

Council of Europe Convention on preventing and
combating violence against women and domestic
violence

Shadow report from the Norwegian civil society to
GREVIO
2020

Foreword

The Council of Europe Convention on preventing and combating violence against women and domestic violence (hereafter referred to as the “Convention”) is a unique document in the fight for universal human rights, and the effectiveness of the Convention is directly dependent on implementing and complying with the requirements.

As required by the Convention (Articles 8 and 9), the Norwegian government recognises the importance of non-governmental organisations, civil society and women’s organisations in particular, and encourages cooperation in connection with the implementation of the Convention. Twice a year, the national authorities organise a forum for non-governmental organisations with the aim of cooperating in the work on combating domestic violence. In addition, the government has a grant scheme for preventing and combating domestic violence that non-governmental organisations can access.

Interaction between the authorities and non-governmental organisations is essential for preventing and combating all forms of violence covered by this Convention. The same applies to the monitoring process. It is therefore our hope that the members of GREVIO will find that this report complements the official state report and thus provides a broader picture of the situation regarding violence against women in Norway in 2018 and 2019.

Due to the Covid-19 outbreak, the submission date for the official state report was postponed until 15 September 2020. The shadow report has therefore been prepared independently of the official state report and will be submitted before this.

The shadow report was prepared by 13 Norwegian non-governmental organisations, which contributed expertise from each of their respective fields. This report reflects the challenges civil society in Norway believe we are facing in connection with the implementation of the Convention and offers potential solutions in the form of recommendations to the authorities. This does not necessarily mean that all of the organisations support all of the specific recommendations.

This work was coordinated by the Secretariat of the Shelter Movement, the Norwegian Women's Public Health Association (N.K.S.) and Legal Counselling for Women (JURK). The Secretariat of the Shelter Movement is an independent umbrella organisation for crisis centres in Norway that works towards a future without violence against women and domestic violence. N.K.S. is Norway's largest women's organisation that works to promote women's health and better living conditions, including combating violence against women. JURK is an independent legal aid organisation, which has the objective of contributing to all women being aware of their legal rights and that gender equality is practiced, and offers free legal aid to all women in Norway.

In terms of the methodology that was used to prepare this report, the relevant civil society organisations and non-governmental organisations were invited to contribute input in a process that was headed and coordinated by the Secretariat of the Shelter Movement, N.K.S. and JURK. A first draft of the report collated all written submissions and was sent for consultation among all organisations that provided input. The final report was signed by 26 organisations.

All of the organisations involved in formulating and providing submissions to the final report are listed below. The report was prepared with financial support from the Ministry of Justice and Public Security. The report was completed on 7 August 2020.

Contributors to the report:

Amnesty International

FRI – The Norwegian Organization for Sexual and Gender Diversity

KUN Centre for Equality and Diversity

Legal Counselling for Women (JURK)

MiRA Resource Center for Black, Immigrant and Refugee Women

Norwegian Association for Women's Rights

Norwegian Federation of Organisations of Disabled People (FFO)

Norwegian Nurses Organisation (NSF)

Norwegian Women and Family Association

Norwegian Women's Public Health Association (N.K.S.)

Protective Services for the Elderly, Bærum Municipality

Queer World

Secretariat of the Shelter Movement

Other organisations that are also affiliated with the report:

Caritas Norway

Centre against Incest and Sexual Abuse - SMISO

Centre for Gender and Equality

Human Rights Committee of the Norwegian Bar Association

Hjelpekilden Norway

Jussbuss

Norwegian Association of the Disabled

Sami Women's Forum

Sex og Politikk, the Norwegian association for sexual and reproductive health and rights

Soroptimist International Norway's Union

The Norwegian Association against Sexual Abuse - NAASA

The Norwegian Centre against Racism

The Women's Front

The coordinating organisations would like to thank the Council of Europe for the opportunity to contribute to the Convention's monitoring mechanism, which is a legal breakthrough that is of major significance in the fight against violence against women. We look forward to the evaluation process and its outcome and are at GREVIO's disposal if there should be further questions or anything that requires clarification.

With kind regards

JURK

Bjørk Jonassen

N.K.S.

Grete Herlofson

Secretariat of the Shelter Movement

Idun Moe Hammersmark



Table of contents

Council of Europe Convention on preventing and combating violence against women and domestic violence.....	1
Foreword	2
Introduction	6
Purposes, definitions, equality and non-discrimination, general obligations (Articles 1 to 6) ..	7
Integrated policies and data collection (Articles 7 to 11).....	10
Protection and support (Articles 18 to 28)	23
Substantive law (Articles 29 to 48), investigation, prosecution, procedural law and protective measures (Articles 49 to 58).....	32
Migration and asylum (Articles 59 to 61)	43
Epilogue	50
Sources	51

Introduction

Violence and abuse are a serious societal problem in Norway. Around 150,000 people experience domestic violence each year. It is principally women who are the victims of the aggravated and repeated intimate-partner violence and sexual violence. Four times as many women (9.2%) as men (1.9%) have been the victims of serious intimate-partner violence.¹ Women are more affected by intimate-partner violence, both in terms of being more often subjected to this type of violence and there being a higher volume of incidents.²

More than one in every homicide in Norway is an intimate-partner homicide. Since 2000, 172 people have been killed by current or former partners, and 154 of these victims were women.³ One in ten women in Norway report that they have been raped. In about a quarter of cases, rapes are committed by someone they know.⁴ Four in ten women who report rape say that it was their partner or ex-partner who was the rapist. Half of the rapes occurred before the women were 18 years of age.⁵

Violence affects women across all ages, cultures, ethnic backgrounds, sexual orientations, professions and financial status. It is a structural problem that has major consequences for individuals and society. The problem remains unresolved in many areas, and it is for that reason our focus in this report will be on the shortcomings and failed initiatives in connection with the implementation of the Convention.

Prior to the ratification of the Convention in Norway, the Norwegian government launched an Escalation Plan against Violence and Abuse (2017-2021). None of the obligations in the Convention form the basis for this escalation plan, despite the ratification work already having been in the final phase at the time of launching. This escalation plan was “non-binding” and, following ratification of the Convention, there has not been any explanation from the authorities regarding how the Convention will be implemented.⁶

A new action plan to combat domestic violence was supposed to have been ready this year, but the release was delayed due to the Covid-19 outbreak. We hope that the new action plan will safeguard Norway’s obligations under the Convention.

This shadow report provides remarks to several different articles in the Istanbul Convention. Not all of the articles will be addressed, but this does not mean that they are of lesser importance.

¹ Thoresen (2014).

² Ibid.

³ VG (2000-2020).

⁴ Norwegian Police, National Criminal Investigation Service (Kripos) (2018).

⁵ Thoresen (2014).

⁶ Norwegian National Human Rights Institution (NIM) (2019–2020).

Purposes, definitions, equality and non-discrimination, general obligations (Articles 1 to 6)

Article 4 – Fundamental rights, equality and non-discrimination

The Convention “requires Parties to refrain from discrimination in the implementation of the provisions of this Convention.”⁷ This means that implementation of the measures on the basis of this Convention must be ensured without any form of discrimination. The State has particularly strong obligations in relation to vulnerable groups. According to the Convention, this includes pregnant women and women with young children, persons with disabilities, including those with mental or cognitive impairments, persons living in rural or remote areas, substance abusers, prostitutes, persons of national or ethnic minority background, migrants – including undocumented migrants and refugees, gay men, lesbian women, bi-sexual and transgender persons as well as HIV-positive persons, homeless persons, children and the elderly. The groups and the challenges referred to in the following are based on submissions from the contributors to this shadow report. This does not mean that the challenges faced by other vulnerable groups that are not mentioned in this report are of lesser importance.

Violence and abuse in Sami communities

At present, there is no separate package of measures for addressing violence and abuse in Sami communities. Measures that can prevent violence against Sami women must be sensitive towards cultural and social structures and be suitable for helping those women who are the victims of violence.⁸ The crisis centres do not have much focus on the challenges of domestic violence in relation to the Sami population.⁹ It is noted that crisis centre information on websites and brochures is not available in the Sami language and this can make it more difficult for victims of violence with Sami backgrounds to make contact. Expertise in Sami language and culture when working to combat domestic violence in Sami communities is essential for ensuring that victims of violence receive adequate follow-up and help.

Female prison inmates who are victims of violence

Many female prison inmates have experienced sexual assault as a child or adult.¹⁰ These experiences often make it challenging for them to interact with male health care personnel in the prison. There are also many female inmates who struggle with serious psychological repercussions, including depression, suicidal thoughts and post-traumatic stress disorder and there is a major need for the prisons to address these challenges.

A study by the Norwegian Parliamentary Ombudsman shows that in mixed prisons (prisons where women and men serve their sentences together) there is an increased risk of sexual

⁷ Cf. Article 4 (4) of the Istanbul Convention.

⁸ Norwegian National Human Rights Institution (NIM) (2018).

⁹ Bliksvær (2019).

¹⁰ Amundsen (2011).

harassment in common areas and prison yards and during activities.¹¹ Some female inmates have also been the victims of sexual offences or assault in prison. This is one of the primary reasons for why prisons are often segregated between men and women. However, there is a need for greater awareness that sexual offences and assault can also occur between women.¹²

Women in prison are given less access to education and training and are thus excluded from preventive measures against, among other things, violence. A school department in a mixed prison reported that they have to assess safety in situations in which women will take part in classes together with men.¹³ Safety assessments can therefore be an obstacle to participation in education and training for women who are incarcerated alone or as a minority in prisons with men. Reference is also made to research into prison conditions for women which confirms that women do not receive equal treatment to men.¹⁴

Violence against transgender people

Transgender people are not included in the provisions in the Norwegian Penal Code that pertain to hate speech and discrimination. This means that transgender people do not have adequate protection under criminal law if they are subjected to discrimination, hate speech or other hate crimes, including violence. People with gender expressions and gender identities that challenge societal norms require special protection.¹⁵

Recommendations

- The authorities need to initiate measures and strengthen efforts to prevent, avert, investigate and prosecute violence and abuse against vulnerable groups. The action plan that is currently being prepared should also include the needs of vulnerable groups.
- The authorities must strengthen their efforts to prevent, avert and investigate violence and abuse against Sami victims of violence.
- The authorities must prepare and implement an action plan against violence and abuse in Sami communities.
- The authorities must develop the competence of the support services in assisting victims of violence who are of Sami background.
- Women in prison must be ensured equal prison conditions to men.
- Regular, anonymous assessments need to be carried out in which inmates can report abuse and/or offences of a sexual nature. The assessments must be used to initiate measures for combating abuse and sexual offences in individual prisons.

¹¹ The Norwegian Parliamentary Ombudsman (2016).

¹² Vige (2017).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Sections 185 and 186 of the Norwegian Penal Code.

- The need for arrangements to be made for female inmates who have experienced sexual abuse must be reflected in the Norwegian Directorate of Health's guide to health and care services for prison inmates.¹⁶
- All women in all prisons must have the opportunity to choose to be treated by female health care personnel, including female doctors.
- Security assessments should not result in women not being able to participate in education or training or work in mixed prisons. If joint teaching or work is considered to be a security risk, the prisons must offer compensatory initiatives, for example, participation in education or training or work outside of prison.
- The provisions in the Norwegian Penal Code pertaining to hate speech and discrimination should be expanded to include gender identity and gender expression.

Article 6 - Gender-sensitive policies

National action plans

The previous action plan against domestic violence applied for the period from 2014 to 2017.¹⁷ The government has announced a new action plan, which has yet to be completed. In the previous action plan, there was little focus on the fact that domestic violence is gendered. It is correct that both men and women are the victims of domestic violence, however it is primarily women who are the victims of serious and repeated intimate-partner violence, including sexual violence. Women are also most often the victims of intimate-partner homicide in Norway.¹⁸ If this issue is not raised and highlighted in a new action plan against violence, the proposed measures will not be adequate enough. The government's action plan against rape (2019-2022) addresses the attitudes of young men as being a major challenge. The same should apply in the new action plan when concerning men who commit intimate-partner violence.

Recommendations

- The government should name the forthcoming action plan "Action plan against violence against women and domestic violence", and focus on the fact that such violence is largely gendered.
- The action plan should include initiatives and funding for awareness-raising work aimed at young men to prevent intimate-partner violence, with a particular focus on aggravated violence.

¹⁶ Norwegian Directorate of Health (2013).

¹⁷ Ministry of Justice and Public Security (2014).

¹⁸ Thoresen (2014).

Integrated policies and data collection (Articles 7 to 11)

Article 7 - Comprehensive and co-ordinated policies, and Article 8 - Financial resources

Holistic policy against violence

The Convention is not incorporated into Norwegian law through the Human Rights Act and therefore does not take precedence over other laws. The Convention must therefore be applied in accordance with the so-called principle of presumption. If there is a conflict between the Convention and the applicable Norwegian legal rule, Norwegian law will take precedence. Incorporating the Convention through the Human Rights Act would be a good start in having a stronger commitment to combating violence against women and domestic violence.

