

JURK

Juridisk rådgivning for kvinner

Domestic violence

www.jurk.no

PREFACE

This brochure is published by Legal Counselling for Women (JURK). JURK is a legal aid organization run by law students. We provide free legal counselling to everyone who define themselves as women.

This brochure is about domestic violence. It is about violence against both adults and children.

The brochure is made in cooperation with a project we run, called Jussambassadør-prosjektet (the legal ambassador project). The aim of the project is to educate Thai and Polish women on certain topics that they want to teach.

Jussambassadør-prosjektet is funded by the Directorate of Integration and Diversity (IMDi).

JURK remarks that there might be changes in the legal regulations after publication.

We thank our co-workers in JURK for helpful input.

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1.0 WHAT VIOLENCE IS

To hurt someone on purpose

A simple explanation of violence is when someone injures or tries to hurt someone else on purpose. This can happen anywhere. You could be hit by a stranger while waiting for the bus, assaulted by an angry customer at the workplace or beaten up at school.

Domestic violence

Violence often happens at home and is done by a family member. Everyone should be safe in his or her home. Sadly, not everyone feels this way.

In this brochure, we specifically write about the violence that happens at home. Violence between family members is often called “domestic violence”.

We have already given some examples of what violence can be: being hit, assaulted or beaten up. Many know that these are types of violence. However, there are also other types of violence that are important to know about.

2.0 TYPES OF VIOLENCE

Physical violence

Physical violence is when someone tries to hurt someone else’s body. Examples of physical violence are to hold, push, shake, pinch, hit or kick someone. Sometimes physical violence can be so severe that the victim dies.

Psychological violence

Psychological violence can be when someone hurts someone else in a non-physical way, for example by making them feel scared, helpless, ashamed, desperate, not wanted or not loved. Psychological violence can happen through words, attitudes or actions. Victims of

psychological violence can for example be threatened, humiliated or controlled by someone else.

Sexual violence

Sexual violence is when someone hurts someone else through sexual violations, for example rape or sexual harassment. Rape can be when someone is forced to have sex through violence or threats. Rape can also happen when the victim is unconscious. It can also be rape when someone is forced or pressured to perform sexual actions on someone else or on themselves.

Sexual harassment is also sexual violence. Sexual harassment can be when someone gives you unwanted sexual attention to scare you, bother you or make you feel small. Even if you are partners or married, sexual violence is illegal.

Digital violence

Digital violence is when someone uses the internet, social media or other types of digital communication to hurt someone else. For example, someone takes a video of you in an intimate situation or takes nude pictures of you and shares the pictures with other people without your consent. It may also be that someone threatens or forces you to send sexualized pictures of yourself, or sends sexual pictures to you without your consent. Digital violence may also be that someone sends or posts harassing and hateful messages or comments about you on the internet, or uses the internet to surveil or stalk you.

Economic violence

Economic violence is hurting someone by controlling their economy. A regular example is that someone takes all the money from your bank account and denies you to spend your own money without asking for permission. Another example is if someone takes up a loan in the bank in the name of someone else. This can, among other things, be done by forging a signature, or by threats that makes you sign a document. In some

cases, economic violence can lead to the victim being in a lot of debt. JURK has a separate brochure on economic violence in Norwegian.

Material violence

Material violence is destroying objects on purpose. Examples of material violence is if someone punches a hole in a door, walls or windows, tosses or breaks objects in the house. This can be very scary for those around.

Types of violence can happen in combination

We have explained different types of violence. We have done this so you can recognize different types of violence, in case you or someone you know experience it. People who are victims of domestic violence have often experienced different types of violence in combination. If you need help, you do not have to know the name of the violence you have experienced. You just have to explain what has happened.

Violence can be punishable according to the Norwegian law. Even if the violence is not punishable, it can still be serious and damaging for the victim.

3.0 YOUR LEGAL RIGHTS

3.1 Report to the police

If you have experienced violence, you can report the violence to the police. A police report is a message to the police that something illegal has happened.

When you contact the police, you should tell them what has happened. Usually the police officer will ask questions. It is important that you tell the police everything, even if it can be uncomfortable to talk to a stranger.

