigrant women and the crisis centres has included suggestions for improvement of the centres. Special programmes have not been applied and the policy concerning immigrants has focused more on integration in existing services and mainstream programmes. In Oslo there is, however, a resource centre for immigrant and refugee women (MIRA). This Resource Centre assists immigrant and refugee women, including women victims of family abuse, and constitutes a useful link between Norwegian authorities and immigrant women. It does not represent an alternative to mainstream crisis centres, but has, rather, served a supplementary function.

11. Members wanted to know what measures were being undertaken to preserve the welfare programme especially aimed at women within the general framework reviewing the welfare system. The representative stated that, at present, the National Insurance Scheme and other welfare programmes have been scrutinized in order to provide a basis for the Government's view on the need for changes which will be presented during the spring of 1995. It would be a misinterpretation if this was construed as "cut-backs under way". The general background to this activity included the need for a more efficient resource allocation, which may lead to cut-backs in areas where present spending is found to be unjustified or even unreasonable compared with spending in other areas. The motivation for the scrutiny has been to avoid the welfare state turning into a rigid structure unable to adapt to the needs of a society undergoing rapid changes. Special attention will be given to female-headed households to further the reintegration of these women into the labour market. One of the main objectives of the Norwegian policy will continue to be to promote equality between men and women even in the welfare field and to adapt welfare programmes accordingly.

Article 4

12. Members wanted to know to what extent affirmative action measures are actually being applied. In what sectors are the major obstacles to be found? In what sectors has the presence of women increased and what benefits have flowed from this? The representative addressed affirmative action as preferential treatment and special quota arrangements. The Gender Equality Act includes a provision requiring at least 40 per cent representation of each sex in all official committees, boards, councils, and so forth. Although this provision is not binding for political parties in the course of the 1980s, most political parties have adopted gender quotas on a voluntary basis and have been successful in promoting women's political participation. In the fields of employment and education, affirmative action has been permitted, but not prescribed. Moderate forms of preferential treatment have been in effect in the public sector since the first half of the 1980s, so that women candidates are to be preferred in sectors where women are numerically underrepresented, when qualifications are identical or roughly equal. A recent research project found that a quota system has not been applied to any great extent in employment and education. Rather, advertisements for vacant posts with statements like "women are encouraged to apply" have been proved to be effective. There are, however, some obstacles in this area. Preferential treatment has not been sufficiently integrated into collective agreements and regulations in the public sector. Also, there has been a general lack of such agreements and actions in the private sector. This must be seen in the light of the parties' reluctance to accept any interference with their freedom of choice, and the fact that use of

quotas has been controversial. Moreover, women's employment has increased primarily in the public, social and private service sectors. Two out of three employees in these sectors are women and more than 50 per cent of all working women are in the public sector. Furthermore, the structural changes in the labour market in the 1980s have been favourable for women-dominated occupations and for women's employment. Increased unemployment affected women less, because of the sex-segregated market.

13. Noting that the Ombudsman has called for a more effective affirmative action policy, the members wished to know whether such affirmative action legislation has been adopted so far. The representative replied that the third periodic report, which noted the Ombudsman's request for a more effective affirmative action policy, explained that the view of the Gender Equality Ombudsman was that existing affirmative action measures should either be strengthened to gain proper effect, or abolished altogether, as in her opinion the existing arrangements served to give the public unrealistic notions of women's opportunities in the labour market. She was particularly worried that the proposed amendment to the Gender Equality Act, which would allow affirmative action for men, might change the present balance in favour of men. The effects of affirmative action measures are being evaluated at present. The proposed amendment to the Gender Equality Act was presented in the fourth periodic report. The intention behind the proposal to allow positive action in favour of men in a limited number of occupations in the caring sector is to activate men's caring potential, which would serve to counteract the strict sex-segregation in the labour market and also provide children with less stereotyped conceptions of gender roles. Another concern expressed by the Gender Equality Ombudsman has been with respect to the enforcement of the quota arrangement in collective agreements, since the social parties are reluctant to accept any interference. In order to strengthen the obligation to put in place active measures for equal status in all parts of the labour market, the Ministry wishes to go further. Legalization of the Plan of Action is now under consideration. This would mean that employers, in cooperation with the employees' organizations, would have to act and fulfil the obligations according to agreements involving preferential treatment.

