



# GREVIO

## Baseline Evaluation Report Norway

” Group of Experts  
on Action  
against Violence  
against Women and  
Domestic Violence  
(GREVIO)



**Istanbul Convention**

**GREVIO's (Baseline) Evaluation Report**  
on legislative and other measures  
giving effect to the provisions  
of the Council of Europe Convention  
on Preventing and Combating  
Violence against Women and Domestic Violence  
(Istanbul Convention)

**NORWAY**

Group of Experts  
on Action against Violence against Women  
and Domestic Violence (GREVIO)



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## Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Norway. It covers the Istanbul Convention in its entirety<sup>1</sup> and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure comprises several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

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1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Norway, GREVIO received written contributions from the Norwegian National Human Rights Institution, the Norwegian Equality and Anti-Discrimination Ombud and Norwegian civil society organisations including the Secretariat of the Shelter Movement, the Norwegian Women's Public Health Association (NKS) and Legal Counselling for Women (JURK).

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Norway. Where available, significant legislative and policy developments up until 12 October 2022 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.



## Executive summary

This report provides an assessment of the measures of implementation taken by the Norwegian authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO); an independent human rights monitoring body mandated to monitor the implementation of the Convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the Convention. These include written reports (a state report submitted by the Norwegian authorities and additional information submitted by several NGOs and individual members of civil society) as well as a 5-day evaluation visit to Norway. A list of the bodies and entities with which exchanges have been held can be found in Appendix II.

The report highlights a number of positive legal and policy measures in place in Norway and praises Norway’s long history in promoting equality between women and men. GREVIO values the long history of the Norwegian authorities in addressing violence against women through national action plans and other targeted measures and duly recognises the presence of a well-established network of general and specialist services throughout the country. In addition, GREVIO notes the inclusive and comprehensive process of preparing recent legislative and policy documents in the area of violence against women. For example, the Sami Parliament was involved in the development of the National Action Plan on domestic violence with a view to better identifying and addressing the specific needs of the Sami population. As regards legal developments, the National Action Plan on rape stated that the Ministry of Justice and Public Security shall consider the adoption of a consent-based definition of the criminal offence of rape, which will hopefully lead towards more stringent compliance with Article 36 of the Istanbul Convention in the future.

At the same time, the report observes a low level of recognition for women’s specific experiences of violence against women as gender-based violence and the need for responses informed by gendered differences in victimisation. For example, certain support services offer counselling and support to female and male victims of violence and consequently fewer women-only specialist support services exist. There is thus a great need to continue to address the different forms of violence against women, including domestic violence, as a gendered phenomenon. Moreover, sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment but also intimate-partner violence are forms of violence that affect women disproportionately. The same applies to forced marriage, female genital mutilation and forced abortion/forced sterilisation. It is for this reason that they are covered by the Istanbul Convention as manifestations of gender-based violence, which is violence that is directed against a woman because she is a woman or that affects women disproportionately. As such, the report emphasises that it should not be considered as abuse experienced individually by women but needs to be understood as a social mechanism to keep women in a subordinate position to men. This does not apply in the same way to men who experience violence in the private or public sphere.

Despite the availability of a large variety of social and specialist services for victims of domestic violence, they fall short of addressing the increased vulnerability of some women, in particular those belonging to an indigenous population such as the Sami, women with addiction issues and women with disabilities. Specific action must be taken to make services more accessible in every way to all groups of women.

The evaluation of the implementation and effectiveness of measures to prevent and combat violence against women and domestic violence depends largely upon the availability of sex-disaggregated data. Although in Norway much is being done to collect quantitative and qualitative data, a number of important data categories are not currently disaggregated by sex and relationship of the perpetrator to the victim. As a result, for example, the data collected respectively by Norwegian law enforcement and by the judiciary cannot be used to re-construct the entire criminal proceedings chain from when the complaint is filed to delivery of the judgment. Another area which would merit

more disaggregated data collection include civil proceedings on the determination of custody and visitation rights of parents.

In this respect, the decision-making procedures in place regarding separation and custody rights of parents with their children bear a number of risks for the safety of the abused parent and any children who have experienced domestic violence. The decision-making process which is based on mandatory mediation does not allow for sufficient assessment of the risk of domestic violence nor does it sufficiently recognise the power imbalance in abusive relationships which may impair the ability to negotiate fairly.

The report also highlights the need for a stronger criminal justice response to all forms of violence against women, GREVIO being concerned by the high level of attrition rates in relation to violence against women, in particular domestic violence. Given that the legal framework governing the use of restraining and protection orders allows the use of electronic bracelets, the authorities are called upon to make greater use of such measures by removing practical obstacles that exist.