The police have to write a report of what you tell them. You need to sign the report to confirm that the information is correct. You must also answer the police whether or not you want economic compensation from the person who was violent. You can ask the police to get a written confirmation that you have delivered a police report.

You can call the police on phone number 02800 to find your local police station. You can find your local police station on www.politiet.no You can also call this number to book an appointment to report your case to the police, so that you do not have to wait in line if the police station is busy.

JURK has a separate information sheet about reporting to the police in Norwegian.

3.2 Free legal counselling

In some cases, the person who experienced violence can have the right to a free meeting with a lawyer to talk about reporting the violence to the police. You can ask questions about evidence, how you can be protected from the offender after reporting to the police and what can happen after you deliver a police report.

Those who have the right to this conversation, are those who are victims of domestic violence, rape or sexual abuse, human trafficking, genital mutilation, incest, forced marriage, or if someone approaches you even though they have a restraining order. The same right is given to persons who have experienced violence that has led to significant physical or psychological damage.

JURK has a separate information sheet about free legal aid in English and in Norwegian. If you want to know if you have the right to a free meeting with a lawyer, you can call a lawyer and ask. You can find a list of lawyers on the website www.advokatenhjelperdeg.no.

3.3 Advice from JURK if you are reporting violence to the police

- You should tell when, where and how the violence happened. It is important that you tell as much as possible, both things that are to your advantage and disadvantage, both things you think are important and unimportant. Normally, you first explain what happened, and then they ask questions.
- It is smart to bring a list of names and contact information of any witnesses.

- Try to gather evidence.
 - Take pictures of the injury or damage.
 - Save text messages, emails, letters etc.
 - If you are a victim of sexual violence, you should not wash yourself or throw your clothes away before you contact health personnel or the police. Traces on your body and clothes can be used as evidence. If you want to gather evidence, contact the emergency room or a Sexual Assault Referral Centre as soon as possible for help and examination.
 - Contact a doctor, therapist or other health personnel. A declaration or a medical record from health personnel can be used as evidence.
- Write a diary of what happened to you, so that it is easier to explain the situation to the police.
- Talk to someone you trust so that they know what you are going through. This can be a teacher, a family member, a counsellor or a friend.
- You can also get advice and guidance from the Support Centre for Crime Victims. You can find their contact information in chapter 9.7 of the brochure.

3.4 Appointed counsel (bistandsadvokat)

Appointed counsel

In many cases concerning violence, the victim has a right to an appointed counsel (bistandsadvokat). An appointed counsel is a lawyer that will help and support the person who has experienced violence.

If you are reporting a case on domestic violence, rape

or sexual abuse, human trafficking, genital mutilation, incest, forced marriage, or if someone has violated a restraining order, you have the right to an appointed counsel. The right to an appointed counsel is also given to persons who have experienced violence that has led to significant physical or psychological damage. The same right is given to someone who has lost a child under the age of 18 because of a punishable action, and in other serious cases.

What an appointed counsel does

The task of the appointed counsel is to help you during the investigation of the case and in a court case. He or she will represent you in your police case and in court.

The appointed counsel will also help you understand the process. This can be by explaining letters from the police or prepare you for questions you can be asked during the court case. If you want economic compensation from the offender, the appointed counsel will help you with this. The appointed counsel can also help you get a restraining order from the police if there is a risk that you will experience more violence.

If you have the right to an appointed counsel, the government will pay for his or her work. JURK still recommends that you ask the appointed counsel whether the government covers the expenses or not.

3.5 Investigation

What is investigation ?

After you have reported a case to the police, they will often start an investigation. This means that they will try to find out more about what has happened and if there is enough evidence to take the criminal case to court.

What is investigated

During the investigation, the police can look at many different things. If you have experienced violence that

leaves a mark on the body, the police can ask if they can get a declaration from health personnel about the injuries. If you say yes, they might examine your body, take pictures and tests. It is important that the police gather evidence of what has happened to you, but you can choose to say no to the examination. They can ask you to help them find more evidence, for example by letting them see your medical records. The police will also try to talk with the person you have reported and any witnesses.

It takes a long time for an investigation to be completed. Normally it will take several months, and often more than a year.

When the investigation is complete Once the investigation is done, the police considers if there is enough evidence to take the case to court. If the case is taken to the court, there will be a trial.

