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## **NIM Supplementary report to GREVIO under the Istanbul Convention on Violence against Women and Domestic Violence, in relation to Norway's first report and the Committee's country visit scheduled for March 2021**

The Norwegian National Human Rights Institution hereby submits its supplementary report to the Council of Europe under the Istanbul Convention on Violence against Women and Domestic Violence prior to its country visit to Norway scheduled for March 2021.

The Norwegian National Human Rights Institution (hereinafter: NIM) was established 1 July 2015 as an independent institution under new legislation adopted by Parliament. NIM has a specific mandate to protect and promote international human rights in Norway, which also entails monitoring how the authorities respect their international human rights obligations. Submitting supplementary reports to international human rights monitoring bodies is an essential tool for an NHRI to fulfil its mandate.

In March 2017, we were granted A-status by the Global Alliance for National Human Rights Institutions (GANHRI), thus recognising that NIM is fully compliant with the UN Paris Principles.

Please note that our submission does not reflect all relevant human rights challenges in Norway within the scope of the Istanbul Convention.

Please feel free to contact us at [info@nhri.no](mailto:info@nhri.no) in case of questions.

Yours sincerely

On behalf of the Norwegian National Human Rights Institution

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## **Integrated policies**

### **1. Incorporation**

There are two main ways of incorporating international human rights conventions into Norwegian law. The first is through incorporation into the Human Rights Act, the Equality and Discrimination Act or other acts. The second is to make necessary adjustments in national legislation to ensure that there are no discrepancies between the convention and national legislation. The latter option means that the convention is not directly applicable before the courts, as opposed to where the convention is incorporated into an act.

Five key human rights treaties (the ECHR, ICCPR, IESCR, CEDAW, CRC) have been incorporated into the Human Rights Act of 1999. These conventions have, through the Act, direct effect in national law as well as priority over national legislation in case of potential contradictions. Section 3 of the act states that “The provisions of the conventions and protocols mentioned in section 2 shall take precedence over any other legislative provisions that conflict with them.” ICERD has been incorporated into the Equality and Anti-Discrimination Act, thus being directly applicable in national legislation but without being subject to a “priority” rule. Section 5 in this act thus specifies: “The United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 shall apply as Norwegian law.”

The Istanbul Convention is not directly incorporated into Norwegian law. The Government states in its report that national legislation is considered to be in accordance with the Istanbul Convention. Moreover, it is noted that “according to the principle of presumption, Norwegian legislation should be interpreted in accordance with obligations in public international law that are binding on Norway”. Norway has taken no reservations to the Istanbul Convention, and the convention is thus binding in its entirety for Norway.

The issue of incorporating the Istanbul Convention does not appear to have been discussed in the documents preceding the ratification of the convention by Norway and is not discussed in the state report. NIM assumes that the authorities have arguments both for and against incorporation.

#### **Suggested recommendation:**

- The State should consider the possibility of incorporating the Istanbul Convention into either the Human Rights Act or the Equality and Anti-Discrimination act.

## **2. Co-ordinating body**

Reference is made to the Istanbul Convention Art. 10 and State Report pp. 12-13.

Article 10 of the Convention provides the State with the options “[...] to designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention”. However, GREVIO has recommended other State parties to set up one body for co-ordination and implementation of policies and measures, and a separate body to ensure objectivity in monitoring and evaluation of policies.<sup>1</sup>

According to the State Report, an Inter-ministerial Working Group against Domestic Violence has been established, consisting of 1-3 civil servants from eight different ministries along with additional representatives from relevant directorates. The working group is responsible for co-ordination and implementation of the Convention, including reporting to GREVIO. The Norwegian Government has still to decide which institution to designate as a national monitoring body.

NIM would like to reiterate the need for the State to establish or designate a national monitoring and evaluation body for the Convention.

### **Suggested recommendation:**

- The State should establish a body to ensure objective monitoring and evaluation of policies to prevent and combat violence against women and domestic violence.