National action plans

In the Granavolden Platform from January 2019, the government pledged to "further develop the action plan against domestic violence" - more than two years after the previous action plan expired. The plan has been delayed and will be presented in autumn 2020 at the earliest. There is an urgent need for a new action plan, with specific measures that are followed up with adequate funding. The action plan must contain a crisis and emergency response plan to ensure that victims of violence receive information about where and when they can seek help in a national crisis situation.

Municipal action plans

Since 2007, Norwegian municipalities have been encouraged to prepare action plans for the work against domestic violence. However, despite this, only three out of ten municipalities have an overview of the number of victims of domestic violence or rape in their municipality. 37% of the municipalities rarely or never discuss violence against women and domestic violence in political forums. The crisis centre was actively involved in the work with the plan in only three out of ten municipalities with an action plan.¹⁹

The Government's Action Plan against Rape

The Government's Action Plan against Rape (2019-2022) recognises that rape is a gross violation of personal dignity, a serious gender equality problem and a public health problem, and the measures described in the action plan are a step in the right direction.²⁰ However, the action plan lacks specific measures and commitments. For example, the action plan states that rape shall be prevented "through awareness-raising and targeted efforts that particularly hold to account young men and their respect for their own boundaries and those of others."

¹⁹ Crisis Centre (2019).

²⁰ Ministry of Justice and Public Security (2019).

However, there are no specifics regarding where and how this awareness-raising work shall be carried out. The action plan is not sufficiently enforceable for it to have any realistic impact on due process on women.

With regard to prevention under the auspices of schools, there is no mention of this in the action plan. There is a need for a teaching programme that can be readily used by schools, preferably in cooperation with non-governmental organisations and women's organisations that already engage in this type of teaching. Read more about this under Article 14.

Furthermore, the funds for the actual implementation of the measures in the action plan against violence are inadequate. This means that any potential measures require annual funds via the national budget. The result is that follow-up of the plan will be too indiscriminate. This is of particular concern when society is in the midst of crisis situations. In such cases, the government uses budget funds to mitigate the extent of the damage, something which impacts on, for example, funding of preventative measures in the field of violence.

Recommendations:

- The Convention should be incorporated into Norwegian law through the Human Rights Act.
- A new national action plan against domestic violence must be in place as soon as possible. Both the national action plan and municipal action plans should contain specific measures and associated earmarked funds.
- The forthcoming action plan should reflect the recommendations stipulated in relevant reports, including those from civil society.
- The action plan must include a crisis and emergency response plan for the field of violence that is similar to crisis plans elsewhere in society.
- There should be a valid national action plan against violence at all times.
- The authorities must ensure that all municipalities have an action plan against violence against women and domestic violence, and that the municipalities' crisis centres are at the heart of this work.
- Each municipality must have a family violence coordinator who works in close cooperation with crisis centres, the police family violence coordinator and other relevant services, and who follows up and coordinates work with the action plan.
- The action plan against rape must be revised and updated with specific measures and obligations with deadlines and earmarked funds for its implementation.

Article 9 - Non-governmental organisations and civil society

Secretariat of the Shelter Movement

Several crisis centres have experienced challenges relating to municipalisation of the service and consider them to have become bureaucratised. Each centre has to expend major resources to avoid losing their autonomy and safeguard the competence in the municipalities. Therefore, it is all the more important that the Secretariat of the Shelter Movement emphasises the role of crisis centres as a competence centres and the importance of both national and local authorities prioritizing the fight against and prevention of violence against women and domestic violence. As an umbrella organization, the Secretariat of the Shelter Movement has an important role in society not only in making the shelters' work visible and stronger, but also in cooperating with and increasing pressure on the responsible authorities to ensure good living conditions for victims of violence.

Recommendations

- The government must evaluate the arrangement of transferring responsibility of the crisis centres to the municipalities.
- The Secretariat of the Shelter Movement requires earmarked funds via the national budget for its work for the rights of victims of violence and the help and protection the crisis centres provide. This work should be strengthened.

Article 11 - Data collection and research

Norway has extensive research programmes in the field of violence, however there is still no access to gender-segregated statistics for different instances of violence. This means that we do not have basic data to support effective preventive measures.

Dimensions of diversity

Research in the field of violence pays scant attention to dimensions of diversity and announced additional studies for investigating violence among women and men with disabilities, as well as immigrant backgrounds and LGBTIQ people, have not been conducted as they should have been in accordance with the most recent action plan against violence.²¹

Dimensions of diversity are also not considered in comprehensive studies of living conditions. Some groups of women are often excluded from research. In gender research for example, there is little focus on women with disabilities. A study from Australia shows that women with disabilities are more often the victims of violence than men with disabilities. They are also more often the victims of sexual violence, intimate-partner violence and physical violence than the general population.²² There is reason to believe that there is a relatively

²¹ Ministry of Justice and Public Security (2019).

²² Krnjacki et al. (2016).

similar situation in Norway when considering how people with disabilities are extra vulnerable. People who are visually and hearing impaired are particularly at risk. Studies also show that people with disabilities are the victims of more serious abuse over a longer period of time.²³ Despite this, Norway lacks adequate statistics for women with disabilities. This is a key element of evidence-based policy formulation and can thus strongly contribute towards improving the response and support services.

There is also little research available on living conditions for people who diverge from the norms for sexuality or gender, and even less on ethnic and religious minorities/people with immigrant backgrounds. This group faces complex challenges, and is particularly vulnerable to various forms of discrimination and violence. In addition, there is an alarming lack of research into violence committed by women against women.

Violence and sick leave

The consistently higher levels of sick leave for women is a regular topic of discussion in the Norwegian sick leave debate. There is very little information available about how domestic violence impacts on women's occupational activity or sick leave. There are also few statistics on violence and harassment in the workplace from a gender perspective. Women are more susceptible to violence and threats in work situations than men, and there is a strong correlation between (self-reported) violence and threats of violence and subsequent long-term sick leave.²⁴ The gender differences with regard to sick leave make it imperative to analyse the regulation of occupational stress from a gender perspective.

Gender-related violence in asylum cases

The Norwegian Directorate of Immigration (UDI) submits annual reports to the Coordinating Unit for Victims of Human Trafficking (KOM), which include figures for immigration cases in which the applicant is a possible victim of human trafficking.²⁵ UDI does not compile statistics on allegations regarding other types of gender-related violence in asylum cases and is also not required to do so.

There has been a decrease in the number of cases in which UDI has contacted the Expert Team for advice and guidance on immigration matters. The reasons for this may be low levels of asylum arrivals and fewer residents at asylum reception centres, but there may also be other reasons related to this.²⁶

Recommendations

- All basic data in the field of violence should be gender-segregated.

²³ Olsvik (2010).

²⁴ Sterud (2014).

²⁵ Norwegian Police (2020).

²⁶ Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) (2018).

- The authorities must support research into all forms of violence involving all groups of women.
- The authorities should commit to supporting research efforts that ensure that further knowledge is obtained about the root causes and effects of violence against women with disabilities, and assess the effectiveness of the measures that have already been implemented.
- A uniform, national compilation of statistics should be developed. Among other things, the statistics should include information on age, gender, living situation, health, mental change or illness, physical illness, addiction problems, substance abuse and the need for assistance. The statistics should deal with the same points for both victims and abusers. This may contribute to developing better and clearer cooperation between the support services for both victims and abusers.
- Funds need to be allocated to studies of violence committed by women against women and violence against queer people and particularly queer people with ethnic minority backgrounds.
- Funds must be allocated for research into the particular vulnerabilities of queer people and expressions of domestic violence, and this knowledge must be expressed in the structure of the institutions.
- More information needs to be obtained about how domestic violence impacts on women's occupational activity and sick leave.
- UDI and the Norwegian Immigration Appeals Board (UNE) should be instructed to compile statistics on the scope and types of cases which involve different forms of gender-related violence in the cases they deal with.

Prevention (Articles 12 to 17)

Article 12 - General obligations

Economic violence

Many women, of all ages, are subjected to fraud through the theft of their identity documents, which is often part of a larger picture of violence characterized by strong control over the women. Since it is the woman's identity that has been misused and thus the woman who is listed as the contracting party in the credit agreements, the banks then charge the woman for the loan amount, accrued interest and collection costs.

Economic violence is listed among the various forms of violence regulated by the Convention.²⁷ The state therefore has a duty to take the necessary measures to prevent this form of violence as well.²⁸ However, Norwegian regulations only provide vulnerable groups with very arbitrary protection. We currently have a legal situation which permits banks to

²⁷ Cf. Article 2 (1) of the Istanbul Convention, cf. Article 2 (b).

²⁸ Cf. Article 12 of the Istanbul Convention.

disburse loans virtually without prior investigation and then sit back and allow vulnerable customers to bear the responsibility.

The person who subjects a woman to fraud is often someone close to her and there are often other forms of violence or negative social control in addition to the economic violence. The consequence of economic violence is often financial subservience and dependence. This does not harmonize well with Article 18 (3) of the Convention which states, among other things, that the state shall ensure measures are taken that: “aim at the empowerment and economic independence of women victims of violence”. On the contrary, the fact that the woman alone is left with the debt contributes to weakening the women's financial position.

Digital violence

Digital sharing of nude images has grown into a serious problem within the space of a few years, especially among young adults, and girls are particularly vulnerable.²⁹ It is indisputable that the sharing of nude images is prohibited, but the regulations appear fragmented and not very clear. The prohibition against sharing nude images is not explicitly stated in any specific provision in the current Penal Code and is not covered by the wording in the Penal Code. Therefore, multiple sources of law must be used for penalties to be imposed on anyone who shares nude images, a factor that may make it difficult for the individuals to be aware of their legal status.

Since the sharing of nude images constitutes a gross violation of personal dignity and because there can be serious harmful effects for those who are impacted, the Supreme Court of Norway has stated that such acts should be punished on the grounds of compelling general preventive considerations.³⁰ However, less fragmented legislation would provide better protection due to this protection being more readily available and easier for a young target group to understand. This would also make it easier to prevent the sharing of nude images.

Application of law in rape cases when people with disabilities are the victims

Media reports have documented that violence and abuse take place in residential communities and institutions without being reported.³¹ A disability may mean that someone has less credibility.³² Research and case law can suggest that perpetrators have received milder sentences in cases relating to sexual abuse of women with disabilities. This group has the same protection against sexual abuse as others, but is also given expanded protection in connection with abuse of power and the like.³³ However, one observation is that sexual abuse against women with disabilities is often not applicable under the traditional rape provision, despite satisfying the description of the crime, and is instead applicable under the expanded

²⁹ Norwegian Media Authority (2018).

³⁰ Cf. HR-2017-1245-A, paragraph 20.

³¹ Eilertsen (2014).

³² Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) (2013).

³³ Cf. Section 295 of the Norwegian Penal Code.

protection, which gives a lower sentence.³⁴ Amendments have been made to the Penal Code to ensure correct application of the law, but it is unclear as to whether this has resulted in changes in practice. The Committee on the Elimination of Discrimination against Women (CEDAW) has expressed concerns about this and has recommended an evaluation of the application of the law in rape cases involving victims who are women with disabilities.³⁵

Recommendations

- Economic violence should be more widely recognised through legislation that protects the victims.
- Economic violence should become a prioritised area that is covered by free legal aid. Read more about free legal aid under Article 57.
- Clarification of the prohibition against the sharing of nude images has to be done. Digitisation entails that there are new means of causing offence to someone and this challenges existing legislation. The increased risk of legal violations and significant harmful effects suggest that stricter requirements need to be set for clear and available penal provisions.
- The Ministry of Justice and Public Security has proposed a new penal provision relating to use of images that are particularly liable to violate a person's privacy and this proposal is under consideration.³⁶ However, the proposal has been under consideration since 2018. It is a matter of urgency to have a new penal provision in place and the Ministry needs to prioritise this work.
- There must be an evaluation of the application of the law in rape cases in which women with disabilities are the victims.

Article 13 – Awareness-raising

Gender roles in kindergartens

Pursuant to the Norwegian Kindergarten Act, Framework Plan for Kindergartens and Gender Equality Act, Kindergartens are required to promote equality between boys and girls. However, studies show that traditional gender roles still exist in kindergartens.³⁷ While girls receive feedback about their clothes and looks, such as that they are cute and adorable, boys receive comments about physical characteristics, such as that they are tough and strong. Teaching materials are available, but it is up to each kindergarten to decide whether to use these. There has been no action plan for equality in the Norwegian kindergarten sector since 2014.³⁸

³⁴ Ballangrud (2017).

³⁵ CEDAW/C/NOR/CO/9, 43 b).

³⁶ Ministry of Justice and Public Security (2018).

³⁷ Meland (2017).

³⁸ Norwegian Official Report (NOU) (2019).