If there is no ground to continue the investigation, the police will close the case. This means that the police stops working with the case and that the case will not go to court.

Even if the police closes the case, it does not necessarily mean that they do not believe you. The police can for example close a case if there are not enough evidence to have the offender convicted in court. If your case has been closed, you can discuss with your appointed counsel if you should appeal (complain) to the police.

4.0 WHEN YOU NEED PROTECTION AND HELP

4.1 Crisis shelter (krisesenter)

Who can get help? If you have experienced domestic violence, you can contact a crisis shelter. You do not have to pay for the help they give you. All municipalities have to offer a women's shelter.

Staying at the shelter If you have experienced violence and need to move out of your home, you can stay temporarily at the crisis shelter. You can bring your children. You will be safe at the shelter, and you can get advice and guidance on what to do with your situation. The shelter can also help you to get in touch with other places that can help you.

Day services The shelter is not just for those who cannot stay at home. You can come there in daytime to get advice and counselling.

Confidentiality The people working at the crisis shelter have a duty of confidentiality. This means that the staff cannot tell anyone that you get help from the shelter, unless you want to tell someone.

Find your local shelter You can find information about your local shelter at www.krisesenter.com below «Finn ditt krisesenter». You can also call the police on phone number 02800 to find your local shelter.

4.2 Personal security alarm (voldsalarm)

What is a personal security alarm?

A personal security alarm is one of many ways the police can protect you from violence. It is a small device with a button, that you bring with you everywhere you go. If you press the button, it sends a message to the police that you are in danger.

Who can get an alarm?

Those who are victims of violence, threats or assault can get a personal security alarm.

Apply for an alarm

To get a personal security alarm, you have to apply for it to the police. The police will consider if they can give you an alarm. You can only have the alarm for three months at a time. If you still need an alarm after three months, you have to apply again. You do not have to report violence to the police to get an alarm. The alarm is free.

Apply for an alarm

Someone else can help you apply for an alarm. If you have an appointed counsel, they can help you apply.

4.3 Restraining order (besøksforbud)

What is a restraining order? When someone gets a restraining order, it means that they are not allowed to approach you or contact you in any way (for example by phone or send e-mails or letters). A restraining order can be relevant for persons who are in danger of experiencing violence or threats from a specific person.

Apply for a restraining order To get a restraining order, you have to apply for it to the police. The police decide if you can get a restraining order. It is not necessary to report violence to the police to get a restraining order.

Sometimes restraining orders are violated. If someone violates a restraining order, you should contact the police. It can be punishable to violate a restraining order.

JURK has a separate information sheet about restraining orders in Norwegian.

4.4 Reverse personal security alarm (omvendt voldsalarm)

What is a reverse personal security alarm?

A reverse personal security alarm can also be relevant if someone experiences violence. A reverse personal security alarm is electronic monitoring of the person who is violent through an ankle bracelet. The police will get a message if the person enters a forbidden area.

Decided by the court

The court normally decides whether or not the offender must wear a reverse personal security alarm. The police are responsible for the implementation of the reverse personal security alarm. The police are the ones you will be in contact with.

4.5 The role of the police

The police are responsible to keep people safe. You have to contact the police if you want to report violence or to get protection if you are in danger of experiencing violence. The police can help you get a personal security alarm or a restraining order. They can also find other ways to protect you or give you advice on what you should do to be safe.

5.0 ECONOMIC COMPENSATION

5.1 Compensation in the court case

Compensation from the offender

If the police decides to take your case to court, you can ask for compensation (money) from the offender in the court case. It is the responsibility of your appointed counsel to figure out how much money you can ask for and to make the claim during the court case, if this is what you want.

5.2 Criminal injury compensation (voldserstatning)

Compensation from the government

Criminal injury compensation (voldserstatning) is a compensation from the government. You can have the right to this compensation if you have experienced violence. You need to report the violence to the police before you apply for this compensation.

6.0 WHEN YOU ARE IN NORWAY ON A FAMILY REUNION PERMIT AND YOU DO NOT HAVE AN INDEPENDENT RESIDENCE PERMIT (OPPHOLD PÅ SELVSTENDIG GRUNNLAG)

Main rule

When your residence permit is based on a family reunion (familiegjenforening), you normally have to live in Norway for three years before you can apply for your own permanent residence permit.