## **3. Action plans, both state and municipal level, reiterate the need for priority to forthcoming action plan, to include vulnerable groups**

Reference is made to the Istanbul Convention Art. 7 and State Report pp. 5-8

In 2019 the Norwegian Government began work on a new national coordinated action plan against domestic violence and abuse. The Government has implemented a number of national action plans relating to violence against women and domestic violence and abuse, as outlined in the State’s baseline report. The new action plan was to be issued in 2020 but has since been postponed to the beginning of 2021.

The forthcoming national action plan will have a chapter consisting of measures addressing the issue of domestic violence and abuse in Sámi communities. This is a

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<sup>1</sup> See, among others, GREVIO’s recommendations to Denmark, Monaco, Montenegro, Portugal and Turkey. Montenegro later changed its system under article 10 in light of GREVIO’s recommendations.

welcome follow-up to recommendations made by NIM in its report on violence and abuse in Sámi communities from 2018,<sup>2</sup> as well as the recommendations to Norway made by various UN treaty bodies.<sup>3</sup>

NIM would like to reiterate the need for the forthcoming action plan to also identify and include other vulnerable groups, including children, older persons and persons with disabilities, as we will detail later in this report.

**Suggested recommendation:**

- The State should ensure the speedy adoption of a new national coordinated action plan against domestic violence and abuse, which includes specific measures to address violence against children, older persons and persons with disabilities, in addition to Sámi.

## **Investigation, legal aid and compensation**

### **4. Sexual violence – investigations**

Reference is made to the Istanbul Convention Art. 12, 49, 50 and State Report p. 67

Sexual violence is a considerable problem in Norwegian society as documented by several Government sponsored reports and studies. The government has adopted an action plan to combat rape in the years 2019 to 2022, with many important measures across many sectors.

One survey conducted by the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) on Violence and Rape in Norway,<sup>4</sup> shows that 9% females and 1% males in Norway have been exposed to rape at least once in their lifetime. More than half of the female respondents said they were raped before the age of 18. The high number of people exposed to sexual violence is further supported by sociological studies and surveys from organizations supporting victims of sexual violence.

Police statistics on sexual violence cases (rape) shows a considerable increase of reported cases over the past 10 years.<sup>5</sup> The total number of reported cases in 2019 was 1991. The numbers for 2020 appear to be at the same level as in 2019.<sup>6</sup> The overall increase in

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<sup>2</sup> NIM's report is available in [English](#) as well as [Norwegian](#) and [Sami](#).

<sup>3</sup> See CAT/C/NOR/CO/8, para. 24 (c); CCPR/C/NOR/CO/7, para. 15 (a); CEDAW/C/NOR/CO/9, para. 25 (e); CERD/C/NOR/CO/23-24, para. 22 (a).

<sup>4</sup> NKVTS, Report 1/2014: "Vold og voldtekt i Norge, En nasjonal forekomststudie av vold i et livsløpsperspektiv", p.14.

<sup>5</sup> <https://www.politiet.no/aktuelt-tall-og-fakta/tall-og-fakta/voldtekt-og-seksuelle-overgrep--statistikk/>

<sup>6</sup> Rapport from National Criminal Investigation Service "Voldtekssituasjonen i Norge 2019".

numbers may reflect a higher number of reported cases, rather than increase in the type of criminality. The official figures are commonly agreed among experts and practitioners to be considerably lower than the actual number of cases due to under-reporting.

There is significant disparity between reported cases and those decided in court. A 2015 study by the National Criminal Police Authority (Kripas) evaluated police work on sexual violence.<sup>7</sup> The report found considerable variation in the quality and effectiveness of the investigations conducted. As much as 40 % of the cases had not been investigated in a satisfactory manner. The report also showed a clear relationship between the quality of initial investigative actions and a successful outcome of the investigation. Improved investigation will ensure justice for victims and is also likely to increase trust in the system and encourage other victims to come forward.

The Public Prosecutor's Office undertook a special survey in 2016 of the quality of police investigation of domestic violence and rape.<sup>8</sup> The study indicated existing challenges in the investigation of these cases. Among other things, the report showed that the investigation can be more effective on issues such as the use of police methods in cases of domestic violence, the use of restraining orders in cases of rape and obtaining evidence in general.