Knowledge about violence against and among the elderly

It is essential to provide good and repetitive information about abuse and violence against the elderly to the population in general and collaborative partners in particular. Rates of abuse, violence and neglect among elderly people living at home who are 66-90 years of age are between 6.8% and 9.2%. This means that 56,000 - 76,000 people may have experienced abuse after the age of 65.³⁹

Recommendation

- Steps should be taken to ensure that topics such as equality and domestic violence are part of the teaching for all children in kindergartens in line with what is in the process of being implemented in the new primary school curricula.
- Repetitive information about violence against the elderly must be provided to staff in general and groups that work closely with the elderly in particular.
- Information regarding violence should be provided to the elderly in oral, analogue and digital form.
- Employees engaged in preventive home visits should work systematically to identify violence against the elderly.

Article 14 - Education

Knowledge about sexual assault

Increased digitisation means that there are new methods of causing offence. Violent and sexual content on the internet is more readily available. Online abuse against children is increasing in scope and the instances of this are becoming more serious.⁴⁰ It is necessary for children to learn about sensible internet use from a very young age.

Most of the rapes that are reported in Norway are party-related rapes, where victims and perpetrators are young, often heavily intoxicated, and in a relationship with each other.⁴¹ To prevent these types of rapes, there needs to be an awareness-raising process for young people — where they are made aware of their own boundaries and those of others when concerning sexual relationships. It is correct that the primary part of the new curricula in schools involves students learning about “interpersonal relationships, being able to set boundaries and respect those of others, and being able to manage thoughts, emotions and relationships”.⁴² However since the prevention of violence and abuse are not separate learning objectives, it will be very arbitrary as to which schools prioritise this. The curricula also do not set sufficient requirements for the knowledge students should have about sexual abuse after the fourth, seventh and tenth grades. Awareness campaigns against rape should have been compulsory teaching in schools.

³⁹ Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) (2017).

⁴⁰ Larsen (2018).

⁴¹ Dyb (2018).

⁴² Norwegian Directorate for Education and Training (2020).

The School Health Service is an important part of this work. Among other things, public health nurses play an important role in meeting with children, young people and parents who may have questions relating to gender and gender identity. This has been clarified in the national professional guidelines for the service. Expertise in this field and gender awareness must therefore be included in public health nurse training, and also have sufficient focus in practical application. Public health nurses come into contact with children and young people every day, but unfortunately have far too few resources to be able to meet the need for their services. A study conducted in 2015 showed that only 1.4% of the country's schools had public health nurses present every day.⁴³ The number of public health nurses in primary schools needs to be increased by 125% to reach the norm. This needs to increase by 34.4% for middle schools and 21.1% for upper secondary schools.

When teaching about domestic violence, elder abuse is assigned less importance than violence involving younger age groups. This is particularly relevant for those who will work as health care personnel, in home services, nursing homes and with preventive home visits to the elderly.

Recommendations

- It must be ensured that all children and young people learn about sensible internet use at an early stage and sufficiently enough to prevent misuse of the internet and online abuse.
- Municipalities and county municipalities should be required to carry out teaching programmes in middle schools and upper secondary schools relating to rape and other sexual abuse, which have a clear focus on attitudes towards sex and consent.
- All teachers must be prepared and willing to address these topics when teaching, irrespective of the subjects and year levels they teach.
- The number of public health nurses in schools needs to be increased.
- The authorities are requested to enter into binding partnerships with non-governmental organisations that have their own teaching programmes on rape, sex and boundary setting.
- Elder abuse must be included in teaching at the educational institutions.

Article 15 – Training of professionals

Many women who are victims of violence are never identified by the support services and those who seek help are often referred from one authority to another. Increased knowledge and competence may contribute to more occupational groups identifying and reporting violence, and victims being able to receive adequate help at an earlier stage. Occupational groups that are in contact with people must have knowledge about what they need to look for

⁴³ Waldum-Grevbo (2015).

and how they should manage suspicions of violence, and have good knowledge of legal aspects such as confidentiality and duty or right to notify, as well as the duty to avert.

Another problem that appears is that the working conditions of many occupational groups are not adequate enough for assisting women and families that are victims of violence and this is probably an important reason for why suspicions are not followed up by employees in the health services. It is therefore important that measures for combating violence against women also ensure that sufficient resources are made available for professions that are able to prevent, detect and assist. It is also important to have extensive cooperation between different authorities in order to ensure knowledge about where assistance can be obtained or where victims of violence can be referred to.

In order to ensure that cases are adequately handled during the entire process from the initial report until a court hearing, it is a requirement that all relevant stakeholders have good knowledge about the different forms of violence, including physical, psychological, sexual, digital and economic violence, and how this violence impacts on women. The violence is often complex and inadequate knowledge of this could have major consequences for due process for victims of violence.

Pedagogy, health and welfare education

The National Curriculum Regulations for Norwegian Health and Welfare Education (RETHOS) state that students must have:

“...an insight into social and health problems including neglect, violence, abuse, intoxication and socio-economic problems, and can identify people with such challenges, as well as initiate necessary measures and/or treatment, or refer for further treatment. Furthermore, the candidate can talk to children about topics such as neglect, violence and abuse.” (RETHOS Chapter 2, section 6 (g))

These guidelines are not presently followed up by all relevant educational programmes.

With regard to kindergarten teacher education programmes, some report that they have systematic gender equality training, while others report that they do not. The same applies for teacher education programmes. It is of major importance that professionals such as these have knowledge about violence, because it is often educators, as well as public health nurses in schools, who have contact with children and families in crisis situations.

Competency initiatives

National guidelines for antenatal care to identify violence have been introduced, however a great deal remains to be implemented, among other things, because of a lack of knowledge about violence. Only 40% of midwives follow the guidelines and ask all pregnant women whether they have been the victims of violence. 11% say they that they do not ask anyone.

Of the midwives who responded that they did not ask (all) pregnant women about being the victims of violence, there was one response in particular that stood out: Lack of knowledge.⁴⁴ Many did not know where they should refer a woman to if she reported that she was the victim of violence. Others only asked those women, who they suspected of being the victims of violence.

GREVIO's Questionnaire (p. 21-22) contains two annexes in which different occupational groups must report on a number of areas/measures in education/training and in-service training. No such figures/national overview of the expertise of nurses and midwives exist. There is a need for a national overview/study of the competence required in both the primary and secondary health services, because it is difficult to develop competence initiatives in the educational sector and the services if there is no overview of what is lacking.

One of the measures in the Escalation Plan against Violence and Abuse (2017-2019) was to develop a national cross-sector competence strategy for violence and abuse. A report from 2019, which assessed the work in this field in order to develop a knowledge base for continuing this work, concluded that there are structures which contribute to competence development with regard to violence and abuse, but that there is still a need to increase competence and awareness in identifying, preventing and managing violence and abuse in several sectors.⁴⁵ The report's principal recommendation was "*to develop, strengthen and coordinate the competence development programmes that already exist*".⁴⁶

One of the solutions may be an online introductory course on domestic violence and violence against women aimed at professional practitioners in the fields of social work, health, schools, care and justice. Sweden has developed this type of course, which is free and accessible to everyone.⁴⁷

Knowledge about intersectionality

School and support services currently have little knowledge about intersectionality and prejudices exist in all of these services regarding one or more of the identities that ethnic and religious minorities in the LGBTIQ target group identify with.⁴⁸

It is thus the combination of identities that make LGBTIQ people from minority ethnic and religious backgrounds particularly vulnerable. This vulnerability leads to young people experiencing isolation and a shameful self-image, while also being particularly vulnerable to mental, physical or sexual violence in their surroundings.

⁴⁴ TNS Gallup (2016).

⁴⁵ Røsdal (2019).

⁴⁶ Ibid.

⁴⁷ Wollscheid (2020).

⁴⁸ Ibid.

The lack of knowledge and understanding in the public support system means that people are not identified and assisted as victims of violence by the relevant services. Examples of this are instances in which violence in same-sex couples is not taken seriously when reported to the police because the imbalance of power is not necessarily as clear. Another example is the barrier posed by interpreters. Interpreters not having the words required to address sexual orientation and gender expression increases the risk of misinterpretation. Interpreters can also use derogatory expressions about gay and transgender people when interpreting, which reinforces the experience of being stigmatised and makes it difficult for people to speak openly about their experiences and challenges.

To meet these challenges, all relevant support agencies must work intersectionally. For example, this requires that they work systematically against racism, Islamophobia, homophobia and transphobia in the same manner in which they work with gender roles.

Lay judges and court of appeal judges

There is still no systematic training of lay judges and court of appeal judges designed to prevent prejudice in relation to gender and sexuality, (so-called rape myths), that is liable to influence the assessment of evidence in rape cases. Research has shown that the feelings and prejudices of the judiciary influence due process in rape cases. Victims of rape who are unable to present themselves as honourable and respectable receive less sympathy in the legal system. Relatively large sentence discounts are granted if the victim knows the perpetrator and/or the rape occurred indoors.⁴⁹ Another factor that may influence the assessment of evidence is the uneven quality of forensic examinations, something that is partly due to forensic medicine not being a recognised medical specialty in Norway.⁵⁰

Aged care

General practitioners, specialist health services, home care services, the Norwegian Labour and Welfare Administration (NAV) and nursing home staff should ask elderly people about whether they have been abused if they have a suspicion of this. The services must be particularly attentive when there is close contact between the generations. If their adult children do not have their own residence, display anti-social behaviour, have mental problems, substance abuse or other addiction problems, the relationship between the generations should be investigated.

Adult children between the ages of 30 and 65 can be sent straight home from admission in a psychiatric institution or substance abuse treatment to living with their elderly parents. This can have serious consequences for the parents. It is therefore important that the relevant services also investigate whether the relationship adult patients have with their parents involves violence and abuse.

⁴⁹ Bitsch (2019).

⁵⁰ Amnesty International (2019).

When services have been established that follow-up elderly people who are the victims of abuse, there may be greater willingness on the part of the health and social services to expose the violence. In the long term, clarifying the underlying abuse problem can result in a better life and less pressure on the health services.

Older adults may be more vulnerable and physically weaker than younger people, and even minor physical injuries can result in serious and long-term harm. A new study concerning abuse in Norwegian nursing homes showed that around 23% of nursing home staff have observed that staff committed one or more acts of physical violence against the elderly. The most frequent actions were to push, grab hold of or pinch a resident.⁵¹

Recommendations

- Better cooperation between the various agencies - including NAV, the Child Welfare Service, health institutions and the police - to identify victims of violence at an early stage and provide necessary assistance.
- Every educational institution must follow the national guidelines.
- Effective implementation of the national guidelines for antenatal care must be ensured in order to identify violence through competence development among general practitioners, midwives and other health care personnel on this subject.
- Existing competence development programmes must be further developed, strengthened and coordinated in accordance with the recommendations in Nordic Institute for Studies in Innovation, Research and Education (NIFU) Report 2019:26 and must include funding.
- The government should have an action plan to ensure increased cultural and diversity competence in the health care professions, recruit more multicultural health care workers and strengthen cross-sectoral and interdisciplinary cooperation to prevent, identify and respond to violence against women and domestic violence when encountering a diverse population.
- A national online course on domestic violence must be developed that is free and accessible to everyone.
- Working groups affiliated with the school system must have knowledge of vulnerability when concerning LGBTIQ people and engage in systematic work to counter prejudice against LGBTIQ people.
- An awareness-raising and training programme is established for stakeholders in the judicial system who deal with rape cases. This applies to lawyers, judges and lay judges.
- Intersectional knowledge must become part of the educational pathway for all professional groups that will help other people, and it must be possible to specialise within this field.
- A secure income must be ensured for organisations with a high level of expertise within the intersectional field in order for such organisations to have employees with

⁵¹ Botngård (2020).

permanent, fulltime positions who become safe, competent people for those who are the victims of violence.

- Requirements should be set which ensure public bodies have the requisite expertise, including both services that will assist victims of violence, such as crisis centres, the police and health service, and services that do not work specifically with violence. This also applies to nursing home staff.
- The primary health care service, specialist health care service and substance abuse services must be required to assess whether there is a risk, or incidents of, all forms of abuse against the elderly.

Article 16 – Preventive intervention and treatment programmes

Preventive intervention

Anger management courses as an alternative to violence are an important service for perpetrators of violence, however such courses are not equally available across the country. In several counties, only parts of the population have access to specialised anger management courses and, when this service exists, capacity is limited.⁵²

Recommendations

- Equivalent anger management services are offered in the entire country.

Protection and support (Articles 18 to 28)

Article 18 - General obligations

Re-establishment and aftercare

All victims of violence need coordinated help and support during a re-establishment phase, and good coordination between different services is required to provide adequate assistance for victims to start a new life and to break out of the cycle of violence. However, it is often the case that representatives from the support services who are supposed to assist women to escape from violent relationships lack knowledge about what it means to have been subjected to violence over such a long period. The expectation that one shall be able to stand on one's own two feet after a relatively short period of time is unrealistic. For example, reductions in the work assessment allowance scheme have contributed to women who are suffering from mental trauma having very limited time in which to rebuild their lives, which entails a high risk of becoming dependent on welfare benefits.