Exception if you experience domestic violence

There is an exception from this rule if you experience violence from your husband, wife or partner. The rule is the same if your children experience violence from your husband, wife or partner. This rule is called «independent residence permit» (opphold på selvstendig grunnlag). Because of this rule, you can get your own residence permit before three years, even if you divorce or leave your husband, wife or partner.

This rule exists to help people leave violent relationships without being afraid of losing their residence permit.

Apply to the police

You apply for an independent residence permit at the police station. They will ask you to come for a meeting

where you tell them about the violence and abuse. It is important that you tell everything that has happened, even if it is uncomfortable to talk about. Try to say what happened, when it happened, how it happened and how often it happened. If you have evidence, it is important that you bring this. Evidence can be pictures of injuries, medical records from your doctor or the emergency room, a police report, a diary, documents from the crisis shelter etc.

You do not have to report the person to the police to apply for an independent residence permit. It is up to you to decide if you want to report the case to the police.

JURK has a separate informational sheet about independent residence permit in Norwegian and English.

Other options

It is also possible to apply for a residence permit because of strong humanitarian considerations or because you have a strong connection to Norway.

You can contact JURK if you want more information about this.

JURK notes that it can be difficult to get an independent residence permit or a residence permit because of strong humanitarian considerations or a strong connection to Norway.

7.0 VIOLENCE AGAINST CHILDREN

7.1 What is violence against children?

Raising a child, and violence against children

Children can experience all the different types of violence mentioned there. It can sometimes be difficult to know the difference between normal methods of raising a child and violence. In many countries, it is normal to use violence when raising a child. This used to be the case in Norway as well. Today we know how harmful it is for a child to experience violence and that is why all violence against children is illegal. This includes violence used to raise a child.

It is also violence against children to hit or scare the child with threats. An example of psychological violence is to say that you will hurt the child's pet if the child does not do his or her homework.

If you want to learn more about raising a child

If you want more information about how to raise your child without using violence, there are courses available many places in Norway. You can ask the health clinic (helsestasjonen), the Child Welfare Services (barnevernet) or the Family Counselling Service (familievernkontoret) where you live. It can also be helpful to talk to other parents you know.

7.2 The duty to take care of your child

Caregiving

It is very serious not to give a child the care he or she needs. Examples of not giving enough care are not giving the child enough food or not taking the child to the doctor when he or she is sick.

Safety

Parents also have a duty to make sure that the child is safe and feels safe. The child should be protected from dangerous situations. Parents have to try to make sure that dangerous things do not happen.

Children cannot stay home alone if they are not old enough to take care of themselves and do not feel safe enough to be alone. This means that parents have to make sure that children who are not old enough to take care of themselves, are being taken care of by someone who is able to take care of them, also in dangerous situations.

7.3 Parents have a duty to protect their children from violence

Protecting the child from violence

All parents have a duty to protect children from violence. This means that parents cannot use violence against their children. It also means that if you know that someone else is using violence against your child, you have a duty to protect your child against this. This duty includes situations where you know that the other parent is using violence against your child. Sometimes this means that you have to move from the other parent with your child, if this is necessary to protect your child from violence.

Protecting the child from witnessing violence

It is very harmful for children to witness violence. If one parent uses violence against the other parent and the child sees this, the child might experience serious psychological damage. Protecting a child against violence means also protecting the child from witnessing violence against family members.

7.4 Duty to help children who suffer

People working with children

People who work with children have to tell the Child Welfare Services (barnevernet) or the police if they know or think a child is suffering. This applies for example for teachers, kindergarden teachers or doctors. People who work with children have a duty to report their concern for a child's safety according to Norwegian law.

People working with children can call anonymously to the Child Welfare Services to ask for advice, but they have to say who they are if they notify the Child Welfare Services about a concern.

everyone who meet children

Everyone has a duty to protect children. If a child you know experiences violence, kidnapping or sexual abuse, you have a duty to stop this or to tell someone that can stop it.

This means that if you think that a child is suffering, you have to tell someone.