14. A member wanted more information regarding mainstream policies and their various procedures. Are these policies included in the law or are they just a consensus by the Cabinet? The representative replied that, at present, the mainstreaming policies are only a consensus of the Government. However, extensive efforts were made to integrate them into the routine procedure of the Government.

Article 6

15. Despite all the steps taken to assist and support victims of sexual abuse (incest, rape, etc.), violence against women does not seem to have been reduced. The members wanted to know if any study has been carried out on the causes of this phenomenon so as to find out which aspects of the society are responsible for these crimes. The representative stated that several studies have been carried out in order to understand the causes of violence and which aspects of society may be responsible for such crimes. The findings on these studies, however, differ depending on their theoretical framework. Most studies have

been based on psychoanalytic theory, system theory or feminist theory. Studies within a psychoanalytic framework see violence as a consequence of the individual history. In system theory, the generation perspective is important, explaining violence as an issue of revictimization. Many victims repeat the abuse that they themselves experienced as children. The feminist perspective focuses on the power relation between men and women. It is well known that most abusers are men while the victims may be boys, girls or adult women. Empirical evidence suggests that gender power and family pattern have been central in understanding the prevalence of sexual violence in society.

16. Norway deserves to be commended for attempting to look at the other side of prostitution - namely, its male consumers. A study on prostitution has provided an analysis of prostitution as a problem which is not simply a problem of women but of male sexual needs and desire to "control sexual relations". As a result of the instructive insights of the study of prostitution referred to in the report, the members wanted to know if the Government had introduced measures to sensitize the population in general, and men in particular, on this issue. The representative explained that the national authorities had recently given the National Centre on Prostitution a responsibility to develop strategies that might prevent prostitution, *inter alia*, on the basis of research findings. The centre was opened on 1 January 1994. Further information will be provided in the next report.

17. As to rehabilitation efforts to assist prostitutes through information campaigns and seminars for police, health and social officials, and so forth, members wanted to know what the result had been of these seminars and if this is a continuing programme. They requested a definition of "rehabilitation" and the programmes under it. The representative said that the national programme for regional seminars on prostitution had concluded, and the responsibility for up-grading knowledge concerning prostitution at present lay with the National Centre on Prostitution. Two regional seminars were held under the national programme and were considered to be useful by the participants, who were drawn from different institutions within welfare and services. Furthermore, "rehabilitation" refers to assistance aimed at the prevention of prostitution. This may include general information, guidance, economic assistance, paid vocational training, psychological help, participation in self-help groups and other individual support, development of "career plans", and so on.

18. As to the increasing incidence of child abuse, the Committee noted the establishment of centres for incest victims. The members wanted to know if preventive and rehabilitative measures also are directed to the abusers. Is there legislation dealing with this issue? The representative stated that the fourth periodic report described two measures directed to abusers. The Ministry of Social Affairs has provided funds for three treatment projects for persons convicted of sexual crime. A reference group will evaluate the projects and present proposals for treatment of sexual criminals. One major issue of the research programme (1992-1996) on sexual violence was the role of men as abusers and the preventive measures related to abusers.

19. The members wanted to know what the situation is concerning the sex business in Norway. What is the Government's policy here? The representative explained that in Norway, sex business has been considered to be comparatively

limited. In recent years, a tendency towards more hard core pornography has been observed. It is also assumed that prostitution may be increasing because of the internationalization of the sex trade. Sex trade in various forms has been regarded as a serious matter by the Government. In this respect, combating child pornography and focusing on the persons that profit from prostitution have been among the concerns of the Government. The major approach has been to sharpen the provisions in the Penal Code relating to pornography and pimping. In relation to prostitutes, the authorities have initiated and supported several projects aimed at both preventing prostitution and motivating prostitutes to leave prostitution. Detailed information was presented in the fourth periodic report.