While GREVIO welcomes Norway's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of priority issues requiring further action by the Norwegian authorities to comply fully with the convention's provisions. GREVIO thus proposes the following main steps to be taken by the Norwegian authorities:

- provide for adequate specialist women's support services throughout the country for all victims of violence against women, including Sami women, women with addiction issues, women with disabilities;
- reinforce efforts to ensure the comprehensive collection of disaggregated data in relation to all forms of violence covered by the Istanbul Convention, disaggregated by sex, age, type of violence as well as the relationship of the victim to the perpetrator;
- overhaul the decision-making processes in relation to custody and visitation of children on the basis of the key elements laid out by GREVIO in this report and with a view to ensuring that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence;
- amend the Norwegian Criminal Code in order to base sexual violence offences fully on the notion of absence of freely given consent;
- strengthen the criminal justice response to all forms of violence against women by swiftly identifying and addressing the factors which contribute to attrition in cases of rape, domestic violence and any other forms of violence against women;
- remove practical obstacles that currently prevent the effective implementation of the full range protection orders available and ensure their vigilant enforcement.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other things, to the need to systematically assess the vulnerability of asylum-seeking women, particularly related to sexual violence and other forms of violence against women; systematic and mandatory initial and in-service training for all relevant professionals who deal with victims and/or perpetrators of all forms of violence against women and ensuring the provision of long-term services to victims of violence against women including by strengthening multi-agency co-operation mechanisms.

## Introduction

Norway ratified the Istanbul Convention on 5 July 2017. The convention entered into force in respect of Norway on 1 November 2017.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Norway by letter and transmission of its questionnaire on 6 February 2020. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Norwegian authorities subsequently submitted their state report on 16 September 2020 within the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Norway, which took place from 29 November to 3 December 2021. The delegation was composed of:

- Biljana Branković, Member of GREVIO
- Per-Arne Hakansson, Member of GREVIO
- Elif Sariaydin, Administrator at the Secretariat of the Istanbul Convention monitoring mechanism
- Sabrina Wittmann, Administrator at the Secretariat of the Istanbul Convention monitoring mechanism
- Maria Moodie, Expert

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Hilde Marit Knotten, adviser at the Ministry of Justice and Public Security, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Norwegian authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Norwegian authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

## I. Purposes, definitions, equality and non-discrimination, general obligations

### A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. GREVIO notes with satisfaction that Norway is one of the pioneers of substantive gender equality and its achievements in this area are known worldwide. Norway also has taken efforts to promote the Istanbul Convention in international forums and has supported projects on gender equality and violence against women in other countries, which GREVIO notes with satisfaction. The country's commitment to women's rights and gender equality manifests itself in its legislation as well as its domestic and foreign policies. Despite these efforts however, many women and girls continue to experience gender-based violence in Norway as elsewhere.

3. GREVIO recognises that Norway has over 20 years of experience in designing comprehensive policies on preventing and combating domestic violence: since 2000, six action plans on domestic violence have been developed and implemented, the current one covering the period 2021 to 2024.<sup>2</sup> Separate national action plans (NAPs) exist for the prevention of rape (2019-2022), as well as for negative social control,<sup>3</sup> Violence related to "honour", forced marriage and female genital mutilation (FGM) (2021-2024).<sup>4</sup> A separate strategy on internet-related abuse (2021-2025),<sup>5</sup> which addresses online sexual abuse of children has been adopted, while the Strategy against Hate Speech (2016-2020)<sup>6</sup> covered certain forms of violence against women in its digital dimension, including sexist hate speech.

4. Norway has a well-developed public welfare system based on the Nordic Model. It is a public responsibility in Norway to ensure accessible and equitable welfare services both at the national and local governance level; therefore, several Norwegian ministries and directorates are involved in developing and implementing policies against the forms of violence covered by the Istanbul Convention. In addition, the municipalities and county governors have responsibilities for the provision of public services, including for victims of violence.

5. GREVIO welcomes the continuous use of national action plans by the Norwegian authorities as a tool for steering government action to prevent and combat different forms of violence against women and it observes with satisfaction that independent bodies have been systematically engaged to evaluate these action plans or to assess the impact of specific measures within the scope of thematic focus evaluations. GREVIO also notes that the provision of a basic level of support and guidance as a function of the welfare state to those in need, including women who have experienced

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2. Freedom from Violence: Action Plan against Domestic Violence (2021-2024).

3. This term is used in Norway to refer to forms of supervision, threat or coercion which systematically limit the victim's freedom to make her own life choices; the motives linked to the concept of "honour" may be included, but not necessarily. The term is therefore wider than the term used in the Istanbul Convention: "crimes committed in the name of so-called honour".

4. Freedom from negative social control and violence related to "honour" (2021-2024), available at: [www.regjeringen.no/globalassets/departementene/dss/ukraina/some-bilder-plakater/freedom-from-negative-social-control-and-honour-based-violence-2021-2024.pdf](http://www.regjeringen.no/globalassets/departementene/dss/ukraina/some-bilder-plakater/freedom-from-negative-social-control-and-honour-based-violence-2021-2024.pdf).

5. Strategy against internet-related abuse (2021-2025) available at: [www.regjeringen.no/contentassets/2915ff68eb2849edb3218055be32d8cb/strategi-mot-internetrelaterte-overgrep-mot-barn\\_uu.pdf](http://www.regjeringen.no/contentassets/2915ff68eb2849edb3218055be32d8cb/strategi-mot-internetrelaterte-overgrep-mot-barn_uu.pdf).

6. Strategy against Hate Speech (2016-2020), available at: [https://www.regjeringen.no/contentassets/72293ca5195642249029bf6905ff08be/hatefulleytringer\\_eng\\_uu.pdf](https://www.regjeringen.no/contentassets/72293ca5195642249029bf6905ff08be/hatefulleytringer_eng_uu.pdf).

any of the forms of violence covered by the Istanbul Convention, should be seen in relation to Norway's general obligations and as a solid foundation for specific measures to prevent and combat violence against women.