⁵² Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) (2020).

Long waiting times and strict criteria for obtaining municipal housing also result in traumatized women not being able to establish a living situation that allows them to process and rebuild after being subjected to violence. For many, it can take several years before becoming independent. There is a need for a support service that exercises a certain degree of sensitivity towards victims of violence to enable them to be organised and receive good help and follow-up. In order to prevent victims of violence from returning to the perpetrator, it is essential that the victim understands that she has a genuine alternative. Safety, housing and finances must be in place.

As part of the Crisis Centre Act, municipalities are required to ensure that victims of violence are followed up during a re-establishment phase, but there is inadequate knowledge about *“the practices and role of the crisis centres during the users’ re-establishment phase.”*⁵³ It is most common for the crisis centres to cooperate with other agencies on individual cases, however few crisis centres have formalised cooperation with relevant agencies, even though this number has increased over time.⁵⁴

A good service during the re-establishment phase after having stayed at a crisis centre will depend on good cooperation between what the crisis centre offers and other parts of the support services. One of the methods for ensuring good follow-up and coordination of services, that is referred to in the Crisis Centre Act, is individual plans, however only 2.6% of residents at the crisis centres have had such plans prepared for them.⁵⁵

Another solution may be the establishment of a specialist health "pathway" for victims of violence, with clearly defined phases for their follow-up and deadlines. Many victims of violence require treatment options that intersect the first and second line health services, including financial assistance from NAV. This requires close cooperation across the fields of health and social services. If victims of violence require support and guidance from multiple agencies, such as the police, lawyers, Child Welfare Service and NAV, the victim should be able to deal with one contact person who has a coordinating role, to ensure cross-sectoral cooperation.

The law does not specifically define how long the re-establishment phase should last, something that makes the division of responsibilities unclear. The data shows a slight increase over time in the proportion of victims who return to a home without an abuser.⁵⁶ At the same time, there are differences depending on the size of the centre, and the proportion of victims who return to an abuser is clearly higher among smaller centres with low staffing levels than among centres with higher levels of staffing.

Women who are victims of violence often return to the abuser because they lack support or a network. At present, there are no state run mental health services available to women after

⁵³ Bliksvær (2019).

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

they have resided at crisis centres other than the assistance they receive from NAV, the Child Welfare Service etc. The queue for accessing help from the mental health care service is long, a factor that can further aggravate the situation for this group. Many women who are victims of violence need support from women who have had similar experiences, and this can be systematized in the form of an "experience consultant role."

With regard to the follow-up of elderly victims of violence, it is important to bear in mind that few elderly people break off contact with, for example, spouses suffering from dementia, adult children or grandchildren. The abuse against elderly people has often been occurring for several years and can easily flare up again. Following up the mental health of the elderly, and providing support and help with boundary setting over time are therefore important. Abusers themselves often have complex histories and cooperation with their support services must take place in parallel with support for the victims.

Recommendations

- The authorities must, by regulation, stipulate the type of follow-up that can or should be provided by the crisis centres during a re-establishment phase and the length of time this is provided after leaving the crisis centre. A plan for such follow-up should be incorporated into regulations to the Crisis Centre Act.
- The authorities must initiate measures that formalise the cooperation between the service offered by the crisis centres and other parts of the support services to enable victims of violence to receive comprehensive assistance and follow-up during the period in which they use daytime services or accommodation services, and during the re-establishment phase.
- The authorities should ensure funding to non-governmental organisations and others that offer services to victims of violence during a re-establishment phase in order for these services to become permanent and nationwide.
- The right to an individual plan must be made known to staff at the crisis centres, as well as to the municipalities, and used to a greater extent.
- Ensure there are social and financial rights for women who are the victims of violence that provide them with the time and opportunity for rehabilitation.
- Strengthen work qualifications and language training for victims of violence who require these services. Ensure that there are more free services for Norwegian language training after the 3/5 year deadline has expired, and preferably with the possibility to offer childcare during the training.
- Research is needed to examine what the services during the re-establishment phase consist of and the roles played by the crisis centres and other stakeholders during this phase. This also includes a more detailed assessment of why individual plans are not used to a greater extent, and the potential barriers.
- It should be easier for victims of violence without financial means to access a safe place to live, so as to avoid them having to live with an abuser for financial reasons.

- All victims of violence must be offered complex, long-term follow-up and coordinated and cross-sectoral treatment in the specialist health care service and follow-up by the municipality's first-line service.

Article 19 – Information

Information for newly arrived immigrants

It is crucial that information is provided to newly arrived immigrants (both men and women) about what constitutes violence. Some teaching about violence and rape is provided through the introduction programme, but this is inadequate. For example, not everyone is aware that marital abuse and rape are criminal offences in Norway.

Several organisations that work with this target group find that people with minority backgrounds are less inclined than others to contact the support services after a rape has been committed. The reasons for this may be poor language skills and little knowledge of where help can be found. It may also be extra difficult to talk about painful and intimate events in a language other than one's native language.

Increased digitalisation has also shown that some support services have become much less accessible for certain victims. It may be problematic for some victims to contact support services by telephone or via the internet, particularly if they live in a conflict-filled or violent relationship. It is therefore important to ensure that everyone has access to equal services, irrespective of language or digital skills.

Accessibility of the Norwegian Equality and Anti-Discrimination Tribunal

The Norwegian Equality and Anti-Discrimination Tribunal is a neutral administrative body that hears and rules on complaints regarding sexual harassment free of charge. However, people who wish to file a complaint with the Norwegian Equality and Anti-Discrimination Tribunal and who do not formulate this in Norwegian or English will be dependent on having the funds to cover interpreter expenses themselves or that a student-run legal aid initiative can assist with free legal guidance. Therefore, being able to bring an action before the Norwegian Equality and Anti-Discrimination Tribunal free of charge is limited to, and in reality can only be used by, people with good Norwegian language skills. It is problematic that an already vulnerable group should be even more vulnerable when dealing with the legal system in instances in which they have been subjected to sexual harassment. It is also noted that people with good Norwegian language skills may also require assistance when appearing before the Tribunal, thus many require legal assistance even though the system is not designed for this.

Recommendations

- The authorities must ensure that new arrivals to Norway receive sufficient information, (preferably in their native language), about what constitutes violence and

where to find help as a victim of violence, or what to do if they know that someone else is the victim of violence.

- The support services must be more visible to enable victims of violence to be aware of where they can turn to and awareness-raising and information work must take place in different languages.
- The support services must receive training in language and cultural sensitivity to identify migrant women who experience domestic violence.
- Information about violence for newly arrived migrant women should be provided in separate women's groups.
- Systematic information work is required to reach women and men in minority communities.
- It must be ensured that non-governmental organisations involved in extensive information work receive resources for both their operations and activities.
- Women who require an interpreter must be guaranteed of being assigned one when dealing with the judicial system and health services.
- Strengthen the NAV offices for them to be better able to assist women who cannot access NAV's services due to inadequate digital and language skills.
- That the Norwegian Equality and Anti-Discrimination Tribunal allows more languages to be used and that a free interpreter service is introduced for Tribunal proceedings for those who may require this.

Article 22 - Specialist support services, and Article 25 - Support for victims of sexual violence

Sexual assault centres

Sexual assault centres are a basic service for helping victims of sexual violence. It is therefore vital that everyone is aware of the service and the location of the closest centre. Low staffing levels and a lack of experience among employees at sexual assault centres can be a challenge. At locations with lower populations, the sexual assault centres often have fewer or no permanent staff and those who work there often have less expertise. On several occasions, victims of sexual assault have had to wait many hours before finding a doctor who can examine them. This can have a profound impact on someone who has recently been abused.

Even though Norway is within the recommended norm for crisis centre places in relation to the size of the population, there are major differences between centres in terms of geographical reach and population base in the catchment area. This is especially seen in smaller regional areas. It does not help much that the service is free if there are large distances to travel in order to get to a sexual assault centre. Large distances make it more difficult to seek help after a sexual assault and to report the assault. The service is also not available/adapted for everyone, particularly vulnerable groups such as people with serious additional problems relating to, for example, mental health/substance abuse/prostitution and

persons with disabilities. It is important that all residents are able to have equal access to the service.

Support services for abusers

Like victims of violence, abusers also require a support system and emergency housing service. Abuse will not cease until the abuser also gets help. If the victim is able to escape from the relationship, the abuser may find others to commit violence against - including a new partner or elderly parents.

Young people who are victims of violence on the basis of their LGBTIQ identity and belonging to an ethnic or religious minority

Young people who experience physical, psychological, economic or sexual violence on the basis of having an LGBTIQ identity and belonging to an ethnic or religious minority find that they do not have any public place to turn to. There are also some who consider the Child Welfare Service to be unsafe and this experience may prevent young people with minority ethnic and religious backgrounds from seeking help.⁵⁷

Young adults who leave home due to negative social control or other forms of violence receive little or no help or follow-up. Many are lonely, financially and mentally vulnerable, and can then easily be subjected to violence, manipulation and exploitation.

Recommendations

- The sexual assault centres must be made more visible to the population in order for everyone to be aware of what the service entails and where they can find a centre.
- It must be ensured that sexual assault centres have the financial resources to safeguard their residents, irrespective of their location in the country.
- The women who cannot get to a sexual assault centre must be provided with an alternative free service at the emergency room or medical clinic. If this solution is selected, doctors must be required to have expertise in treating victims of abuse.
- Initiatives are required that can contribute to the crisis centres having more knowledge about the needs of and solutions for users with additional problems, initiatives that can provide greater expertise on how the different grounds for discrimination play a part. This is to ensure that the crisis centres can respond and talk to these target groups if they make contact.
- Emergency housing must be established with qualified personnel for abusers and these services need to motivate abusers to accept help.
- The police must have easy access to support measures and facilitation from mental health and substance abuse services, particularly in the event of violent episodes when elderly people are involved.

⁵⁷ Statistics Norway (2016).

- Separate specialist units should be established comprising health care personnel who provide support to young people with intersecting ethnic, religious and gender identities. They should be able to follow up the families of queer minority youths, and also offer temporary housing during an investigation phase. The specialist unit should be completely independent of the Child Welfare Service and be linked to health care workers and family therapists.
- The specialist units referred to above must have specialist expertise in intersectional vulnerability and work closely with relevant user organisations.

Article 23 – Shelters

Vulnerable groups

The purpose of the Crisis Centre Act is to ensure a good and comprehensive crisis centre service is available to *anyone* who is the victim of domestic violence. This includes vulnerable groups such as active substance abusers, people with physical or mental disorders, people with dementia and the elderly, LHBTIQ people, and people with physical or cognitive disabilities. The preparatory works to the Crisis Centre Act clearly state that several of these groups have no absolute right to crisis centre services. Therefore, the municipalities are free to take local conditions and priorities into consideration and can downgrade services to these groups. The consequence of this is major variations in the services offered.

Only 20 of the country's 46 crisis centres currently have universal design. There is also a shortage of sheltered housing units where people with substance abuse and mental health difficulties can stay at the crisis centres, and it is a challenge for the municipalities to ensure that victims of violence with additional problems receive adequate services. Furthermore, several crisis centres also lack specialist expertise in assisting victims of violence who have additional challenges.⁵⁸

Transgender people

Transgender people are offered individual accommodation. This is well-intentioned, but can have a re-traumatising effect and confirm to transgender people that they are not accepted by, for example, women, if that is what they identify as. At the same time, transgender people may feel unsafe in shared accommodation if they meet someone who is prejudiced against them and who they want to avoid. However, the most important issue is not where transgender people should be located, but that there is a need for greater knowledge about LGBTIQ issues among staff at the crisis centres, as well as good dialogue regarding transgender people's need for safety. Civil society is divided on the issue of where transgender people should reside at the crisis centres, however they still need to be well-treated and this requires better knowledge among staff.

⁵⁸ Bliksvær.

Sami victims of violence

The finances and priorities of the municipalities are often decisive to the resources allocated to each crisis centre. That is why there are major differences between the services women receive in different parts of the country.

The Sami Crisis and Incest Centre in Karasjok, which was the only one of its kind in the country where staff had expertise about Sami people, was closed in 2019 due to poor municipal finances. This has had major consequences for the Sami communities, where violence against women is still widespread. The closest crisis centre for those living in Karasjok is now in Alta or Hammerfest. The nearest sexual assault centre is also in Hammerfest, which further aggravates the situation. Large distances make it more difficult for victims to use these services. It must also be taken into consideration that the weather in Finnmark often leads to road closures. For example, in Karasjok there are only two road connections leading to Alta or Hammerfest. If these roads are closed, the inhabitants no longer have a genuine opportunity of using the services in the other cities. Close proximity to support services can be vital to whether someone is able to escape from an abuser. The quality of and access to services for women who are victims of violence in Norway must not be dependent on where they live in the country.

