

## **Equality, care work and paid work:**

The notion of the 'Nordic Gender Equality Model' has usually been associated with laws that promote substantive equality. However, is that still the case? In Norway, there is an increasing gap between the right to equality and the family property rules.

My empirical findings indicate that most couples in marriage and other stable relationships act as an economic unit and expect that they shall have their fair share of the surplus accumulated during their relationship. Most persons in my 2016-survey also answered that they both became owners of investments made during the relationship and in particular in marriage.

One generation ago, most couples were married and divided the estate equally if they divorced. Today many cohabit without any right of equal division and the spouses have more often married late, which means that there is not likely to be much left for equal division according to the Norwegian rules on so called "un-equal-division". Most couples will today neither become co-owners, nor divide equally by break up of marriage or cohabitation.

An interesting paradox arise; in our time when individuality seems to be part of the zeitgeist, and when the national rules have moved in the same direction, the couples still seem to pool their money and behave dependently. Such behaviour give need for correction mechanisms in national law to promote equality and prevent discrimination. The survey also indicate that the expectations of the couples themselves seem to be more or less in line with the rules following from the Human Rights, and in particular CEDAW article 16, which imply that both parties in the relationship are entitled to a fair share of the assets which are accumulated during the relationship.

However, such findings makes it increasingly difficult to explain the gap between the strict national rules and the rules following from the Human Rights – in marriage and cohabitation. A part of the explanations might although be an increased pressure from courts and academics who see gender equality and anti-discrimination as an individual and private matter.

I the seminar want to share some of my empirical findings and discuss them in the light of Nordic Family Property law and the state's Human Rights obligation in particular following from CEDAW.