## **B. Scope of application of the convention and definitions (Articles 2 and 3)**

6. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term "violence against women" refers to "all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life", whereas the expression "domestic violence" is to be understood as referring to "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim". The definition of "gender-based violence against women" offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is "violence that is directed against a woman because she is a woman or that affects women disproportionately".

7. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim's gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women's subordinate status in the public and private spheres. In accordance with the definition given in Article 3*b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim, or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

8. Similar to some other Nordic countries, Norway adopts a gender-neutral language in most, if not all, of its current policy documents on the different forms of violence against women. In this respect GREVIO notes that the Convention on the Elimination of Discrimination against Women Committee (CEDAW Committee) has repeatedly expressed concerns that gender-neutral legislation, policies and programmes might lead to inadequate protection of women against direct and indirect discrimination.<sup>7</sup> In general, legislation or policy documents do not include definitions of violence against women, or gender-based violence against women.<sup>8</sup> The most widely used term in relevant laws and policy documents is "violence in close relationships", which serves as an umbrella concept to define intimate partner violence and intergenerational violence between former or current family members as well as certain other forms of violence against women such as female genital mutilation, violence committed in the name of "honour" and negative social control.<sup>9</sup> For example, legislation of key relevance in the area of domestic violence such as the Law on Crisis Centres which sets out the standards regarding the provision of shelter services is formulated in a gender-neutral manner and operate on the above-mentioned concept. Similarly, the new NAP on domestic violence (2021-2024)

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7. Concluding observations on the ninth report of Norway, paragraph 12, available at: [www.nhri.no/wp-content/uploads/2018/02/Concluding-observations-fra-CEDAW-komit%C3%A9en-Norges-9.-periodiske-rapport-2017.pdf](http://www.nhri.no/wp-content/uploads/2018/02/Concluding-observations-fra-CEDAW-komit%C3%A9en-Norges-9.-periodiske-rapport-2017.pdf).

8. The term "gender-based violence" is used in Articles 24 and 26 of the revised Gender Equality Act; however, these provisions do not provide a definition.

9. As explained in the state report to GREVIO, p. 4, "Norway is using the term violence in close relationships as an umbrella concept referring to physical, psychological, sexual and economical [sic] violence against women, men and children committed by a person in the family or someone the victim in other ways are [sic] closely related to. In addition, the concept covers female genital mutilation, expressions related to "honour", unacceptable negative control and oppression".

frames violence in close relationships as a social and public health problem and approaches it from a crime-based perspective. While it acknowledges that “women are subjected to serious and repeated violence to a greater extent than men”, it does not define violence against women or gender-based violence. The plan instead provides a set of measures applicable to all groups of victims in a close relationship including men, children and the elderly – without distinction. GREVIO notes with regret that very few measures specifically target women victims.<sup>10</sup> As GREVIO has had occasion to note previously, the gender-neutral approach of legal provisions and policy documents fails to take into account that gender is a primary motive of gender-based violence against women and, consequently, policies and measures that are gender-neutral will not effectively respond to the specific experiences of women and girls.<sup>11</sup> For example, gender-neutral policies have an impact on the protection of women, notably by diverting funds from specialist women’s support services. According to the WAVE 2020 Handbook, the gender neutrality of the Law on Crisis Centres resulted in 22 of the 51 crisis centres providing safe accommodation to victims of domestic violence and their children in Norway being reserved for men, yet two years after the law entered into force, 10 of the men’s crisis centres were not in use due to a lack of demand.<sup>12</sup> The latter is at odds with the obligation to pay particular attention to women victims of gender-based violence, as specified in Article 2, paragraph 2. GREVIO notes with concern, based on information provided by NGOs, that a gender-neutral attitude is also taken by some professionals and thus may lead to gaps in protection and prosecution. Similarly, out of 43 crisis centres in Norway, 40 have a possibility to accommodate men and their children. According to the authorities in 2021 men were accommodated in 31 crisis centres, none of which are reserved for men only. However, the authorities provide that the most common accommodation modality for men is to designate a separate housing entity.

9. It is in this context that GREVIO notes that despite the achievements of Norwegian gender equality policies, there is a need to address all forms of violence against women, including domestic violence, as a gendered phenomenon. All forms of violence against women covered by the Istanbul Convention, including sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment and intimate partner violence, affect women disproportionately and the gendered nature of the violence thus should be recognised. These forms of violence stem from the historically unequal relationships between women and men and aim to exert power and control over all aspects of a woman’s life. It is for this reason that they are covered by the Istanbul Convention as manifestations of gender-based violence, which is violence that is directed against a woman because she is a woman or that affects women disproportionately.

**10. GREVIO strongly encourages the Norwegian authorities to ensure that all legislative and policy measures undertaken to implement the Istanbul Convention, including decisions related to funding, reflect the full recognition that all forms of violence against women covered by the scope of the Istanbul Convention, including domestic violence, affect women disproportionately, and to increase the level of attention paid to women victims of gender-based violence in policy documents.**

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10. These are: measures targeting women victims of violence in prison (measures 25-26), co-ordination of campaigns on domestic violence, rape and FGM (measure 10), help in finding work (measure 30) and measures aimed at strengthening international/European collaboration on gender-based violence (measures 79-81), in addition to some of the measures related to the Sami communities.