Recommendations

- The Crisis Centre Act must be revised and a statutory service to vulnerable groups needs to be defined. In addition, funds must be earmarked for such measures to ensure that equal services are provided to everyone across the entire country, irrespective of municipal priorities.
- The municipalities must be provided with funds for work with vulnerable victims of violence, including outside of the crisis centre service.
- The crisis centres should provide better information to the elderly regarding their daytime services.
- The authorities must strengthen their efforts to prevent, avert and investigate violence and abuse against Sami victims of violence.
- All crisis centres must have at least one employee with specialist LGBTIQ knowledge. Staff must have sufficient expertise regarding the situation for those people who breach the norms for sexuality and gender, to know how they can create safe and non-discriminatory surroundings for transgender people and others who breach such norms, including responsibility for other residents being viewed as safe and inclusive.
- Trans women must also be recognised as women and granted access to accommodation for women. It is noted that not all contributors were in agreement regarding this recommendation.

Article 24 - Telephone helplines

In 2018, the Secretariat of the Shelter Movement was allocated funds by the Ministry of Justice and Public Security to establish Norway's first national helpline for victims of domestic violence and sexual assault. The establishment of the Violence and Abuse Line (Vold- og overgrepslinjen) is an important initiative within the field of violence in Norway. A national helpline makes it easier to reach those people who, for various reasons, do not contact the support services, and enables more victims of violence and abuse to seek help. Figures from the helpline for 2019 show there was such heavy demand that several of those who contacted the helpline did not receive a response.

Various websites offer information about violence in different languages. However, this is not the case for the telephone services, which generally offer services in Norwegian or English. Many of those who require help have a very limited Norwegian or English vocabulary. This means that helplines are not a genuine service for many women who are victims of violence that have a native language other than Norwegian. There are also no services offered in the Sami language. Section 1-5 of the Sámi Act affirms that Sami and Norwegian are languages of equal worth. When viewed in light of the fact that approximately half of Sami women in Norway have been the victims of violence or abuse and that the physical services available to Sami women are very poor, changes should be made.⁵⁹

Recommendations

- The Violence and Abuse Helpline needs to be improved and become a permanent service.
- Greater focus on the telephone services being available in multiple languages.

Article 26 – Protection and support for child witnesses

Children at crisis centres and kindergarten and school attendance

In 2019 1,450 children stayed at crisis centres. One in three of these children was of primary school age (6-10 years of age). Around 34% of these children experienced disruptions in kindergarten or school attendance. Many of these disruptions were for safety reasons, however, according to figures from 2019, 27% were due to distance to schools, while 5% were due to a lack of transport.⁶⁰

All children residing in Norway have the right and obligation to attend primary and lower secondary school education. There are currently regions that have poor geographical crisis centre coverage. The distance to travel is too far and this has consequences for the children, who have to leave their local communities where they have their kindergarten, school, friends and leisure activities. Poor geographical crisis centre coverage also makes it more difficult to

⁵⁹ Norwegian National Human Rights Institution (NIM) (2018).

⁶⁰ Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) (2019).

go to a centre. The extent of disruptions in school attendance is not in line with requirements in the Crisis Centre Act that children are a separate user group who must be safeguarded based on their needs. As is the case in other areas, there is also a link between the scope of the crisis centre service and the types of assistance/services provided to children, and the small crisis centres are generally not as adept in terms of their systematic work with children.⁶¹

Recommendations

- The Norwegian authorities must draft regulations relating to what good care of children specifically entails and regulations must be prepared regarding competence requirements which instruct the municipalities to have personnel at the crisis centres with paediatric expertise.
- The Norwegian authorities must ensure that children who use crisis centre services are ensured of their rights, including that they are able to continue attending school or kindergarten, either by continuing at their own school or another school or kindergarten, or by strengthening educational expertise at the crisis centres.
- By strengthening the financing of the crisis centres through increased framework grants to the municipalities, the crisis centres will be given the opportunity to ensure adequate staffing and thus be able to strengthen school competence.
- The municipalities must ensure that expenses for transport to school or kindergarten are covered when required.
- Capacity at guidance centres must be increased and professionals working with these issues must receive relevant training.

Substantive law (Articles 29 to 48), investigation, prosecution, procedural law and protective measures (Articles 49 to 58)

Article 30 - Compensation

Criminal injuries compensation

Despite the intention of the criminal injuries compensation scheme being to make it easier for victims of violence to claim compensation, many have their applications rejected. This is too often perceived as being a major defeat.

The processing time for an application for criminal injuries compensation is up to 18 months. The long processing time is a major burden for applicants. They often need to keep the situation at a distance, and experience a relapse when, after a long period, they get the rejection they have feared. There are also many who require payment earlier because the violence has resulted in them suffering financial consequences.

Many find it difficult to apply for criminal injuries compensation. It is a tough process and the rules can be found to be complex because there are many conditions that need to be satisfied.

⁶¹ Bliksvær (2019).

The Legal Aid Committee recently proposed to remove the right to legal counsel for victims of violence who apply for criminal injuries compensation. This would contribute to further weakening the state of the law and should be avoided.

Compensation for sexual harassment

Sexual harassment is a widespread problem and a criminal offence under the Convention.⁶² Few cases of sexual harassment are brought before the courts (read more about this under Article 57).

The Norwegian Equality and Anti-Discrimination Tribunal can award aggravated damages and compensation in sexual harassment cases, however the Tribunal's ability to award compensation is limited, even if it finds that the complainant has been harassed.⁶³ The victim can only be awarded compensation in certain cases, where the Tribunal has reached a unanimous decision, and the respondent does not dispute the compensation claim. The compensation claim can also not exceed NOK 10,000, an amount that will not be sufficient in all cases.⁶⁴ Based on this, it is clear that the threshold for being awarded compensation is too high.

Many find it uncomfortable to report a colleague or employer to the Tribunal, and for many, it is not enough to simply affirm the harassment has occurred. The complainant's motivation is often to obtain compensation for the financial burden that the harassment has caused. The financial loss will usually be clear in cases of sexual harassment in the workplace. It is therefore unfortunate that there is such a limited opportunity for obtaining financial compensation. Without expanded authority to award compensation, the Tribunal is not a genuine alternative to judicial proceedings. This impacts on due process for the victims.

Recommendations

- Funds must be provided to the Norwegian Criminal Injuries Compensation Authority to reduce processing times and enable applicants to receive responses within a reasonable time.
- The right to legal counsel for victims of violence who apply for criminal injuries compensation must be maintained.
- The threshold for being awarded compensation for sexual harassment by the Norwegian Equality and Anti-Discrimination Tribunal must be lowered.

Article 33 - Psychological violence

The Norwegian Penal Code does not contain a general provision relating to psychological violence. The regulation appears fragmented because various means of harming, intimidating or offending someone (but that are not directly physical in nature), are regulated by several

⁶² Cf. Article 40 of the Istanbul Convention.

⁶³ Section 7 of the Norwegian Equality and Anti-Discrimination Tribunal Act, cf. Section 1.

⁶⁴ Section 12 of the Norwegian Equality and Anti-Discrimination Tribunal Act and Section 38 (1) a of the Norwegian Equality and Anti-Discrimination Act.

different provisions in the Penal Code. In addition, Section 282 applies to any person who “by threats, force, deprivation of liberty, violence or other degrading treatment, seriously or repeatedly abuses” a closely connected person. Compared to the protection of victims of psychological violence who are not in a close relationship with the abuser, the prohibition against psychological violence in close relationships is more readily available.

The Supreme Court of Norway has stated that if the violations are exclusively of a psychological nature, then “a good deal more is required” than if the violations had also been physical.⁶⁵ Of key importance is whether, on the whole, the actions, “create a pattern that results in the person who has been affected having to live under a regime characterised by constant insecurity and fear of violence”.⁶⁶ By extension, it appears that there is a high threshold for convicting a person for psychological violence against a closely connected person, unless physical violence has also been exercised.

It can also be noted that the evidence situation is challenging when concerning psychological violence. Unlike physical violence, which often leaves physical traces, it is more difficult to prove that psychological violence has taken place. Many victims of psychological violence are also not aware of this themselves. It is therefore important that the victims are asked the right questions that can assist in revealing the details of the psychological abuse.

Recommendation

- Increased knowledge of the types of acts that constitute psychological violence, and how to secure and obtain evidence in cases relating to psychological violence.

Article 34 – Stalking

A statutory amendment relating to the criminality of actions deemed to constitute stalking is currently being considered.⁶⁷ At present, stalking comes under the provisions in Sections 266, 266 a and 298 of the Norwegian Penal Code. These provisions concern harassing conduct, stalking and sexually offensive conduct in public or without consent. It is Section 266 a in particular that pertains to stalking. When formulating the provision, the Ministry stated that “the common feature of these actions is that they involve repeated attention directed at a person who does not want this attention”.⁶⁸ The provision was specifically formulated to comply with the Istanbul Convention.

The problem with both the provision and the practical implementation is that it only covers instances in which it is the perpetrator's intent that the victim experiences the offence and that the victim becomes aware of the act, and that the stalking creates fear and anxiety.⁶⁹ One concern with the formulation of the stalking provision is that it does not apply in instances in

⁶⁵ Cf. HR-2013-1302-A.

⁶⁶ Cf. HR-2010-242-A, cf. HR-2019-621-A.

⁶⁷ Ministry of Justice and Public Security (2018).

⁶⁸ Proposition 42 L (2015-2016).

⁶⁹ Cf. HR-2019-563-A paragraph 28-32.

which the victim is not aware of the stalking. The subjective reaction of the victim as a result of the stalking is also not of significance. It is also concerning that there very few judgments that have clarified this area of law.

Recommendation

- As proposed in the consultation paper, the current provision should be expanded to also include instances which create a risk of violating another person's peace.⁷⁰

Article 36 - Sexual violence, including rape

The Norwegian Penal Code defines rape as engaging in sexual activity by means of violence or threats, or with any person who is unconscious or incapable for any other reason of resisting the act. A consequence of this is that the police and courts are required to focus on the qualifying circumstances stipulated in the Penal Code, rather than considering the woman's free will in the context of the surrounding circumstances. Therefore, the Penal Code not only restricts due process for rape victims, but also influences the broader societal understanding of what constitutes rape.⁷¹

Many have difficulties understanding when a rape has been committed. This causes unfortunate ripple effects, since many women do not report incidents because they do not know that they were the victim of sexual assault. For example, a victim of violence must have reported the rape in order to apply for criminal injuries compensation from the Norwegian state. A clear and precise, consent-based rape provision would make it easier for victims to know if rape has taken place.

If the assessment of whether sexual assault has been committed is linked to consent, even more of the responsibility will also be transferred to the perpetrator and this could ease the burden a victim faces in bringing the case before the court. This would strengthen the woman's free will and also take the focus away from rape myths and stereotypical views relating to women and rape.

Recommendations

- A consent-based rape provision.
- It must be ensured that efforts to combat rape have coordinated, clear and long-term political priority at national, regional and municipal level.
- There must be a comprehensive review of the chapter in the Norwegian Penal Code relating to sexual offences to ensure that this complies with the provisions in the Istanbul Convention. The legal definition of rape must unequivocally state that the defining element of the penal provision is the absence of voluntary consent in the context of the surrounding circumstances.

⁷⁰ Ministry of Justice and Public Security (2018).

⁷¹ Amnesty International (2019).

Article 40 - Sexual harassment

Article 40 requires that the parties shall take the necessary measures to ensure that sexual harassment is subject to criminal or other legal sanction. We have good anti-discrimination rules in Norway designed to protect individuals from sexual harassment that are established in Section 13 of the Equality and Anti-discrimination Act. However, few cases are prosecuted through the court system or other complaints bodies. Read more about this under Article 57.

Young women are overrepresented in studies highlighting the extent of sexual harassment in Norway.⁷² There have also been few in-depth studies at larger workplaces. It is only when the extent of the problem can be highlighted that workplaces, organisations and the like are required to introduce internal measures that can counteract such behaviour. By the organisation or workplace also issuing clear guidelines, providing information, and expressing the position that such behaviour will be clamped down upon, this may also help make it easier for people who are the victims of sexual harassment at the organisation or workplace to report incidents and assert their rights. This therefore demonstrates the importance of organisations and workplaces being encouraged to investigate sexual harassment among their employees.

Measures to combat sexual harassment and rape were not addressed by the Norwegian Directorate for Civil Protection (DSB) in its safety guide for major events. The risk of violence, assault and rape increases in connection with alcohol consumption, and appropriate measures should therefore be implemented.⁷³

Recommendations

- More awareness-raising campaigns to counteract sexual harassment.
- More accessible information about the rights of victims of sexual harassment.
- More in-depth studies into the prevalence of sexual harassment at workplaces.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

Article 42 has a particular focus on the responsibility of states to combat honour-related violence. Despite both sexes being the victims of honour-related violence, girls and women are particularly vulnerable and are often worse affected. This is due to the fact that many families are governed by strong collectivist and patriarchal values, whereby much of the family's honour is linked to her sexuality, for example, a girl's virginity and virtue. All forms of violence that are triggered by a family's need to preserve or restore honour will therefore constitute honour-related violence, despite there possibly being similarities to traditional domestic violence. The context in which the violence manifests itself is of importance to the consequences of the violence and the help that victims need.