Notification of concern (bekymringsmelding)

If you notify the Child Welfare Services, this is called a notification of concern (bekymringsmelding). You can make the notification in your name or without saying your name. When you contact the Child Welfare Services, you have to explain as detailed as you can the reason for your concern. This will help the Child Welfare Services to help the child. Be aware that the family might see the message you wrote. You can find a form for notification of concern on www.bufdir.no/barnevern or by contacting the Child Welfare Services where you live.

8.0 CHILD WELFARE SERVICES (BARNEVERNET)

8.1 Why do we have a Child Welfare Service

The Norwegian government has a duty to make sure that all children who live in Norway are taken care of and safe.

Their job is to protect children

The Child Welfare Services are responsible for protecting children when their parents do not give the child the care it needs. When possible, they should help children by cooperating with their parents. Parents that do not manage to take care of their children can get help to improve their caregiving. They can get support, for example by appointing a public support person (støttekontakt) that can take the child to activities, or by letting the child stay with another family some of the time.

If there is a risk that the child will be hurt because of violence or neglect even though the Child Welfare Services have tried their best to help the family, they can move the child from its family. They can only do this if it is necessary.

8.2 What happens in a case with the Child Welfare Services?

8.2.1 Investigation

Someone notifies the Child Welfare Services The Child Welfare Services can contact a family because the parent or the child has asked for help, or because someone has sent the Child Welfare Services a notification of concern.

Investigation The Child Welfare Services have to take all notifications of concern seriously. They have to investigate if the child is taken care of properly or if they have to take measures.

The Child Welfare Services have to be considerate when they investigate the family. They should only investigate what is important to know to find out if the child is properly taken care of. Sometimes this involves asking other people, like a teacher, how the child is doing. However, they should not let people who are not involved know that there is an investigation.

Deadline for the investigation The Child Welfare Services have a deadline of three months to investigate a case. In some situations, they can get a deadline of six months.

What can they investigate? The Child Welfare Services have, among other things, the right to:

- Talk to the parents in their home
- Talk to the child alone
- Talk to people who know the child
- Get help from the police to carry out an investigation

*Decision
(vedtak)*

An investigation should end in a decision (vedtak). A decision is when the government, the municipality or other public offices decide something about your rights or duties.

The decision can say that they close the case (henleggelse). The decision can also say that the family has to receive help (support measures). A support measure can be that the child has to spend some of the time with another family. The decision can also say that the child should be moved from his or her family.

There is a difference between voluntary measures and coercive measures.

8.2.2 Voluntary measures

*The parents
agree*

Voluntary measures means that the parents agree with the Child Welfare Services in their decision. Often will the measures be voluntary and happen in cooperation with the family. The decision can be that the parents get advice, measures in the home, a spot in a kindergarten, a support person or a family that the child can visit from time to time. The parents can contact the Child Welfare Services themselves to ask for help.

If the child is older than 15 years, he or she also has to agree to the measure.

It is important to cooperate with the Child Welfare Services as much as possible in order to improve the child's situation, and ask for help before the situation gets out of hand.

*Individual
plan*

In some cases, the Child Welfare Services have to make a plan for how they will help. They have to do this when it is necessary because different public offices

have to work together to help.

Written decisions All decisions by the Child Welfare Services about activities or services must be written.

The right to appeal (complain) If you have applied for help from the Child Welfare Services, but they decide not to help you, you can appeal this decision. You have to send the appeal to the County Governor (Statsforvalteren).

Legal help Parents and children always have the right to use a lawyer to help them. They have to pay for the lawyer themselves if the case is about voluntary measures.

8.2.3 Coercive measures

When the parents do not agree Coercive measures means that the Child Welfare Services decide something that the parents, or a child over the age of 15 disagree with (without their consent). The most known example is when the Child Welfare Services decide to take custody of the child without the parents' consent.

Moving the child out of the home Moving the child out of the home without consent from the parents is the last option for the Child Welfare Services. They can only decide this if it is necessary. This will be the case if there is no other way to make the situation for the child good enough.

County social welfare boards If the Child Welfare Services decide to move a child from its home, the case will be handled by the County social welfare boards (Barneverns- og helsenemnda). This is a tribunal, a type of court, specialized in handling child welfare cases.

Free aid *legal* If the Child Welfare Services decide to use coercive measures, the parents have the right to a free lawyer.