Similar gaps in the quality of investigation were identified in a 2015 study by the National Criminal Police Authority (Kripas).<sup>9</sup> The report found considerable variation in the quality and effectiveness of the investigations conducted. As much as 39% of the cases are not investigated in a satisfactory manner.

**Suggested recommendation:**

- The State should ensure effective implementation of the action plan on rape across all sectors, including further strengthening of investigative capacity on sexual violence.

## **5. Free legal aid**

Reference is made to the Istanbul Convention Art. 57 and State Report pp. 73-74.

The current Legal Aid Act provides for three different categories of legal aid. Firstly, there is a right to legal aid for certain types of cases without the need to demonstrate lack of economic means. Secondly, legal aid can be provided in certain areas on the condition

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<sup>7</sup> Politidirektoratet og KRIPOS, "Evaluering av politiets arbeid med seksuelle overgrep" January 2015

<sup>8</sup> Report of the General Prosecutor's Office on domestic violence and abuse, <https://www.riksadvokaten.no/document/kvalitet-pa-etterforskning-og-patalearbeid-i-mishandlings-og-valdtektssaker/>.

<sup>9</sup> Politidirektoratet og KRIPOS, "Evaluering av politiets arbeid med seksuelle overgrep" January 2015.

that a person can show lack of economic means. Thirdly, there is a general possibility to apply for legal aid that the authorities can give at their discretion. In principle, if legal aid in civil cases is not granted pursuant to the Legal Aid Act, legal aid, as a necessary means to ensure the right to access to court, must still be granted in accordance with para. 95 of the Norwegian Constitution and ECHR Article 6.

The Legal Aid Committee's review of the Free Legal Aid Act has proposed a new framework for legal aid.<sup>10</sup> This report has been sent out for comments to civil society and the government is currently considering its recommendations. In general, The Legal Aid Committee has made important suggestions to improving legal aid system. The proposed suggestions if accepted would result in more people fulfilling the economic requirement for receiving legal aid. The improvements would also positively affect victims of domestic violence and abuse.

However, there are also some suggestions by the Legal Aid Committee that may adversely affect the availability of legal aid for victims of domestic violence and abuse. Pursuant to the current Legal Aid Act, victims have the right to legal aid independent of their financial means. These situations are covered by Section 107a (1) (a) or (b) of the Criminal Procedure Act, which includes rape, abuse in close relationships, grossly negligent rape, rape of children, incest and human trafficking. According to the new proposal this type of access to legal aid would be removed. The committee also suggests removing the right to legal aid in cases concerning forced marriages.

The Legal Aid Committee points out that other bodies such as civil society organizations may be well suited to provide these victims with the necessary assistance. NIM questions whether this will be adequate since the victims need competent legal advice that in many instances require the assistance of a lawyer.

There are several areas of law where there is no right to free legal aid for victims of domestic violence and abuse. The lack of free legal aid may result in individuals not being able to assert their rights, often due to their financial situation. It is important that the review of the Legal Aid Act results in a new regulatory framework that duly takes into account the special needs of the victims of domestic violence and abuse.

**Suggested recommendation:**

- The State should put in place a statutory framework and administrative practice which ensures legal aid to the victims of domestic violence for the full range of legal challenges.

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<sup>10</sup> NOU 2020: 5 Likhhet for loven — Lov om støtte til retts hjelp (retts hjelpsloven)

## **6. State compensation for victims of violence and abuse**

Reference is made to Istanbul Convention Arts. 1, 5 and 30 and the State Report p. 59.

Victims of violence and abuse may apply for state compensation to the Criminal Injuries Compensation Authority based on the criteria in the Compensation for Victims of Violent Crime Act.

In September 2020, the Ministry of Justice and Public security submitted for comments a proposal for a new Compensation for Victims of Violent Crime Act. The Ministry is proposing several changes to the current system to streamline case proceedings and to ensure that compensation to victims are granted within reasonable time.