⁷² Knapstad (2018).

⁷³ Actis (2017).

Experiences from KUN Centre for Equality and Diversity indicate that the authorities and police have inadequate knowledge and expertise regarding honour-related violence. The result of this is inadequate efforts to identify, manage and prevent this problem.

There is also a lack of awareness of the serious consequences for young people who escape from these situations, and careful consideration is required for how they can best be assisted without adding to the burden and stigma. It is essential to avoid categorizing and limiting negative social control to specific cultures and ethnicities, and instead highlight the diversity of experiences and focus on the basic underlying mechanisms.

Recommendations

- The police, prosecuting authorities and other applicable authorities should be provided with better knowledge about honour culture and negative social control, including how notions of family honour and shame can result in domestic violence.
- Religious and life stance communities and religious leaders must work to counteract attitudes and traditions that maintain gender-based violence and spread knowledge about this issue. They represent a resource and a group that can be encouraged to take clearer control in this area.
- Other public agencies, including educational institutions, support services etc. must be provided with knowledge about honour culture and how to combat this.
- A new action plan to combat negative social control and honour-related violence will be presented in March 2021. This should include specific measures, and funds must be allocated to the actual implementation of the measures.
- The police and Child Welfare Service must develop better procedures for receiving and handling inquiries.
- Support services, such as schools, kindergartens and health services must offer better services, act earlier, and be aware of what to look for in order to notify the police in time.

Article 46 – Aggravating circumstances

The Norwegian Penal Code does not include all aggravating circumstances defined in Article 46 of the Convention, including rape committed by a current or former partner. Certain circumstances that the Convention defines as aggravating, including abusing a position of power and exploiting a vulnerable situation, are criminalised by penal provisions that carry lesser sentences than for rape.⁷⁴

⁷⁴ Amnesty International (2019).

Recommendations

- The Norwegian Penal Code must ensure that a close relationship between the victim and the perpetrator, abuse of a position of power and exploitation of a vulnerable position are defined as aggravating circumstances.

Article 49 - General obligations, and Article 50 - Immediate response, prevention and protection

The processing time for violence-related cases is too long and too many cases are dropped. Many domestic violence cases are dropped due to procedural capacity or the evidence situation.

Inadequate capacity and weaknesses in police investigations are a contributing factor to few reported rapes resulting in prosecution and conviction. Around 80% of reported rapes investigated by the police are dropped by the prosecuting authorities. Every third rape case ends with acquittal in court.⁷⁵ The victims are therefore left in uncertainty with the case hanging over them for an extended period if there is a new investigation or the court's decision is appealed.

Recommendations

- Higher priority must be assigned to securing evidence in rape cases.
- More funding must be allocated to being able to investigate sexual offences with the adequate level of quality and efficiency.
- The quality of the support services to victims of violence must not depend on where they live.
- Procedural capacity must be expanded.
- Adequate resources must be allocated for ensuring that the police, prosecuting authorities and courts have the necessary capacity and expertise to ensure prompt and efficient criminal prosecution of rape.

Article 51 – Risk assessment and risk management

Preventing and averting new violence

As part of the Escalation Plan against Violence and Assault for 2017-2021, a commission was established to review a selection of cases involving the murder of partners. The plan was for the partner murder committee to present a report by the end of September 2019, with a possible extension until March 2020. As of the present date (29 June 2020), the report has yet to be presented.

⁷⁵ Amnesty International (2019).

Good routines and systematic prevention can stop violence from ending in murder. Since 2013, the police have been required to assess the risk of new violence in all cases relating to partner violence, and have adopted the risk assessment tool SARA for violence in relationships, and PATRIARK for cases involving honour-related violence. According to figures from 2018, the use of risk assessment tools was less than 40% in six out of eleven police districts. In Police District East (Øst politidistrikt), risk assessments were only conducted in 168 of 680 cases involving partner violence.⁷⁶ The police themselves cite lack of resources as the reason for them being unable to assess the risk of recurrence in all partner violence cases. In an internal survey conducted by the Secretariat of the Shelter Movement among its member centres in 2020, several of the centres stated that the police often took a long time to conduct risk assessments for residents at the crisis centres, and that in several instances this never even occurred. Several of the crisis centres reported that they found the police to be less accessible following the National Police Reform.

There is presently no risk assessment form for violence against the elderly that can be used in the health and social services.

Recommendations

- The police and the judicial system must be provided with increased expertise and knowledge and must assign high priority to preventing exemptions from prosecution in cases involving violence against women and domestic violence. All police stations must have a sufficient number of employees who use the risk assessment tool SARA/B-SAFER in cases relating to domestic violence, and PATRIARK in cases relating to forced marriage, negative social control and female genital mutilation.
- The crisis centres are the only protective measures for the municipalities and all interaction must take place on the victim's terms.
- Greater focus on safety assessments for the elderly.

Article 52 - Emergency barring orders, and Article 53 - Restraining or protection orders

Pursuant to Article 53, appropriate restraining or protection orders must be available to victims of violence. Even though all forms of violence are included, there are several types of violence that are difficult to prove that one has been the victim of. This includes psychological violence and stalking.

Article 53 further stipulates that the orders must be appropriate. However, an order is not always appropriate, because it creates other problems that are difficult for the parties to resolve. A restraining order, which entails that a specific person cannot be contacted may be difficult to abide by if it is for one of the parents. The same applies if someone is experiencing a break-up and needs to divide property, possessions, responsibility for the children etc. The rules need to be flexible enough for the protective measures to be adapted to the individual's

⁷⁶ Politiforum (Police Forum) (2019).

situation. Another challenge relating to restraining orders is that they are relatively simple to violate.

Restraining orders are a well-established security measure for preventing new violence. However, it has been shown that the enforcement of restraining orders is not satisfactory and that a restraining order only functions as an effective protective measure if there is a quick response to any breach of this. Furthermore, prosecution practices mean that violations of restraining orders are enforced long after they have been committed.⁷⁷ This is in line with the experiences reported by several member centres from the Secretariat of the Shelter Movement in an internal survey. A consequence of the failure to follow up violations of restraining orders is that it is the victims of violence who have their freedom of movement curtailed and who continue to bear the burden. Several crisis centres also reported that there is a high threshold for obtaining a restraining order in relation to the person's own home and it is usually the victims of violence and their children who have to move from their joint home, while the abuser remains living there.

An alternative protective measure is personal security alarms. However, according to research conducted by NRK (Norwegian Broadcasting Corporation), many women have been killed in recent years despite having a personal security alarm.⁷⁸ The numbers are alarming.

A third protection measure is a so-called reverse security alarm, which must be imposed by the courts. Reverse security alarms are used much less than other protective measures, despite the prosecuting authorities now being required to use these more often. Despite there being a total of 2,324 reported breaches of restraining orders in 2017, there were only 14 people in 2018 who had been ordered to use a reverse security alarm. A review conducted by NRK showed that reverse security alarms have only been used a total of 26 times in the past seven years.⁷⁹ A reverse security alarm with a large prohibited zone or many smaller prohibited zones would provide victims with greater freedom. Not least, it would transfer the burden to where it should be, i.e. the perpetrator instead of the victim.

Reverse security alarms will potentially enable situations to be avoided in which the threatened woman has to move from her work and friends to a secret address, often with children who have to move to new schools, while not only ensuring, but increasing her safety. In individual cases where the perpetrator has had a restraining or protection order imposed and then violates this, the immediate consequence should be that the perpetrator is ordered to wear a reverse security alarm. Since there have been very few cases in which a person has been ordered to wear a reverse security alarm, there is little experience with regard to this, however the few cases have shown that not a single violation of a restraining order has been registered.

⁷⁷ Norwegian Social Research (NOVA) (2019).

⁷⁸ Elster (2020).

⁷⁹ Ibid.

Recommendations

- It must be clarified as to what constitutes adequate evidence in cases concerning psychological violence and stalking and thus enable more women to obtain help from the judicial system.
- The cases that involve forms of violence that are difficult to prove must also be prioritised by the police.
- The system for restraining orders must be made more flexible if this is to benefit the victim. It needs to be taken into consideration that there are challenges associated with the present system that make it difficult for many people to organise their everyday lives while the restraining order is in effect.
- Police need to follow-up cases of violence more closely, and violations of restraining orders must have consequences.
- Extensive use of reverse security alarms to remedy the shortcomings of other protective measures and to save lives.
- Efforts to respond when personal security alarms are triggered must be increased. This may require increased police resources - irrespective of whether it is in a city or regional area.
- There needs to be an assessment of sentences to determine whether it is possible to make these more stringent.

Article 57 - Legal aid

Access to the courts is presently too restrictive. This is because the process is neither efficient nor reasonable. It can take several years for a case to be fully considered by the courts. It also costs a great deal of money, both in the form of court fees and legal fees, and there is also the risk of having to pay the opposing party's costs.

Pursuant to Article 57 of the Convention, the state is required to provide for the right to legal assistance and to free legal aid for victims under the conditions provided by internal law. However, there are very many areas of law in which free legal aid is not offered and the lack of free legal aid results in individuals not being able to assert their rights, often due to their financial situation.

Sexual harassment cases

Few sexual harassment cases are brought before the courts. This is not only due to the financial risk and the emotional strain, but also the long processing time. Having sexual harassment cases heard by the Norwegian Equality and Anti-Discrimination Tribunal will alleviate this problem. However, the hearing of such cases by the Tribunal would not be sufficient in itself.

The Tribunal's limited ability to award compensation is a particular reason for why this is not a suitable area for victims to fully assert their rights. The Tribunal has functioned well as a

low-threshold body for affirming that harassment took place. However, it is when cases are heard by the courts that full compensation for financial loss can be achieved, and not least, higher aggravated damages. It is also an important factor that very many victims of sexual harassment encounter this *in the workplace*. Sexual harassment often has an impact on the entire employment relationship and can result in employment being unlawfully terminated, that the employee has been relocated etc. In such cases, the courts will be able to consider all aspects of the case, as opposed to the Norwegian Equality and Anti-Discrimination Tribunal, which is only able to consider the issue of harassment in accordance with the current Equality and Anti-Discrimination Act.

A lawyer can assist in arriving at an amicable solution with, for example, the employer, or argue the victim's case against the organisation or institution. It is of major personal importance to have such a case heard, and it is not easy to go through it alone. The fact that stigma and challenges can result from asserting sexual harassment is reflected in the very small number of cases that have been heard by Norwegian courts, despite us being aware that this is an existing societal problem. As of the present date, only one case has been heard.⁸⁰

It is very common for the sexual harassment to be committed by someone in a position of power over the victim. This makes it even more difficult for victims to argue the case themselves and requires systems to be in place for anyone to be able to assert their rights.

There would also be major societal benefits from providing free legal aid in sexual harassment cases. If sexual harassment cases come to light, the stigma associated with such cases can be reduced and more people can bring forward their cases and, in turn, employers and other people in positions of power will take the problem of sexual harassment more seriously. This is essential from a prevention perspective.

Cases concerning violence and forced marriage

The Legal Aid Committee's review of the Free Legal Aid Act also proposed removing cases for criminal injury compensation and forced marriage as priority areas. The reason given was that this need is covered by guidance from public agencies. It was also proposed that legal aid in connection with the assessment of circumstances of importance when reporting offences in cases pursuant to Section 107a (1) (a) or (b) of the Criminal Procedure Act be removed as a priority area. The penal provisions listed in Section 107a (1) (a) of the Criminal Procedure Act include rape, abuse in close relationships, grossly negligent rape, rape of children, incest and human trafficking. Legal aid provided at the stage prior to reporting an offence may be of great assurance to those who are considering reporting an offence. Legal aid may help confirm to the victim that an assault has occurred, that the victim receives information about what may be evidence in the case, and improves the actual reporting of the offence, which then helps make the police investigation of the offence easier.

⁸⁰ LH-2019-87696, LH-2019-135298, LH-2019-135200.

Cases of economic violence

For victims of fraud, it is of major importance in terms of their welfare to receive assistance in contesting the civil case against the bank regarding the credit or borrowing, while also being able to report the criminal offence. Only in this way can the victim's legal rights be fully safeguarded. Read more about financial fraud under Article 12.

Cases of human trafficking

People who are victims of human trafficking find themselves in a particularly weak and vulnerable position, both personally and financially. The regulations and sources of law in this area are intricate and complex, and there is little reason to expect that the victims themselves will be able to familiarise themselves with the regulations and ensure that their rights are being safeguarded. Read more about residence permits for victims of human trafficking under Article 59.

Recommendations

- Sexual harassment cases must be a priority area in the new Act relating to free legal aid and thus enable victims of sexual harassment to access free legal aid.
- Cases concerning criminal injuries compensation, forced marriage and assistance in connection with the assessment of circumstances of importance when reporting rape cases must continue to be priority areas under the free legal aid scheme.
- Fraud cases must be covered by free legal aid.
- Victims of human trafficking must be entitled to free legal aid in cases pertaining to residency, irrespective of the grounds on which they are applying for residency, and already from the first application to UDI.