11. Mid-term Horizontal Review of GREVIO baseline evaluation reports, p. 16.

12. Women Against Violence Europe (WAVE) Handbook 2020: How Gender Neutral Policy and Practice Is Dismantling Women’s Specialist Support Services and Ways to Counteract It, 2020, p. 14, available at: [www.weforum.org/reports/global-gender-gap-report-2021](http://www.weforum.org/reports/global-gender-gap-report-2021). **Global Gender Gap Report 2021 | World Economic Forum (weforum.org)**.

## **C. Fundamental rights, equality and non-discrimination (Article 4)**

### **1. Gender equality and non-discrimination**

11. Norway has been consistently considered among the highest-ranked countries in terms of gender equality according to the Global Gender Gap Index of the World Economic Forum, where it achieved third place with a score of 0.849 in 2021.<sup>13</sup>

12. The Constitution of the Kingdom of Norway establishes the principle that all people are equal under the law, without specifying different grounds for discrimination. The Equality and Anti-Discrimination Act, which entered into force on 1 January 2018 and merged different laws on equality and discrimination, lists gender among a number of prohibited grounds for discrimination, including ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age, pregnancy, parental leave for birth or adoption, and care duties or other significant characteristics of a person. The Act also places an obligation on public authorities to prevent gender-based violence in all their activities as well as on the employers to take measures to prevent gender-based violence in the workplace. However, GREVIO notes that the CEDAW Committee noted with concern that the implementation of the Equality and Anti-Discrimination Act, which replaced four previous anti-discrimination laws, including the Gender Equality Act, may have a weakening effect on the promotion of gender equality in Norway. The committee recommended the authorities to ensure that this act does not erode structural activities for the promotion of gender equality, including by closely monitoring its implementation.<sup>14</sup> According to the authorities, the duties of public authorities related to gender equality have been strengthened in 2020, and the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) issued relevant web-based guidelines in this respect.

13. The Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal are the main bodies responsible for the implementation of anti-discrimination laws and regulations. The ombud's mandate includes monitoring Norway's fulfilment of international human rights obligations arising from the CEDAW Convention, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Rights of Persons with Disabilities (CRPD) and commenting on draft laws and policy documents, as well as providing guidance to individuals, employers and organisations on issues of discrimination and harassment. On the other hand, the Anti-Discrimination Tribunal delivers binding decisions on complaints of discrimination and harassment submitted to the body. The tribunal may order the cessation of the impugned act and award damages. Damages may only be awarded in cases involving working relationships, while compensation may be awarded both in employment and non-employment cases.

### **2. Intersectional discrimination**

14. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights and on the list contained in its Protocol No. 12,<sup>15</sup> and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.<sup>16</sup>

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13. World Economic Forum Global Gender Gap Report 2021, issued in March 2021, available at: [www.weforum.org/reports/global-gender-gap-report-2021/in-full](http://www.weforum.org/reports/global-gender-gap-report-2021/in-full).

14. CEDAW, Concluding Observations, Ninth Periodic Report of Norway, UN Doc. CEDAW/C/NOR/CO/9, 17 November 2017, paragraph 12.

15. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

16. See paragraphs 52-54 of the Explanatory Report.

15. It was brought to GREVIO's attention<sup>17</sup> that women and girls from specific groups face obstacles when seeking protection in Norway, including, but not limited to, women from indigenous groups, such as the Sami, national minorities, such as the Roma, migrant, asylum-seeking and refugee women, women with disabilities, elderly women, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

16. A 2015 study<sup>18</sup> on the prevalence of emotional, physical and sexual violence among Sami populations in Norway indicated that 49% of Sami women report that they have been subject to violence of a physical, mental or sexual nature at some time in their life, as opposed to 31% of the women in the non-Sami population in the same area. Similarly, 17% of Sami women reported an experience of sexual violence during childhood up to the age of 18 compared to 11% in the non-Sami population. The same study revealed that law-enforcement officials and employees of support services in Norway generally lacked expertise in the Sami language and culture. In this respect, GREVIO notes the findings of different UN treaty bodies and the Norwegian National Human Rights Institution encouraging the adoption of measures in order to overcome cultural and linguistic barriers that affect the provision of services to Sami.<sup>19</sup>

17. These findings are corroborated by a later study,<sup>20</sup> which pointed to certain factors contributing to the problem, including the low level of trust among the Sami population towards Norwegian state institutions, lack of linguistic and cultural awareness of the Norwegian police and service providers and cultural customs affecting the reporting of violence.

18. GREVIO welcomes the inclusion of the Sami Parliament in the development of the current NAP on domestic violence as their involvement in the previous NAPs has been limited to consultations. It further notes with appreciation that this NAP includes a section related to violence in Sami communities for the first time (19 specific measures out of 82). Sami Parliament representatives expressed an opinion that their voice has been increasingly heard by the authorities, and noted that crisis centres are needed in areas where Sami live and that Sami staff should work in support services.