Article 7

20. As to the quota of 40 per cent representation of each sex on all publicly appointed boards, councils and committees, which is as beneficial to women as to men, members wanted to know what the public reaction to this has been. What is being done to ensure that women can benefit more from this policy? The representative stated that today there seems to be a general agreement that men and women should be equally represented in boards, committees, etc. appointed by public bodies. As early as 1981, when the Government first introduced the amendment to the Gender Equality Act, the majority of women's organizations, unions and political parties expressed their support. In boards and committees appointed by governmental bodies, the average percentage of women is at present close to 40 per cent, while women on boards and committees appointed by local government is 36.4 per cent. Owing to quota provisions in the new Local Government Act, women's representation may increase after the next local government election. Women, however, are still underrepresented on boards and committees in a number of traditionally male-dominated fields, for example, defence, foreign affairs and trade. The representative also stated that stricter enforcement of the quota provisions must be accomplished in these sectors.

21. The Committee would have liked to see a fuller discussion of women and power, particularly since increasing women's power and influence is a crucial part of the equal status policy. Though women's participation in public life has increased substantially in Norway, in some other important spheres women are still a small minority - especially in the areas of trade, industry and the media. With regard to political participation, the Committee wanted to know whether women today really have more power in Norwegian politics than in earlier times. The representative replied that there has been great concern regarding women's poor representation in managerial levels in the private sector. In the one hundred largest enterprises women are not represented among executive directors. On boards 10 per cent are women. One reason for this may be that women seem to prefer the public sector rather than the private sector. Furthermore, today women account for 52 and 55 per cent of the total number of students enrolling at universities and colleges. In the traditional male-dominated fields such as law, economics and engineering, the percentage of women candidates is 53 per cent, 30 per cent and 38 per cent, respectively. Also, trade unions and employers' organizations devote increased attention to the absence of women in high positions in private enterprises. Some enterprises have introduced women's training programmes. Moreover, access to the media

usually implies power. In recent decades, the proportion of women among journalists has increased. In 1992, the proportion of women among journalists was 33 per cent. Among media students, the percentage has been 58 per cent. Women's participation in politics has made women and women's interests more visible in the media. Also, the media have contributed to the degree of equality enjoyed by Norwegian women today.

22. The members wanted to know what substantive change has been brought about by the increase of women in the public sector and politics, and primarily in which sector the change has been most significant. The representative stated that a high number of women in governance has made a difference. In Norway, the most prominent result has been the progress achieved in politics regarding family responsibilities. In the last few years, a rapid expansion of government-subsidized child-care institutions has been noted. Since 1986, parental leave has been expanded from 18 to 42 weeks with full wage compensation or one full year with 80 per cent wage compensation. The costs have been provided by social insurance and not by the employer. The time account scheme and the father's quota have been other important reforms in this area, which have been implemented in periods otherwise characterized by economic recession. The Government of Norway believes that this would not have happened without the high representation of women in politics.

Article 10

23. The members wanted to know if there are any special educational benefits for women - especially disadvantaged women and single parents. The representative explained that single mothers are, on the whole, better educated than married women. There is, however, a limited number of very young single women with few formal qualifications. Single mothers with children up to the age of 10 are entitled to benefits regardless of whether they have been undergoing education. Furthermore, single parents have been entitled to benefits under the National Insurance Scheme to cover various costs in connection with education, where education has been considered necessary to qualify the single parent for the labour market. The average educational benefit granted is about Nkr 10,000 per year and covers the purchase of necessary books, and so forth. Students have also been entitled to favourable State loans during periods of education, and single parent students may add substantially to their income from other benefits under the welfare state.