Migration and asylum (Articles 59 to 61)

Article 59 - Residence status

Residence permit on an independent basis due to abuse in cohabitation - "abuse provision"

Immigrants who come to Norway through marriage or spousal reunification must reside in the country (and remain in the marriage) for three years before they can apply for their own residence permit. Since 2017, a minimum independent income of NOK 246,000 has also been required to obtain a permanent residence permit. There are many women with minority backgrounds, who are discriminated against in the job market and struggle with finding paid work. Those who may be offered paid positions will find it very difficult to reach the same level as the minimum income requirement. Many women will therefore remain dependent on their husbands for a much longer period than three years. The women are also reliant on their spouses signing that they still live together after three years to be able to apply for a

permanent residence permit, which also prevents them from being independent and makes it even more difficult to escape from violent relationships.

Norwegian law grants women who are in Norway due to family reunification with their partner the right to a residence permit on an independent basis if “cohabitation has ceased, and there is reason to assume that” the woman “or any children have been abused during the cohabitation relationship”, cf. Section 53, paragraph one (b) of the Immigration Act. However, based on this wording, “abused” is a stricter requirement than what is stipulated in the Convention text.⁸¹ UDI's Circular UDI-2010-009 governs the practical application of the provision by the authorities, and this states that the existence of “abuse” will depend on an overall assessment in which the key issue is whether the women’s quality of life has been reduced. Based on UNE practice, the immigration authorities will not consider it to be sufficient if the woman has been hit in the face, hit in the stomach and physically thrown out of the room⁸², or that the man threatens to send the woman back to her home country⁸³, as long as these acts appear to be isolated incidents.

The authorities have also established a probability requirement. The Act states that there must be “grounds to assume” that the woman has been the victim of abuse. Based on the wording, not a great deal is required for it to be assumed that the woman has been the victim of abuse. However, UNE practice shows that foreign nationals who change their testimony, then lose credibility, and this results in the probability requirement no longer being considered satisfied.⁸⁴ In most cases in which the woman is granted a residence permit in Norway, she has gone to a crisis centre or public health services and can document the abuse.⁸⁵

Residence permit for victims of human trafficking

Pursuant to Article 59 (3) (a) of the Convention, a renewable residence permit must be issued for women who are victims of violence when this is considered necessary owing to the victim’s “personal situation”. Exploitation for prostitution is a widespread form of human trafficking. The fact that a woman has been subjected to organised sexual violence is something that must clearly satisfy the condition that a residence permit is considered necessary owing to the victim’s “personal situation”. However, we still see that many victims of human trafficking are not granted a residence permit even though they have a dire need for this.

As the situation currently stands, victims of human trafficking can only be granted a residence permit in three instances: If they require protection from the criminals responsible in their home country, if there are extraordinary circumstances in the case or if they cooperate with the police in their prosecution of the criminals responsible. The Directorate of Immigration

⁸¹ Cf. Article 59 (1) of the Istanbul Convention.

⁸² UNE, N1860230703.

⁸³ UNE, N1837860214.

⁸⁴ Ibid.

⁸⁵ UNE, N1838290214.

practices these rules in a manner that enables far too few victims of violence to be granted a residence permit on the basis of their personal situation. In 2018, UDI handed down decisions in seven asylum cases in which the applicant was identified as a possible victim of human trafficking and only two of the applicants were granted a residence permit. The applicants included six women and one man, and all seven asserted that they had been exploited for prostitution or asserted other sexual exploitation.

Not having a residence permit is a decisive vulnerability factor for people who are exploited in human trafficking. Threats of deportation are used by the criminals responsible as a means of maintaining control. A genuine fear of being deported from the country is one of the reasons that makes it difficult to escape from exploitation and coercion. Legislation that provides the victims with a predictable and safe path to a residence permit would encourage more victims to contact the authorities and seek help. It would deprive the criminals responsible of some of their power and make it easier for victims to escape.

It is also particularly problematic that it is a requirement that victims of human trafficking need to cooperate with the police to receive a residence permit. It is unethical to use the residence status of very vulnerable and broken people as a means of prosecuting the criminals responsible. In most cases, such cooperation also entails a major risk for the victims. They have to accept this risk with no guarantee of a residence permit and can therefore be deported after having been placed in an even more dangerous situation. Furthermore, it is difficult to harmonise such a requirement with Article 18 (4) of the Convention, which requires that the provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

Residency on the basis of different sexual orientation and/or gender identity

Queer women are generally most vulnerable to violence from family or husbands when their sexual orientation and/or gender identity is revealed. In many countries they are not able to select a partner of the same gender and many are also unable to explore their own sexuality before getting married. Married women without a residence permit are still not safe from deportation, and choose to remain in degrading or violent marriages despite having a different sexual orientation or gender identity.

Recommendations

- The income requirement for obtaining permanent residency should be removed or reduced.
- The requirement for three-year cohabitation for permanent residency should be removed or reduced.
- The threshold must be lowered for the factual circumstances that constitute “abuse” and the right to residency on an independent basis must be granted in accordance with the abuse provision.
- The evidentiary requirement that there are “grounds to assume” that the woman is the victim of abuse pursuant to the abuse provision must be reduced.

- More information should be provided about the possibilities Section 53 of the Immigration Act provides for protection of women who are the victims of violence.
- Being a victim of human trafficking is something that should in itself constitute grounds for being granted a residence permit.
- It should not be a requirement that victims of human trafficking have to assist the police in identifying the criminals responsible to be granted a residence permit.
- It must be easier to obtain residence status on the basis of being queer when coming from a country where queer people are persecuted, regularly punished by individuals or authorities or cannot live openly.
- It must be easier to obtain residence status under the provisions in Section 59, and queerness must be recognised as a separate risk factor.

Article 60 - Gender-based asylum claims

Norway has included gender as a social group that can constitute grounds for asylum pursuant to Section 28 of the Immigration Act.⁸⁶ In many cases in which women apply for asylum on the grounds of gender-based violence, this involves domestic violence, which can often indicate oppressive gender roles. A review of UNE practice reveals that the immigration authorities set strict requirements for the causal connection between gender and persecution. Pursuant to the preparatory works, which have been followed up in practice, an instance in which a woman is the victim of domestic violence will only be considered gender-based persecution if, due to the discriminatory attitude the authorities in the home country have against women, it would be impossible for her to seek their protection.⁸⁷

The UN Committee on the Elimination of Discrimination against Women (CEDAW) has noted their concern that the tightening of laws regarding refugees and asylum seekers may have a disproportionately negative impact on women and girls and have asked Norway to continue to take a gender-sensitive approach when receiving female refugees and asylum seekers.

Refugee women and children are particularly at risk of being subjected to sexual violence. Many women become refugees due to a fear of being sexually assaulted in their home country. It is also a known fact that, for many women, it is the actual escape that can be the most hazardous. Many migrants and refugees are victims of sexual violence both on their way to Europe and after their arrival. The lack of food, safe hygiene conditions and safe accommodation also result in many being forced into situations where sexual, gender-based violence takes place at the same time as physical, emotional and socioeconomic violence. The lack of information and rights also increases the risk that they will be repeatedly subjected to such incidents.⁸⁸

⁸⁶ UNE, N172962091.

⁸⁷ Pages 89 and 91 of Proposition no. 75 to the Odelsting (lower house of the Norwegian Parliament) (2006-2007).

⁸⁸ Women's Refugee Commission (2019).

Despite there being good psychological reasons for women not speaking openly about, for example, domestic violence, and it being well-documented that such information is often a taboo and that there is a great deal of shame associated with talking about these types of experiences, there may be a negative assessment of the credibility of an asylum claim if this information is not divulged until after the first interview with UDI or the National Police Immigration Service (NPIS).⁸⁹ It is a challenge to maintain the focus on gender-based applications for asylum being assessed in light of the requirements in the Refugee Convention relating to persecution, as well as for assessments of residency on humanitarian grounds. Asylum applications are often based on the applicant's own information about the case. More information is required about gender-based violence potentially constituting grounds for protection.

Women in asylum reception centres

Amnesty International has previously reported that women at asylum reception centres are a particularly vulnerable group.⁹⁰ Some women experience that they are too afraid to leave the room to make food or go to the toilet. Low staffing levels and the lack of separate accommodation for women, combined with inadequate language skills and little knowledge of their rights also cause them to have problems in seeking help.

Women are less likely to participate in organised activities at asylum reception centres, including when the activities are exclusively for women. They say that they do not feel safe when they leave the area or that they are anxious when they have to travel to activities and need to use public transport in the evenings. It is also vital that women who are at asylum reception centres together with their spouses are given the opportunity to talk about violence committed by, for example, husbands or other men at the asylum reception centre.

Employees at asylum reception centres have also reported that there is a need for better cooperation between them and the health services. It is often communicated that all health care rights cease when asylum seekers receive a final rejection and are perhaps in a situation in which they require information and medical care the most. Reception centre staff may have information that should be passed on those processing asylum seeker cases, but they do not know who to provide this information to.⁹¹

⁸⁹ Bollingmo (2014).

⁹⁰ Skogøy (2008).

⁹¹ UDI (2014).

LGBTIQ people in asylum reception centres

The study entitled "Living conditions among queer people with immigrant backgrounds" states that LGBTIQ people who are refugees with a short period of residence are in a particularly vulnerable situation.⁹² Many of them have experienced serious violence in their home country from family members or employees at public institutions. Many were also the victims of violence while they were fleeing their home countries. They are particularly vulnerable to homophobic violence when encountering Norway's immigration and integration regime and within the framework of these institutions.

Recommendations

- Domestic violence against women must be considered persecution on the basis of gender regardless of whether the authorities in the country have a discriminatory attitude towards violence against women.
- The protection needs of female asylum seekers and refugees who arrive in Norway must be prioritised.
- It is important that everyone who works with asylum seekers and refugees learns methods in which to detect or identify abuse, recognise possible symptoms and reactions, and that they know how to approach the person in a manner that is respectful and trusting. Staff at the asylum reception centres must also have greater awareness of this when interacting with the residents.
- Both UDI employees and UNE's committee members should receive specific training in UNHCR's guidelines for gender-sensitive assessment as well as better knowledge of how trauma and PTSD can impact on a person's ability to provide statements.
- Cooperation between asylum reception centres and external support services must be strengthened in specific cases concerning violence against women and possibly accompanying children. There is a need to develop good routines for referring women to external support services when required and to follow-up the cooperation with these. There is also a need for knowledge on how children who are subjected to violence and abuse while residing at asylum reception centres can be better identified.
- Trans, lesbian, bi-sexual and non-binary women must receive special protection at asylum reception centres. They should have access to their own room with toilet at asylum reception centres that are staffed 24 hours a day.
- Staff at asylum reception centres must have statutory knowledge of the problems faced by queer asylum seekers and particularly their vulnerability to harassment and sexualised violence.
- The Directorate of Integration and Diversity (IMDI) and UDI, which are responsible for settling refugees, must assign greater consideration to the special situation of queer asylum seekers when they are placed in asylum reception centres or for municipal settlement arrangements under the introduction programme. Queer asylum seekers should be settled in Norwegian cities where there are established networks and meeting places for queer people with migrant backgrounds (for example, Skeiv

⁹² Eggebø (2018).

Verden (Queer World) in Oslo or Bergen) or larger cities where other queer organisations are located.

Epilogue

It states in the introduction that this shadow report will be sent to GREVIO before the official report and this is unusual. It is normal for civil society to first examine how the authorities are complying with their obligations under the Convention and then address both the challenges and necessary measures in their respective areas. Due to the Covid-19 outbreak in Norway, the authorities were forced to ask for a postponement of the deadline for the official report. However, the deadline for the shadow report was not postponed and that is why these two reports are being submitted separately. In addition to the fact that the shadow report therefore had to be written without knowledge of the official report and the information expected to be contained in this, there is a serious risk that the official report and shadow report will lack reference points.

It is also noted that the notice to write the shadow report was announced with a very short deadline and immediately following the reopening of society after the Covid-19 restrictions and right before the summer holidays. Because of this, the organisations responsible for this report had a relatively brief deadline in which to provide submissions. This process was very challenging and is reflected in the number of submissions. This also means that we may have missed out on important information which we were unable to obtain. This report must therefore be based on the knowledge we have available and will be characterised by more general remarks.

Finally, many representatives from civil society consider there to be little knowledge of the Convention outside of specialist groups. The responsibility of the authorities with respect to the Convention must be clarified and their information activities associated with the Convention and its significance for women in Norway must be broader and more active. Such information is essential for being able to achieve the objective of zero tolerance for violence against women in all the forms described in the Convention. The Convention must become an important reference point in public debate, in political development and for the police and judicial system.