19. However, GREVIO is concerned about the barriers which women with addictions, women with disabilities, LGBTI women, elderly women and migrant women face in seeking quality interventions for any of the forms of violence covered by the convention. Although the NAP acknowledges the vulnerability of these groups to violence and the obstacles they experience in receiving assistance and protection, it does not contain any measures addressing their specific situation. While GREVIO welcomes the funding opportunities provided by the Norwegian Directorate for Children, Youth and Family Affairs to improve the support services in the municipalities provided to victims of domestic violence who may risk facing intersectional discrimination, these efforts fall short of addressing the needs of all groups of victims of violence against women who are or may be exposed to intersectional discrimination in a substantial manner. Similarly, GREVIO was apprised of the difficulties women in prostitution have faced in seeking safety from violence against women during the Covid-19 pandemic. This is mainly due to the fact that pandemic control measures prohibited any activity involving close contact, such as prostitution, thus making it virtually impossible for victims in prostitution to report violence for fear of facing sanctions for breaching confinement measures. Pandemic regulations have also foreseen the deportation of non-residents who do not comply with the measures, exacerbating the reluctance of foreign women in prostitution to report violence they faced while carrying out their activities.

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17. See the submission made by Norwegian civil society submitted to GREVIO, p. 7, and the report by the Equality and Anti-Discrimination Ombud, pp. 3-7.

18. Emotional, physical and sexual violence among Sami and non-Sami populations in Norway: The SAMINOR 2 questionnaire study, Astrid M.A. Eriksen, Ketil Lenert Hansen, Cecilie Javo and Berit Schei, *Scandinavian Journal of Public Health*, 1-9.

19. See CAT/C/NOR/CO/8, paragraph 24 (c); CCPR/C/NOR/CO/7, paragraph 15(a); CEDAW/C/NOR/CO/9, paragraph 25 (e); CERD/C/NOR/CO/23-24, paragraph 22 (a); Submission made by the Norwegian Human Rights Institution, pp. 4-5.

20. Øverli I. T., Bergman S. H. and Finstad A. K. (2017). "Om du tør å spørre, tør folk å svare": Hjelpeapparatets og politiets erfaringer med vold i nære relasjoner i samiske samfunn. Oslo: Norwegian Centre for Violence and Traumatic Stress Studies (Report 2/2017).



20. **GREVIO strongly encourages the Norwegian authorities to:**

- a. **implement measures to prevent and combat violence against Sami women based on the National Action Plan on Domestic Violence (2020-2024) and in close co-operation with Sami representatives;**
- b. **strengthen measures to prevent and combat violence that affects women who are or might be exposed to intersectional discrimination, including women with disabilities, women from national and/or ethnic minorities, migrant women, LGBTI women, elderly women, women in prostitution and women with addiction issues;**
- c. **integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women and raise the awareness of victims belonging to these groups of women about their rights to protection and support services;**
- d. **develop and improve accessibility to protection and support services for these groups of women;**
- e. **support research into the prevalence of violence experienced by specific groups of women and girls at risk of or exposed to intersectional discrimination.**

**D. State obligations and due diligence (Article 5)**

21. Article 5 of the convention enshrines the overarching principle of due diligence: states parties are under the obligation to organise their response to all forms of violence covered by the scope of the convention in a way that allows relevant authorities to diligently prevent, investigate, punish and provide reparation for such acts of violence, as well as to provide protection for victims. It is not an obligation of result, but an obligation of means. Failure to meet this obligation incurs state responsibility for an act otherwise solely attributed to a non-state actor. The realisation of the full potential of the due diligence standard relies on the ability of state institutions to invest in equally strong terms in all the required actions of prevention, investigation, punishment, reparation and protection, starting from the duty to transform patriarchal gender structures and values that perpetuate and entrench violence against women.

22. According to information provided by the Norwegian authorities, the Norwegian Bureau for the Investigation of Police Affairs is the body responsible for investigating cases where employees of the Norwegian police service or the prosecuting authority are suspected of committing criminal offences in the course of their duties. The bureau may impose a fine or penalty notice, waiver of prosecution or an indictment if it concludes that an offence has been committed. However, in the past the bureau has been criticised for dismissing the majority of complaints and for its composition, which could jeopardise its independence. According to the 2021 annual report of the bureau,<sup>21</sup> out of the 1 264 processed complaints, only 65 resulted in prosecution. Moreover, information available to GREVIO does not provide a detailed overview of the subject matter of the proceedings. For example, the 2021 annual report of the bureau contains information on a number of proceedings were launched by the Bureau against police officers who committed sexual abuse or harassment against members of the public. Some of these proceedings resulted in the dismissal or the criminal conviction of the police officer in question. However, there is no information in the report whether any proceedings were commenced due to a breach of positive obligations in cases related to violence against women. Similarly, while the 2020 annual report<sup>22</sup> refers to a judgement of the Norwegian Supreme Court in which the follow-up of repeated violations of bans on visits was found to be inadequate in a case concerning intimate partner violence, there is no information regarding the sanctions imposed on the authorities who failed to take preventive measures. Due to the limited nature of the information at hand, GREVIO is not in a position to verify the extent to which the principle of accountability is upheld in practice in cases of violence against women in Norway. GREVIO, however, welcomes the fact that the annual reports of the Bureau are available to public

21. Available at [www.spesialenheten.no/wp-content/uploads/arsrapporter/2021/](http://www.spesialenheten.no/wp-content/uploads/arsrapporter/2021/).

