

[NO] Authorities Ponder Affirmative Action to Strengthen Gender Equality in Feature Film Production

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The Board of Governors of the Norwegian Film Institute (NFI) in late May issued a report on “Equality in the film sector”. The report follows an announcement on national television in January by the Minister for Culture Anniken Huitfeldt, in which the Minister declared herself “prepared to take political action to attain the goal of 40 per cent” women in leading functions in film production. The announcement was interpreted as raising the possibility of introducing legislation in order to correct the under-representation of women in the film sector, but the Minister opted to refer the matter to the NFI Board first. The Film Institute report, however, limits itself to recommending a series of measures to encourage and facilitate entry into the film industry for women, but stops short of proposing “radical quotas”, i.e., the reservation of quotas or amounts of national film support for projects that comply with the official goal of gender balance of minimum 40 per cent representation of either gender.

Observing that 30 per cent of the public support granted to film production by the Norwegian Film Institute goes to female talent, the Minister, in her January statement, declared present efforts to attain gender equality in the film industry “not good enough”. The Minister’s declaration thus confirmed policies introduced in Norway’s 2007 White Paper on film policy, which was unanimously approved by Parliament. The Paper introduced as one of the government’s goals for the Norwegian film industry that “[a balance] of 40 per cent women/men in key [production] positions” should be reached by 2010.

Despite consistent and continuous efforts the NFI has not succeeded in raising the overall percentage of female production talent - defined as directors, script-writers and producers - above the 40-per cent threshold. As of the end of 2010 short films and documentaries supported by the NFI have 42 and 45% women in key positions respectively, whereas the percentage for the selective “commissioning executive-scheme” for feature films has risen from 24% in 2002 to 32% in 2010. Ironically, given the industry’s wholehearted support for the gender equality measures proposed in a 2010 report, programmatically entitled “Utilise all talents”, it is the semi-automatic “market criteria scheme”, over which the film business holds most direct influence, that has the lowest share of women in key positions, with 15 per cent in 2010.

Declaring herself “no opponent to gender quotas”, Minister Huitfeldt was obliquely referring to the political willingness in Norway to use legislation to mandate affirmative action in gender-equality policy. Significant in this context is the 2002 decision to make a 40-per cent share of women board members mandatory in Norwegian limited companies under the provisions of Article 6-11a of the Public Limited Liability Companies Act, a legal provision that has since been considered - and in some instances copied - in a number of other countries. In the words of the Minister: “In the film sector, as in all other fields of society, women - despite being talented - do not get the support they deserve”.

The use of the legislative option to redress gender imbalance in the film sector would nevertheless seem rather unlikely. In 2003 the EFTA Court ruled that the practice of reserving some academic positions exclusively for women at Norwegian universities was unlawful (case E-1/02). The Court’s ruling rested on Norway’s obligations under the European Economic Area (EEA) Agreement, as well as on the EU Directive (76/207/EEC) on “The implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion”. Thus, the carrot, rather than the stick, would seem to be the only avenue open to further the cause of gender equality in the Norwegian film sector - as demonstrated by the NFI report.

Rapport om Likestilling på filmområdet

<http://www.nfi.no/Norsk+film/Statistikk%2C+analyse+og+rapportering/Rapporter/Rapport+om+Likestilling+p%C3%A5+filmomr%C3%A5det.92185.cms>

Lov om allmennaksjeselskaper (allmennaksjeloven)

<http://www.lovdatab.no/all/nl-19970613-045.html>

EFTA Court ruling E-1/02, 24 January 2003

http://www.eftacourt.int/images/uploads/PR03_EN_2003.pdf