One change in the proposed act is to introduce a stricter criterion to access this mechanism. As a general rule the victims will be eligible to apply to this mechanism only if there is a court ruling awarding victims with compensation in the context of a criminal case against the perpetrator.

As a consequence of the suggested changes, many victims may not be able to apply for compensation. This will include situations when criminal cases against the perpetrators are dismissed by the police and where charges against alleged perpetrators are dropped. In such situations the victims may have to file a civil lawsuit to fulfil the new eligibility criteria for compensation. However, a civil lawsuit would be an additional financial and psychological burden for victims of violence and abuse.

NIM welcomes the new act's aim of streamlining the process for obtaining state compensation for victims of violent crimes and reducing case processing time. However, NIM along with several civil society organisations and the Equality and Anti-Discrimination Ombud, has expressed concerns that the proposed change could limit the access of many victims to compensation.

### **Suggested recommendation:**

- The State should consider whether the proposed new Compensation for Victims of Violent Crime Act is fully in line with the obligations under the Istanbul Convention, specifically with regards to Arts. 1, 5(2) and 30(2).



## Vulnerable groups

### 7. Violence in Sámi communities

Reference is made to the Istanbul Convention Arts. 12 and 18 and State Report pp. 6, 17-22, 34-40.

Research indicates that Sámi women are exposed to violence more often than ethnic Norwegian women. Research from 2015 indicates that Sámi in general are exposed to violence more often than the Norwegian population in general.<sup>11</sup> In this study, 49% of Sámi women reported that they were exposed to violence, compared to 35% of non-Sámi women. In addition, 22% of Sámi women reported that they had been victims of sexual violence, compared to 16% of non-Sámi women. It is worth noting that Sámi men also reported experiencing more violence (40%) than non-Sámi men (23%). It is also important to note that the study does not include data on the ethnicity or cultural background of the perpetrators. However, 80% of the respondents in the study knew the perpetrator. These figures indicate that Sámi ethnicity increases the risk of being subjected to violence.

In 2017, a report on domestic violence and sexual abuse in Sámi communities was published.<sup>12</sup> The report suggests that abused individuals from Sámi communities experience challenges and barriers in their interaction with the police and support services. The report reveals barriers such as a lack of cultural and linguistic understanding among public officials, skepticism among Sámi towards Norwegian authorities, as well as the Sámi tradition of putting the needs of the community before one's own. The report confirms the need for more research on domestic violence in the Sámi community. It recommends further research on how Sámi women are met by the police and support services. The report recommends further research into factors which may encourage Sámi women to seek help, and whether there is need for a higher degree of cultural knowledge and sensitivity among the police and support services when meeting victims of domestic violence who belong to Sámi communities.

Another relevant matter related to sexual abuse and violence in Sámi communities is the case of Tysfjord-Divttasvuotna, a small Lule-Sámi community. In June 2016, the police in Nordland county started an investigation after eleven women and men from Tysfjord-Divttasvuotna came forward with stories of sexual abuse in the media. In total, more than 80 people were investigated for various forms of sexual abuse of children and young persons. This is the most extensive investigation of sexual abuse of children in a Sámi community. The Sámi Parliament called the high number of sexual assault cases a national tragedy. The JASSKA/TRYGG project was set in motion in 2017 to prevent sexual abuse in

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<sup>11</sup> Eriksen A. Hansen K.L., Javo C. and Schei B., «Emotional, physical and sexual violence among Sami and non-Sami population Norway: The SAMINOR 2 questionnaire study», *Scandinavian Journal of Public Health*, 2015.

<sup>12</sup> «Om du tør å spørre, tør folk å svare» («If you dare to ask, people will dare to answer»), Øverli, I., Bergman, S., Finstad, A.-K., (2017), NKVTS, Rapport 2/2017.

Tysfjord-Divttasvuotna. Some of the victims are currently seeking reparations. Their case is currently pending before a Court of Appeal (Hålogaland lagmannsrett). The Sámi Parliament is a third-party intervener on behalf of the plaintiffs.