22 Available at: [www.spesialenheten.no/wp-content/uploads/2022/06/the-norwegian-bureau-for-the-investigation-of-police-affairs-annual-report-2020.pdf](http://www.spesialenheten.no/wp-content/uploads/2022/06/the-norwegian-bureau-for-the-investigation-of-police-affairs-annual-report-2020.pdf).

on their website, as well as that the fact that the Bureau uses the annual reports to produce thematic articles aiming to contribute to awareness-raising and public information initiatives, but notes that such efforts should be further expanded and strengthened.

23. According to the National Criminal investigation Service (Kripos), 231 people were killed by their partner or ex-partner in the 30-year period between 1990 and 2019. Intimate partner homicides accounted for a quarter of all homicide cases in Norway, and the majority of the victims were women. Certain cases also involved child victims of homicide occurring in the context of domestic violence. GREVIO notes with appreciation that the government appointed a committee to review homicide cases where the perpetrator had been a current or former partner in order to identify whether, to what extent and in what ways the public services' management of such cases had failed. During its mandate the committee reviewed 19 such cases and found that in all of them intimate partner violence preceded the killing of the victim.<sup>23</sup> According to the committee, in 15 of the reviewed cases the police and other support services failed to assess the risk of further violence and implement preventive measures in a timely manner despite being in contact with the victim. The committee identified shortcomings in the handling of cases, mainly the lack of knowledge and expertise on intimate partner violence, insufficient co-ordination between agencies and insufficient communication between the support services and the victim. This analysis was taken into account when creating the current NAP on domestic violence.

**24. GREVIO strongly encourages the Norwegian authorities to ensure an effective enforcement of the due diligence obligation, including by raising awareness among public officials dealing with victims of violence against women and domestic violence of the need to act in full compliance with their due diligence obligation to prevent, investigate, punish and provide reparation for victims of any of the forms of violence covered by the Istanbul Convention and without discrimination on the basis of any of the grounds listed in its Article 4, paragraph 3.**

## **E. Gender-sensitive policies (Article 6)**

25. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote *de jure* and *de facto* equality between women and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

26. GREVIO notes with appreciation the high level of gender equality in Norway achieved through the consistent implementation of gender equality policies and the undertaking of efforts to ensure gender mainstreaming in all areas of public policy. GREVIO notes however that Norwegian policies on violence against women and domestic violence do not specifically target women but largely treat both women and men as possible victims and perpetrators of violence. For example, the NAP on domestic violence does not place an emphasis on the gendered dynamics of domestic violence, nor does it acknowledge the prevalence of post-separation abuse for women victims of gender-based violence. Similarly, little attention is paid to addressing the root causes of violence, namely the structural inequalities between women and men. As GREVIO has had the opportunity to note, where gender-neutral legislation is accompanied by effective training of frontline professionals on the gendered nature of violence against women, and where service providers pay particular attention to women victims, the aim of responding to the gendered aspect of violence can be achieved.<sup>24</sup> According to the authorities, Norwegian policies strive to be gender inclusive. However, prevalence rates of physical and/or sexual violence remain significantly higher among women than men in Norway, as well as in other countries which adopt gender-neutral policies to address

23. The report of the committee is available at [www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522/](http://www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522/).

24. See GREVIO's baseline evaluation report on Austria, paragraph 7.

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gender-based violence.<sup>25</sup> In this context, GREVIO notes the assessment of the Norwegian Equality and Anti-Discrimination Ombud stating that “the commonly held notion that Norway has achieved gender equality has led to gender-neutral policies as the norm. This leads to a fragmented approach at all levels – policy making, prevention work, services and prosecution”.<sup>26</sup> Drawing attention to the effect of such policy choices in de-gendering the discourse around violence against women, GREVIO recalls that Article 6 of the Istanbul Convention requires not only ensuring a gendered perspective is applied in designing measures to implement it, but also evaluating their impact.<sup>27</sup>

**27. GREVIO strongly encourages the Norwegian authorities to integrate the gender dimension of violence against women into the design, development and evaluation of laws, policies and measures to prevent and combat all forms of violence covered by the Istanbul Convention. Such a gender-sensitive approach should be based on an understanding of the link between the prevalence of violence against women and the structural inequalities between women and men, with the aim of addressing the specific needs of women victims as well as raising awareness of and counteracting the negative stereotypes against women which legitimise and sustain violence against women.**

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25. Studies show that the prevalence of intimate partner violence against women in Nordic countries (which have the highest levels of gender equality in the world) has not been substantially reduced, but rather remains remarkably high; the phenomenon is often called the “Nordic paradox”. Researchers often debate about its root causes (see Gracia E. and Merlo J. (2014), “Intimate partner violence against women and the Nordic paradox”, *Social Science & Medicine* 157, 27- 30).

26. See the Report of the Norwegian Equality and Anti-Discrimination Ombud to GREVIO, p. 10.

27. Explanatory Report to the Istanbul Convention, paragraph 61.

## II. Integrated policies and data collection

28. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

### A. Comprehensive and co-ordinated policies (Article 7)

29. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women. GREVIO recalls that the design and implementation of a comprehensive framework to prevent and combat violence against women needs to ensure that the rights of victims are placed at the centre of all measures, which requires effective co-operation and co-ordination among the various stakeholders and service providers at local level. For this reason, the implementation of any adopted policies by way of victim-centred effective multi-agency co-operation is an important element of Article 7 of the convention and should form part and parcel of any future strategic framework.