Sources

- Actis (2017). 10 ting du bør vite om ungdom og alkohol (10 things you should know about young people and alcohol). (Actis Report 3:2017). Retrieved from [Link](#)
- Amnesty International (2019). *Time for Change*. (Amnesty International EUR 01/0089/2019, Chapters 2.3; 2.4; 2.5 and 2.6).
- Amundsen, Marie-Lisbet (2011). Kvinnelige innsatte og sosial marginalisering (Female inmates and social marginalisation). *Spesialpedagogikk (Special Needs Education)* 75 (1):26-37 – (2011): Kjønnforskjeller i psykisk helse i norske fengsler (Gender differences in mental health in Norwegian prisons). *Norsk Tidsskrift for Helseforskning (Norwegian Journal of Health Research)* 7 (2):3-15
- Norwegian Labour Inspection Authority (2020) *Seksuell trakassering (Sexual harassment)*. Retrieved from [Link](#)
- Ballangrud, Anne Jorun (2007). *Seksuelle overgrep mot kvinner med funksjonsnedsettelse. En analyse av straffelovens paragrafer 192 og 193 og den tilhørende rettspraksis (Sexual abuse of women with disabilities. An analysis of Sections 192 and 193 of the Norwegian Penal Code and associated case law)* (Master's thesis). University of Oslo (UiO), Oslo. Retrieved from [Link](#)
- Bitsch, Anne (2011-2015). *Voldtektens geografi. En studie av den rettslige forvaltningen av seksuelt medborgerskap i Norge. (The Geography of Rape: A study of the legal management of sexual citizenship in Norway)*. University of Oslo (UiO), Oslo.
- Bliksvær, Trond et al. (2019). *Kommunenes krisesentertilbud – En kunnskapsoversikt. (Municipal crisis centre services – A knowledge overview)*. (NF Report 13/2019).
- Bollingmo, Guri C. (2014). *Truverdighetsvurderinger: Søkerens forklaring som bevis i saker om beskyttelse (asyl) (Credibility assessments: Testimony of applicants as evidence in protection (asylum) cases)*. Fafo Foundation. Retrieved from [Link](#)
- Botngård, Anja et al (2020). *Elder abuse in Norwegian nursing homes: a cross-sectional exploratory study*. Norwegian University of Science and Technology (NTNU). Retrieved from [Link](#)
- Brenna, Jarle Grivi; Matre, Jostein; Quist, Christina (2000-2020). *Partnerdrapene (The partner murders)*. VG. Retrieved from [Link](#)
- Bufdir (2013). *Slik har jeg det i dag. Rapport om levekår for mennesker med utviklingshemming. (That's how I feel today. Report on living conditions for people with intellectual disabilities)*. (Report 1-2013). Retrieved from [Link](#)
- Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) (2018). *Kompetanseteamet mot tvangsekteskap, kjønnslemlestelse og negativ sosial kontroll. (Expert Team for the prevention of forced marriage, female genital mutilation and negative social control)*. (Annual report 2018). Retrieved from [Link](#)
- Bufdir (2019) *Barn på krisesenter (Children in crisis centres)*. Retrieved from [Link](#)
- Bufdir (2020). *Kurs og gruppeveiledning hos familievernnet (Courses and group guidance with the Family Counselling Service.)* Retrieved from [Link](#)
- CEDAW/C/NOR/CO/9, 43 b). Retrieved from [Link](#)

Dyb, Halvard (06.10.2018). Nettovergrep mot barn: Omfanget øker og sakene blir grovere. (Online child abuse: Increasing in scope and becoming more serious). Forskning.no. Retrieved from [Link](#)

Eggebø, Stubberud and Karlstrøm (2018). *Levekår blant skeive med innvandrerbakgrunn i Norge. (Living conditions among queer people with immigrant backgrounds in Norway)*. (NF Report no.: 9/2018). Retrieved from [Link](#)

Eilertsen, Kita (28.05.2014). Saken om volden mot Espen kom aldri opp. (The matter of violence against Espen was never raised). *Altaposten*. Retrieved from [Link](#)

Elster, et al. (26.05.2020). Minst 14 partnerdrap-ofre hadde eller vurderte voldsalarm eller besøksforbud. (At least 14 victims of partner murder had used or considered using a personal security alarm or restraining order). *NRK*. Retrieved from [Link](#)

Elster, et al. (29.05.2020). Vil la politiet gi «omvendt voldsalarm» uten å gå til retten. (Will allow the police to issue “reverse security alarms” without going to court). *NRK*. Retrieved from [Link](#)

Grindem, Karianne (14.03.2019). Personer utsatt for vold står i fare for å ikke få hjelpen de har behov for. (People who are the victims of violence are at risk of not receiving the help they need). *Politiforum (Police Forum)*. Retrieved from [Link](#)

Norwegian Directorate of Health (2013). *Helsedirektoratets veileder. Helse- og omsorgstjenester til innsatte i fengsel. (The Directorate of Health's Guide. Health and care services for prison inmates)*. Retrieved from [Link](#)

Ministry of Justice and Public Security (2014). *Handlingsplan mot vold i nære relasjoner: Et liv uten vold. (Action plan against domestic violence: A life without violence)*. Retrieved from [Link](#)

Ministry of Justice and Public Security (2018). *Nytt straffebud om befatning med bilder som er særlig egnet til å krenke privatlivets fred (Høring, 2018). (New penal provision relating to the use of images that are particularly liable to violate a person's privacy (Consultation, 2018))*. Retrieved from [Link](#)

Ministry of Justice and Public Security (2019-2022). *Handlingsplan mot voldtekt (Action plan against rape)*. Retrieved from [Link](#)

Knapstad, Marit et al. (2018). *Studentenes Helse- og Trivselsundersøkelse 2018 (Student Health and Wellbeing Survey 2018)*. Student Welfare Organization in Oslo and Akershus (SiO), Oslo. Retrieved from [Link](#)

Crisis Centre (2019). *Før det er for sent - Stopper vi volden, stopper vi drapene. (Before it's too late- If we stop the violence, we stop the killings)*. Taushet tar liv-kampanjens undersøkelse om kommunenes arbeid mot kvinner og vold i nære relasjoner. (Study from the Silence Costs Lives campaign on the work by the municipalities relating to woman and domestic violence). Retrieved from [Link](#)

Krnjacki, Lauren et al. (2016). Prevalence and risk of violence against people with and without disabilities: findings from an Australian population-based study. *Australian and New Zealand Journal of Public Health*, 2016 vol. 40 no. 1. Retrieved from [Link](#)

Larsen, Marius Helge (26.10. 2018). *Kraftig økning i siktelser for seksuelle overgrep mot barn. (Sharp increase in indictments for child sexual abuse)*. Forskning.no. Retrieved from [Link](#)

- Norwegian Media Authority (2018). *Barn og medier. 9-18-åringer om medievaner og opplevelser. (9 to 18-year-olds on media habits and experiences)*. Retrieved from [Link](#)
- Meland, Aud Torill; Kaltvedt, Elsa Helen (2017). Tracking gender in kindergarten. *Early child development and care* (Volume 189, 2019). Retrieved from [Link](#)
- Myreng, Jørn K. (06.10.2016). Sanitetskvinnene jubler: Vold mot kvinner sidestilles med kreft. (The Norwegian Women's Public Health Association rejoices - Violence against women is equated with cancer). *Tromsø*. Retrieved from [Link](#)
- NKVTS (2017). *Vold og overgrep mot eldre personer i Norge. En nasjonal forekomststudie. (Violence and abuse against the elderly in Norway. A national prevalence study)*. (NKVTS A/S Report no. 9/2017). Retrieved from [Link](#)
- Norge i dag (Norway Today) (2019). *Nødrops fra Kirkens SOS om mangel på medarbeidere. (Emergency call from Church's SOS about lack of staff)*. Retrieved from [Link](#)
- Norwegian National Human Rights Institution (NIM) (2019). *Menneskerettighetene i Norge 2019. (Human rights in Norway 2019)*. (Annual Report, Document 6). Retrieved from [Link](#)
- Norwegian National Human Rights Institution (NIM) (2018). *Vold og overgrep i samiske samfunn. (Violence and abuse in Sami communities)*. (Topic report 2018). Retrieved from [Link](#)
- Norwegian Official Report (NOU) (2019). *Jenterom, gutterom og mulighetsrom. (Girls rooms, boys rooms and room for opportunity)*.
- Norwegian Social Research (NOVA) (2019). *Besøksforbud – straffeprosessloven § 222a (2019). En evaluering av praktiseringen av bestemmelsen i saker om vold i nære relasjoner. (Restraining orders – Section 222a of the Criminal Procedure Act (2019). An evaluation of the practical implementation of the provision in domestic violence cases.)* Retrieved from [Link](#)
- Olsvik, Vigdis Mathisen (2010). *Overgrep mot kvinner med nedsatt funksjonsevne - en kunnskapsoversikt. (Abuse against women with disabilities -a knowledge overview)*. Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS).
- Norwegian Police, National Criminal Investigation Service (Kripos) (2018). *Voldtektssituasjonen i Norge. (The rape situation in Norway)*. Retrieved from [Link](#)
- Norwegian Police (2020). *Slik jobber politiet for å bekjempe menneskehandel. (How the police work to combat human trafficking)*. Retrieved from [Link](#)
- Røsdal, Trude et al. (2019). *Kompetanse om vold og overgrep i nære relasjoner: innledende kartlegging av føringer, opplæringsstrukturer og kompetansebehov. (Expertise on violence and domestic abuse: initial assessment of guidelines, training structures and competence requirements)*. (NIFU Report 2019:26). Retrieved from [Link](#)
- The Norwegian Parliamentary Ombudsman (2016). *Kvinner i fengsel. En temarapport om kvinners soningsforhold i Norge. (Women in Prison. A topical report on prison conditions for women in Norway)*. Retrieved from [Link](#)
- Skogøy, Ellen (2008). *Rapport om vold mot kvinner i asylmottak i Norge. (Report on violence against women in asylum reception centres in Norway)*. Amnesty International. Retrieved from [Link](#)

Statistics Norway (2016): Kwart fjerde barn i barnevernet har innvandrarbakgrunn. (Every fourth child with the Child Welfare Service has an immigrant background). Retrieved from [Link](#)

Sterud, Tom (2014). Work-related gender differences in physician-certified sick leave: A prospective study of the general working population in Norway. *Scandinavian Journal of Work, Environment and Health* 40(4). Retrieved from [Link](#)

Thoresen, Siri; Hjemdal, Ole Kristian (ed) (2014). *Vold og voldtekt i Norge. En nasjonal forekomststudie av vold i et livsløpsperspektiv (Violence and rape in Norway. A national prevalence study of violence from a lifetime perspective)* (NKVTS Report 1/2014). Retrieved from [Link](#)

TNS Gallup (2016). *Prosedyrer i svangerskapsomsorgen. (Procedures in prenatal care)*.

UDI (2014). *Undersøkelse av vold og uønskede hendelser i asylmottak. (Study of violence and undesirable incidents at asylum reception centres)*. Proba Research. Retrieved from [Link](#)

Norwegian Directorate for Education and Training (2020). *Folkehelse og livsmestring (Public health and life mastery)*. Retrieved from [Link](#)

Vige, Åshild Marie (2017). *Kvinnens erfaringer med å sone i norske fengsler. (Women's experiences of serving sentences in Norwegian prisons)*. (JURK Report 1/2018). Retrieved from [Link](#)

Waldum-Grevbo, Kristin Sofie (2015). *En kartlegging av helsesøsterbemanningen i skolehelsetjenesten. (An assessment of public health nurse staffing in the school health service.)* (Sykepleien Forskning (Nursing Research) 2015:10 (4)). Retrieved from [Link](#)

Wollscheid, Sabine et al. (2020). *Kunnskap om tiltak for å øke kompetansen på vold og overgrep blant offentlig ansatte. (Knowledge of measures to improve expertise on violence and abuse among public sector employees)*. (NIF Report 2020:9). Retrieved from [Link](#)

Women's Refugee Commission (2019). *FY Annual Report (October 2018 – September 2019)*. Retrieved from [Link](#)

Acts:

- Sections 185 and 186 of the Norwegian Penal Code.
- Section 295 of the Norwegian Penal Code.
- Section 7 of the Norwegian Equality and Anti-Discrimination Tribunal Act, cf. Section 1.
- Section 12 of the Norwegian Equality and Anti-Discrimination Tribunal Act and Section 38 (1) a of the Norwegian Equality and Anti-Discrimination Act.

Preparatory works:

- Proposition 42 L (2015-2016).
- Proposition no. 75 to the Odelsting (lower house of the Norwegian Parliament) (2006-2007), p. 89 and 91.

Case law:

- HR-2010-242-A, cf. HR-2019-621-A
- HR-2013-1202-A

- HR-2017-1245-A
- HR-2019-563-A paragraph 28-32.
- LH-2019-87696, LH-2019-135298, LH-2019-135200

UNE practice:

- N1860230703
- N1837860214
- N1837860214
- N1838290214
- N172962091