The National Institution has written a thorough report on the issue of violence and abuse in Sámi communities, published in 2018.<sup>13</sup>

NIM is concerned that while new measures will be announced in the forthcoming national action plan against domestic violence and abuse it remains to be seen if measures are appropriately implemented and have the desired effect.

**Suggested recommendations:**

- The State should intensify its efforts to ensure well-coordinated and culturally sensitive mechanisms to prevent, combat and investigate violence and abuse against Sámi people.
- The State should ensure sufficient resources and effective remedies for the victims of occurrences in Tysfjord including civil remedies.
- The State should ensure that the new national action plan against domestic violence and abuse, specifically addresses the need for more research on violence and abuse in Sámi communities.

## **8. Violence and abuse against older persons**

Reference is made to the Istanbul Convention Arts. 12 and 18 and State Report pp. 18-27, 34, and 51.

In 2017, the first national study of incidents of violence and abuse against people over the age of 65 living at home was published. It indicates that between 56,500 and 76,000 persons (between 6,8 and 9,2 percent of this age group) have been victims of violence or abuse after reaching 65 years.<sup>14</sup> Eight out of ten have stated that they were in a close relationship with the offender. The report characterizes violence and abuse against older persons as an invisible issue in society.

A 2015 study showed that public services lack mapping tools and routine guides to identify and map domestic violence against elderly.<sup>15</sup> A study from 2016 further found that people

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<sup>13</sup> Full report available at <https://www.nhri.no/wp-content/uploads/2019/07/Thematic-report-2018-Violence-and-Abuse-in-S%C3%A1mi-Communities.pdf>.

<sup>14</sup> «Vold og overgrep mot eldre personer. En nasjonal forekomststudie», NKVTS, Rapport 9/2017.

<sup>15</sup> «Oversikt over rutineguider og kartleggingsverktøy for avdekking av vold i nære relasjoner», NKVTS, Rapport 4/2015.

over 65 years of age seldom are included in the municipal action plans against domestic violence.<sup>16</sup>

Another 2016 study indicates that sexual abuse sometimes take place in nursing homes. Both elderly women and men can be victims of sexual abuse in nursing homes. The perpetrators can be staff, relatives or other dependents, or other nursing home residents. The study further shows that nursing home staff are uncertain about how such cases of sexual abuse should be addressed, and that cases often are handled inefficiently. Sexual abuse against older persons remain a taboo subject among health care professionals, and the study shows that more knowledge and research on sexual abuse against older persons in nursing homes is needed, in addition to training of health care professionals and further developments of guidelines and reporting systems is needed for nursing homes and similar institutions at the municipal level.

In 2019, the national newspaper Aftenposten revealed that there were 13 000 reported incidents of violence registered by employees in nursing homes. In 98% of the cases the residents of the institutions were responsible for these acts. In 19 % of reported incidents the victims were residents of the institutions, while employees were victims in 74% of the cases.<sup>17</sup>

In 2020, a report on elder abuse in Norwegian nursing homes was published.<sup>18</sup> It indicates that of 3693 nursing staff (response rate being 60.1%), 76% had observed one or more incidents of abuse of older persons during the past year, and 60.3% reported they had been involved in one or more incidents of abuse in the same period. The most commonly reported forms of abuse were neglect and psychological abuse. The report concluded that staff-to-resident abuse was relatively common, and that there is a need for preventive strategies to improve the safety and quality of life of nursing home residents.

NIM welcomes the establishment of a national Ombudsperson for older persons in July 2020. The ombudsperson has already stated that violence against elderly will be a priority issue.

#### **Suggested recommendations:**

- The State should strengthen its efforts to prevent and combat violence and abuse, including sexual abuse against older persons, living at home or in nursing homes.

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<sup>16</sup> «Kommunale handlingsplaner mot vold i nære relasjoner - også for eldre utsatte?», NKVTS, Rapport 9/2016.

<sup>17</sup> [https://www.aftenposten.no/a-magasinet/i/mRE0z0/sykehiemsvolden-13000-voldsepisoder-paa-norske-sykehjem-i-fjor-aftenposten-har-faatt-innsyn-i-alle?spid\\_rel=2](https://www.aftenposten.no/a-magasinet/i/mRE0z0/sykehiemsvolden-13000-voldsepisoder-paa-norske-sykehjem-i-fjor-aftenposten-har-faatt-innsyn-i-alle?spid_rel=2).