30. In Norway, efforts to combat violence against women started in the 1970s. The first telephone line for women victims of domestic violence was set up in 1977 followed by the establishment of the first crisis centre with public funding in Oslo in 1978. Since 2000, the Norwegian authorities have been addressing violence against women through specific action plans implemented by different interministerial working groups consisting of several ministries. For example, the working group on domestic violence chaired by the Ministry of Justice and Public Security co-ordinates the work on the implementation of the NAP on domestic violence. GREVIO welcomes the fact that reports on the implementation of the NAP on domestic violence have been published on the Government's website. The co-ordination of the work on implementation of the NAP on negative social control, Violence related to "honour", forced marriage and female genital mutilation is led by the Ministry of Labour and Social Inclusion<sup>28</sup> whereas the National Police Directorate co-ordinates the follow-up of the NAP against rape.

31. GREVIO appreciates the strong commitment of the Norwegian Government to combating domestic violence, negative social control, forced marriage and female genital mutilation, which is reflected in various action plans and the multitude of specific measures contained therein. On the other hand, recalling the obligation to ensure a holistic and co-ordinated response to all forms of violence covered by the Istanbul Convention, GREVIO notes that the co-existence of different national action plans may lead to the compartmentalising of policies which can stand in the way of coherence and continuity in the efforts to prevent and combat violence against women.

32. To prevent fragmentation, GREVIO notes the need to enhance the mechanisms to co-ordinate the implementation of measures across different action plans at the operational level as well as to ensure their oversight. GREVIO further notes with some concern the absence of a wider, overarching framework that would ensure the measures under the above-mentioned action plans are implemented in a co-ordinated manner and driven by a shared vision to address violence against women as a gendered phenomenon. For example, while acknowledging the fact that women are disproportionately affected by domestic violence, the relevant NAP does not include specific measures to address gender stereotypes, to include men and boys in awareness raising or to tackle the historical and systematic imbalance of power between men and women (see Chapter I). Another example is the NAP on negative social control, violence related to "honour", forced marriage and female genital mutilation which appears to regard the issue as a cultural one instead of adopting a gendered understanding of violence committed in the name of "honour". GREVIO welcomes the addressing of this form of violence but notes that all manifestations of violence related to "honour" operate around notions of gender and largely target women as the bearers of the family's "honour".

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<sup>28</sup> The current NAP on negative social control, violence related to "honour", forced marriage and female genital mutilation was developed by the Ministry of Education and Research, but as of 1 January 2022 the coordinating duties were transferred to the Ministry of Labour and Social Inclusion.

Approaching the problem from the viewpoint of culture and integration runs the risk of overlooking the root causes of violence related to “honour”. Furthermore, such an approach may perpetuate stereotypes about national and/or ethnic minorities. In this respect, GREVIO notes indications from experts in the field that the NAP on negative social control, violence related to “honour”, forced marriage and female genital mutilation tends to construct violence in migrant families as different from violence in the general population and treats it primarily as an integration issue.<sup>29</sup>

**33. GREVIO strongly encourages the Norwegian authorities to improve co-ordination structures across the existing national action plans and to review the measures contained in them, with the aim of integrating them under an overarching framework that would ensure a holistic response to all forms of violence against women covered by the Istanbul Convention, including in its digital dimension, and by giving due importance to the gendered nature of the different forms of violence against women, including domestic violence.**

## **B. Financial resources (Article 8)**

34. In Norway, government funding for services and measures to prevent and combat violence against women is made available in different ways. General support is offered by the extensive welfare system designed to meet the needs of all residents. In addition, a number of specialist support services, including crisis centre, are provided by NGOs, which are fully or partially funded by the Norwegian Government and/or the municipalities.

35. Based on the figures provided in the state report, GREVIO notes with appreciation the amounts allocated to certain non-state service providers. For example, in 2020 over €6.3 million was allocated for the operation of the NGO Alternative to Violence, over €9.35 million for the Support Centres against Incest and Sexual Assault and approximately €2.95 million for treatment services for children exposed to violence or sexual abuse. GREVIO also notes with satisfaction that substantial funds are allocated to independent research organisations. For example, from 2014 to 2019, a total of €7.34 million was allocated to a five-year research programme on violence in close relationships by the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS)<sup>30</sup> and the Norwegian Social Research Institute (NOVA) at Oslo Metropolitan University. GREVIO regrets, however, that there was no indication of the percentage of overall public expenditure this would amount to. Moreover, while certain measures in the action plan on domestic violence and the action plan on negative social control, violence related to “honour”, forced marriage and female genital mutilation are assigned earmarked funds, GREVIO notes with concern that the majority of the measures included in these two documents and the entirety of the action plan against rape are to be funded from the general budget of the relevant ministry during the implementation of each individual measure.<sup>31</sup> According to the authorities, work on violence against women is funded by each relevant ministry without assigning specific budget lines dedicated to measures to prevent and combat all forms of violence against women.