24. Members wanted to know how the Government is supporting women's studies. The representative stated that women's studies have been established and have acquired a considerable reputation in Norway. Since the 1980s, the Government has assumed the responsibility for increasing the number of women researchers in all fields, supporting women's studies and introducing them in educational institutions and elsewhere. As referred to in the fourth periodic report, progress has been made in institutionalizing women's studies. Obstacles remain, however, in the field of integrating women's studies in university and college curricula, and in making the results useful in the education of children and youth. Currently, special attention is given to teacher education. The project Nord-LILIA, mentioned in the fourth periodic report, aims to strengthen the gender perspective in the method and content of teacher training. The

Government has been instructing the National Research Council to evaluate how women's studies are approached in the universities.

Article 11

25. As to the increased participation of women in non-traditional fields, members wanted to know if that had been sufficiently institutionalized in different industrial sectors. The representative answered that the third periodic report mentioned projects which aim to increase the participation of women in non-traditional fields. The "BRYT" policy had, however, not changed the gender roles in the fields of education and occupation. Furthermore, structural changes and increasing unemployment in many male-dominated sectors had contributed to restructuring. Moreover, measures to encourage women to choose traditionally male-dominated occupations had been actively supported by the Government.

26. Although Norway's population is highly industrialized and educated with extensive social security coverage, the occupational and wage differentials still remain significant. Members wanted to know what was being done to reduce these inequalities. What are the obstacles and reasons that impede equal treatment and equal salary for women? The representative stated that Norway had come a long way towards the goal of equality between women and men, but pay equity was still a matter of great concern. Equal pay is not to be taken as a matter of course because of the high level of education and workforce participation. Norway experienced a negative trend in the 1980s and faced the fact that progress is not continuous. It is apparently easy to reach agreement on the goal of equal pay, but the choice of means is far more controversial. The fact that the labour market is gender-segregated with women in the lowest positions requires measures on the macroeconomic level. The Government is working for an integration of the topic into the labour market policy and the wage setting in general. The Norwegian Government has made efforts to address the gender issue and the wage gap in the unions, in employer organizations and the bargaining system. Furthermore, statistics and facts about the wage gap are at present integrated in the document that forms the basis for collective bargaining. The present policies seek to improve the working conditions and payment in the traditional female-dominated sectors. A tool for this can be job classification systems. The Government is now developing non-discriminatory programmes for job evaluation. The aim is to develop job evaluation for use in all parts of the labour market. The unions have shown great interest in these measures and will take part in these programmes.

27. However, the representative stated that the Government is of the opinion that legislation plays a limited role in eliminating the wage gap. Legislation is aimed, primarily, at securing individual rights. However, improvements are continuously being made in order to make it more effective. The Government and the Gender Equality Ombudsman are taking joint action to inform the public more thoroughly about women's rights under the Act. The aim is to encourage women to make use of these rights in all sectors, including in working life. Furthermore, the Government plans to introduce provisions on action plans for gender equality, which will apply to employers who engage a certain minimum of persons. The employers will be expected to conduct an annual survey which shows the situation with respect to gender equality and to make concrete plans for

promotion of gender equality for the next year. Another project is to establish a "check-list" on equal pay. This list is supposed to be a practical tool for organs working for the achievement of equal pay, such as gender equality machinery, social partners and employees.

28. Members wanted to know why there has been a significant rise of women in the political hierarchy, while, at the same time, discrimination persists in the area of employment, especially as regards the type of work, conditions, hours and wage gap. What is the situation in private sector companies? The representative replied that the answer to this question had already been covered in other replies.