<sup>18</sup> Botngård, A., Eide, A., Mosqueda, L., Malmedal, W., «Elder abuse in Norwegian nursing homes: a cross-sectional exploratory study», BMC Health Services Research (2020) 20:9.

- The State should ensure that the national action plan includes measures to address the situation of older persons, both at the national and municipal level, in terms of training of health care professionals and further developments of guidelines and reporting systems to deal with cases of sexual abuse and further research on the scope of the problem and its underlying causes.

## 9. Violence against children

Reference is made to the Istanbul Convention Art. 12, 18, 49, 50 and State Report pp. 3 og 4.

A report from 2019 showed that 1 in 20 adolescents had experienced severe physical violence, and that more than 1 in 20 adolescents had experiences of sexual abuse by an adult.<sup>19</sup> The report further showed that only one of five young persons, who had been exposed to violence and abuse, confirmed that they had been in contact with the support system. Also, the report showed that more than half of all adolescents exposed to physical abuse at home have not told anyone about their abusive experiences.

Another report on violence against children under the age of four, showed that there are serious gaps in the protection and support systems for this vulnerable group.<sup>20</sup> The legislation is unclear when it comes to rules concerning confidentiality, disclosure rights and relinquishment, both for the police and other relevant actors and services. The knowledge and focus on the phenomenon of violence against children varies among police districts and at various health stations.

In 2017, a Government-appointed committee published a report with an evaluation of 20 serious cases of violence, sexual abuse and neglect of children.<sup>21</sup> The report reveals an extensive failure at the systemic level. In some cases, the children had not been heard and given the opportunity to tell their story. In other cases, the child's situation was known to some public services, but no further action was taken. The report concludes that mistreatment of children should have been identified and remedied at a much earlier stage.

### **Suggested recommendation:**

- The State should introduce necessary measures at the systemic level, including in the new action plan, to ensure effective protection, prevention and redress to children exposed to violence and sexual abuse.

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<sup>19</sup> «Ungdoms erfaringer med vold og overgrep i oppveksten: En nasjonal undersøkelse av ungdom i alderen 12 til 16 år», NKVTS, 2019.

<sup>20</sup> "Alvorlig vold mot små barn", Kripos 2019.

<sup>21</sup> NOU 2017:12 Svikt og svik.

## **10. Violence against persons with disabilities**

Reference is made to the Istanbul Convention Arts. 12 and 18 and State Report pp. 25, 29, 37 and 47-48.

International research in general indicates that persons with disabilities are more vulnerable and at greater risk of being victims of violence and abuse than the population in general. In a 2013 study, 10 % of persons with disabilities reported that they had experienced violence or threats, as compared to 5 % of the population in general according to the same study.<sup>22</sup>

A study from 2014 revealed that many persons with disabilities who have experienced domestic violence do not receive the help they require.<sup>23</sup> The purpose of the study was to provide knowledge about services available to people with disabilities who are victims of violence and abuse in their close relationships. The report highlighted lack of procedures, guidelines and registration in the service systems as particular challenges, and many do not contact support services. The report identified crises centres and shelters as particularly important institutions with considerable knowledge and competence which can be relied upon by authorities at the municipal level.

A 2017 study that focused on persons with various disabilities, mental disorders, persons struggling with substance abuse and older persons, identified gaps in the mechanisms to detect, notify and report cases of violence and abuse involving multiple forms of violence, abuse and neglect for at-risk adults. There is lack of adequate training of service providers on different types of abuse and how to address them.

### **Suggested recommendations:**

- The State should ensure that service and support institutions have sufficient competence and procedures in place to detect, notify and report cases of violence and abuse against persons with disabilities.
- The State should take steps to ensure that information about services including crises centres and shelters, is easily accessible for persons with disabilities who are victims of domestic violence.
- The State should strengthen research on domestic violence and abuse against persons with disabilities, in order to identify the extent of the issue and its causes.