JURK has a separate informational letter about free legal aid in English and in Norwegian.

9.0 WHERE CAN YOU GET HELP?

The police You have to contact the **police** if you want to report violence or other punishable actions. They can give you information and advice, and they can investigate the case. If you need protection from someone who is violent, you have to contact the police. The police can for example give you a restraining order or a personal security alarm. You can contact your local police station by calling 02800. If you need immediate help from the police, you have to call 112.

Health care If you need **health care**, for example because you have been injured from violence, you can contact a health clinic or a doctor. If their office is closed, you can call the emergency room (legevakten) on phone number 116 117. If you need immediate help and a life is in danger, call the ambulance on 113.

Crisis shelter (krisesenter) **The crisis shelter** (krisesenter) offer help and counselling, and a safe place to stay for you and your children if it is dangerous for you to stay at home. You can find your local shelter at www.krisesenter.com under «Finn ditt krisesenter» or by contacting the police where you live.

Sexual Assault Referral Centre (overgrepsmottak) If you have experienced violence or rape, you should go to a **Sexual Assault Referral Centre** where you live. There are centers in every county. At the Sexual Assault Referral Centre you can talk to someone who works with sexual assault. They can do a medical examination to discover injuries, infections and pregnancy. As a result, they can secure important evidence if you want to report the case. You can find the Sexual Assault Referral Centre closest to you at <https://dinutvei.no/alle-hjelpetilbud/> or by calling the police. Getting help from a Sexual Assault Referral Centre is free.

VO-helpline The **VO-helpline** with phone number 116 006 is a helpline for anyone experiencing domestic abuse and is open 24 hours a day. It is free to call the VO-helpline. You can find more information on www.volinjen.no.

DIXI If you have experienced sexual abuse and need someone to talk to, you can contact **DIXI**. They are a resource centre against sexual assault. Getting help from DIXI is free. You can find more information on www.dixi.no. You can also call 22 44 40 50.

Nok. Centre and Centre Against Incest and Sexual Assault (støttesenter mot incest og seksuelle overgrep (SMISO)) If you have experienced incest, sexual abuse or rape, you can contact a **Nok. Centre or a Support Centre Against Incest and Sexual Assault (SMISO)** in your county. Incest can for example be sexual abuse or sexual violence from someone in your family, for example your parents or grandparents. You can also call 800 57 000 to talk to someone who works with sexual assault or incest.

The Support Centre for Crime Victims (støttesenter for kriminalitets utsatte) **The Support Centre for Crime Victims** give help and guidance to those who have experienced criminal offences, for example violence or assault. They offer guidance in the process from delivering a police report to the court case. They can also help applying for compensation for victims of violence. There is a support center in all police districts. Their phone number is 800 40 008.

Slettmeg.no If there are pictures or information about you on the internet that you do not want others to see, you can visit **www.slettmeg.no**. There you can get guidance about how to delete information on the internet.

- Alternative to violence*
(*Alternativ til vold*) **Alternative to violence** is an organization that teaches people other ways to react, instead of using violence. You can read more about them on www.atv-stiftelsen.no/english/ or by calling 22 40 11 10.
- The Child Welfare Services*
(*barnevernet*) **The Child Welfare Services** can help in many different ways. You can contact your local Child Welfare Services by calling or writing to the office in your municipality. You can find their contact information on www.barnevernvakten.no. You can send a notification of concern on the website
- The Family Counselling Services*
(*familievernkontoret*) **The Family Counselling Services** help families solve conflicts and find new ways of communicating with each other. There is a Family Counselling Service in every county. You can find more information on www.bufdir.no/familie.
- Appointed counsel*
(*bistandsadvokat*) Children and adults that experience violence can have the right to an **appointed counsel**. You can find contact information to lawyers who work as appointed counsels on www.advokatenhjelperdeg.no.
- Legal Counselling for Women*
(*JURK*) **Legal Counselling for Women (JURK)** provide free legal counselling to all who define themselves as women. You can find more information on our website www.jurk.no.

You can call us on the phone number 22 84 29 50 or visit us in our offices at Skippergata 23, 0154 Oslo.

You can always send us your case through our website. Visit www.jurk.no → «Send us your case».

JURK



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