29. The report gives the impression that women have a choice between a long working day or a shorter one with a lower pay scale. It would seem that work is not equitably distributed between men and women. On the other hand, it seems that supplementary pensions are calculated on the basis of "points", a system that favours those who have performed regular, uninterrupted service. The revised system for calculating supplementary pensions has not eliminated the gap between the pensions of men and women. Members wanted to know if there are plans to draft a law to do away with this gap? The representative stated that the Norwegian pension system is a two-tier system: a basic pension for all citizens regardless of their source of income before being pensioned, and a supplementary pension on the basis of earned "pension points", calculated each year in accordance with income and paid for through taxes. The system as a whole posits a comparatively strong redistribution of income: the better off get a smaller percentage of their income during their working years than the rest of the society. The better off, however, still get a higher pension. In this kind of system, the gap between men and women will reflect the gaps in participation in working life. The main factors behind the difference in male and female average points are due to the fact that typical "female" jobs are generally less well paid than typical "male" jobs. At present, there are no plans to change this system. The reason for this is that a uniform and compulsory pension system for all, paid for through taxation, is an essential part of a good welfare state and allows a much better basis for equality in standards of living for the older population than other systems.

30. Members wanted to know if there is a statute for immigrants. The report emphasizes that immigration to Oslo is abnormally high. Do all immigrants come with their families? Under the circumstances, how are female immigrants integrated into Norwegian society? Do the families of immigrants have the right to work? What sort of work do they do? The representative stated that approximately 30 per cent of all immigrants in Norway live in the capital. Immigrants constitute 14.7 per cent of the population in Oslo. Immigration policy is based on genuine equality in the status of immigrants and Norwegians. Immigrants should be granted the same opportunities, rights and obligations as the rest of the population. In the last decade, immigration has been dominated by persons seeking asylum and by family reunions, including both foreign wives of Norwegian men and wives and children of immigrant men who are established in Norway. Family members of immigrants with a lawful residence permit are generally entitled to work. Immigrants are found in several branches of industry, such as within oil and gas extraction, and in public services. Immigrants from developing countries are clearly overrepresented in certain

sectors such as the hotel and restaurant sectors, cleaning, and certain manufacturing industries. Immigrants, both men and women, experience unemployment more frequently than the rest of the population. It is also a general concern that the qualifications of immigrants are not fully utilized. Insufficient command of the Norwegian language and various types of discrimination are among negative factors. Programmes to facilitate integration into Norwegian society, such as education in language and vocational training in segregated women's groups, have been offered. Some of these programmes also include psychotherapy. Furthermore, there are special training and education schemes for immigrants in the employment service.

31. Members wanted to know what compensation a woman can get when she has been discriminated against in the workplace. The representative replied that according to the Gender Equality Act, a person who wilfully or negligently violates the provisions of the Act should be liable for damages in accordance with the rules on ordinary compensation. A woman who has experienced discriminatory treatment, i.e., in relation to pay, recruitment or promotions, can sue her employer for compensation for economic loss caused by that treatment. The courts also have the power to overrule discriminatory appointments. Normally, courts hesitate to use this power where an appointment has already been made.

Article 16

32. The report noted the increasing violence committed by spouses. The Committee commended the legal measures taken by the Norwegian Government in this regard, in particular the amendment of section 228 of the Penal Code which allows the prosecution to prosecute unconditionally cases of violence in families. Are any statistics available on this? The representative explained that there are no statistics available on the effect of this amendment. There is reason to believe, however, that the number of prosecutions against violent spouses has increased. Statistics from the early 1980s have showed that almost half of the women who reported violence committed by spouses either did not request prosecution or later withdrew their request.

33. The Committee wanted to know if fathers take responsibility for their children. How often do they use their right to paternity leave? Are there investigations and records kept of complaints by fathers that they do not have access to their children? The representative stated that surveys have indicated that young fathers spend more time with their children today than such fathers did 20 years ago. On the other hand, fathers of young children spend increasingly more time in paid work as well as in overtime. Since April 1993, four weeks of the parental leave has been reserved for the father, which are lost to the family if not taken by the father. There has also been a significant increase in the payment of parental benefits to fathers. No record of complaints by fathers has been kept. Statistics concerning family law, especially those regarding lawsuits concerned with custody and right of access, are very poor. There is no information regarding the number of fathers who have been prevented from access by the other parent.