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<sup>22</sup> Ramm, J., Otnes, B. (2013). «Personer med nedsatt funksjonsevne. Indikatorer for levekår og likestilling.» Rapport 8/13, Statistisk sentralbyrå.

<sup>23</sup> Gundersen, T., Madsen, C., Windsvold, A., "Tjenestetilbudet til voldsutsatte personer med nedsatt funksjonsevne», NOVA, Rapport 6/2014.

## **11. Unaccompanied asylum seeker minors disappearing from reception centers**

Reference is made to the Istanbul Convention Art. 60 and State Report p. 7.

Research suggests that during the period 2008 to June 2015, a total of 625 unaccompanied asylum-seeking minors disappeared from reception centers and care centers.<sup>24</sup> During the period 2015 to 2019, a total of 413 unaccompanied minor asylum-seeking minors disappeared.<sup>25</sup>

In 2017, NIM published a thematic report on care for unaccompanied asylum-seeking minors aged 15 – 18 in reception centres. The report argues that article 22 paragraph 2 of the Convention on the Rights of the Child obliges Norwegian authorities to give unaccompanied asylum-seeking minors aged 15-17 a standard of care and protection which is equivalent to what is offered to other children in Norway under the responsibility of the Child Welfare Services.

The report shows that there are significant differences in the accommodation and care given to unaccompanied asylum-seeking minors under the age of 15 and minors aged 15 to 18. The younger children are under the responsibility of the Child Welfare Services, while the older children live in designated reception centres. Unaccompanied asylum-seeking minors aged 15-18 receive less care than what is offered to unaccompanied asylum-seeking minors under 15 and other children in Norway under the responsibility of the Child Welfare Service. The report concludes that unaccompanied minors aged 15 - 18, are subject to differential treatment contrary to their rights under the Convention on the Rights of the Child.

A recent report from FAFO indicates that only 30 % of unaccompanied minors living in reception centres with 4 or more symptoms of psychological health problems receive psychiatric services from a psychologist.<sup>26</sup>

Furthermore, over the last years, unaccompanied asylum-seeking minors aged 16-18 increasingly receive temporary resident permits, whereby they are returned to their countries of origin when reaching the age of 18.

These uncertainties increase the children's vulnerability. The Ombudsman for Children is concerned by reported psychological health issues, incidents of self-harm and suicide attempts as well as an increased number of disappearances from the reception centres.

In early 2017, the Norwegian Institute for Urban and Regional Research, published the report "Prevention and follow up of unaccompanied minor (UAM) asylum-seekers that

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<sup>24</sup> Norwegian Institute for Urban and Regional Research, Report 2016:17 page 19.

<sup>25</sup> The Norwegian Directorate of Immigration, numbers from e-mail as of 25.11.2020.

<sup>26</sup> Care practices in reception centers for unaccompanied asylum seeker minors (Norwegian), Sønsterudbråten et.al, Faforapport 2018:05

disappear from UAM reception centres and care centres in Norway”.<sup>27</sup> According to the report, in 59 % of the cases where unaccompanied minors have disappeared in the period between January 2011 to June 2015, it is unknown to Norwegian authorities where they have disappeared to and what has happened to them. One of the conclusions of the report is that the children should be offered a strengthened care system for minors. The report has several recommendations on how the Norwegian government could strengthen its work on unaccompanied asylum-seeking minors that disappear from reception centres in Norway.

**Suggested recommendations:**

- The State should continue its efforts to strengthen protection of unaccompanied minor asylum-seekers, including prevention of, and effective follow-up of disappearance-cases.
- The State should give unaccompanied asylum-seeking minors aged 15-17 a standard of protection equivalent to that offered to other children under the responsibility of the Child Welfare Services, including unaccompanied asylum-seeking minors under the age of 15.
- The State should ensure that minors living in reception centers receive adequate psychiatric and psychological services provided by competent staff.

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<sup>27</sup> English summary is available pp. 18-28 in NIBR-rapport 2016:17