36. The funding scheme for domestic violence crisis centres also raises concerns as regards the consistency of funding. The Norwegian Crisis Centre Act obliges municipalities to ensure that women, men and children who are subject to domestic violence or threats of violence are provided with a crisis centre service located within a reasonable distance. The county governors monitor whether municipalities fulfil their statutory obligations regarding crisis centre services, in line with Section 9 of the Crisis Centre Act and issue orders to municipalities that do not provide services in accordance with the law. Accordingly, crisis centres are fully funded from municipal budgets; however, the Crisis Centre Act does not define a minimum amount to be allocated to such services and gives wide discretion to municipalities to determine the funds to be distributed to crisis centres within their administrative boundaries every year. As a result, the funding levels vary significantly from one municipality to another, and it is within the discretion of the municipalities to reduce funding

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29. Information obtained during the evaluation visit.

30. This centre was established in 2004, as an autonomous and professionally independent centre that develops and spreads knowledge about violence and traumatic stress, and it is funded by several ministries.

31. See the report submitted by Norway pursuant to Article 68, paragraph 1, of the Istanbul Convention, pp. 8-9.

levels from one year to another. GREVIO acknowledges that Norwegian authorities place a strong emphasis on the framework funding of municipalities as a prerequisite for ensuring the municipalities' self-government, but points out to the impact of current funding schemes on the quality and accessibility of services provided to victims.<sup>32</sup>

37. While GREVIO acknowledges that different municipalities have different funding needs regarding women's crisis centres and specialist support services, the existing funding scheme may hinder the adequacy of specialist support services as required by Articles 22 and 23 of the Istanbul Convention. Against this backdrop, it would be important to work towards a more detailed overview of government and municipal spending on policies and measures that respond to the different forms of violence against women, notably to track government expenditure in this area and to assess where adjustments are required. The tools of gender budgeting and gender impact assessments can be of use in this context.<sup>33</sup>

38. **GREVIO strongly encourages the Norwegian authorities to:**

- a. **ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation, including specialist support services provided by civil society entities;**
- b. **ensure that all relevant government agencies systematically introduce budget lines dedicated to measures to prevent and combat all forms of violence against women, in order to regularly monitor the level of the allocated funding and its spending.**

### **C. Non-governmental organisations and civil society (Article 9)**

39. A wide variety of NGOs and civil society organisations exists in Norway, including many advocacy NGOs and a large number of service providers. Many of them were pioneers of the women's rights movement in the country in the 1970s and continue to play an important role in preventing and combating violence against women. The Norwegian Government recognises the key role and expertise of civil society and involves women's rights NGOs in dialogues around new policies and legislative processes. GREVIO notes with satisfaction that this matches the strong role of civil society and NGOs envisaged by the Istanbul Convention, expressed in particular by Article 9. GREVIO also welcomes the presence of formalised structures for co-operation with NGOs. For example, a forum for co-operation with NGOs working in the area of domestic violence has been established by the Ministry of Justice and Public Security. Indeed, according to information provided by women's rights NGOs indicating they enjoy good co-operation with authorities. GREVIO further notes with satisfaction that the submission of Norwegian civil society organisations to GREVIO was funded by the government.

40. NGOs also represent a large proportion of providers of specialist support services in Norway which are funded by the municipalities, although several NGOs receive additional funding from private donors. GREVIO welcomes the constructive relationship between NGOs and state authorities but notes that the funding scheme introduced by the Crisis Centre Act has resulted in some crisis centres facing unpredictability in their funding.

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32 See Chapter IV, Article 23, Shelters.

33. See, for example, the Council of Europe Parliamentary Assembly's Recommendation 1739 (2006) on Gender Budgeting, available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17420&lang=en>, and the Final report of the Group of specialists on gender budgeting (EG-S-GB), Council of Europe, 2005, available at: [www.rm.coe.int/1680596143](http://www.rm.coe.int/1680596143).

#### **D. Co-ordinating body (Article 10)**

41. Following the evaluation visit of GREVIO, the Norwegian Government designated the Inter-ministerial working group against domestic violence co-ordinated by the Ministry of Justice and Public Security as the body responsible for the co-ordination and implementation of policies on all forms of violence against women and domestic violence covered by the Istanbul Convention. While this is a welcome step, GREVIO notes that additional human and financial resources have not been allocated to the inter-ministerial working group following its designation as the co-ordinating body. The specific powers and competences of the working group have also yet to be defined and communicated externally. This raises questions as to the ability of the designated co-ordinating body to carry out its duties adequately.

42. GREVIO recalls that without a co-ordinating body that is fully institutionalised and mandated to fulfil its functions with regard to all four aspects of Article 10, namely the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the convention, it will not be possible to develop the required holistic approach on all forms of violence. These bodies are additionally responsible for the co-ordination and the collection of the necessary data and to analyse and disseminate the results.<sup>34</sup> Moreover, as GREVIO has had occasion to note, bodies that are responsible for the evaluation of policies must be institutionally independent and separate from those that co-ordinate and implement policies on violence against women. A situation in which close institutional ties exist between those who implement measures and bear political responsibility for them on the one hand and those who are supposed to evaluate the efficacy of those measures on the other, or even one in which the two groups are identical,<sup>35</sup> provides fertile ground for (real or perceived) conflicts of interest and can weaken the analysis. In this respect GREVIO is encouraged by the plans of the Norwegian authorities to designate an official body to ensure the monitoring and evaluation of measures.

43. **GREVIO strongly encourages the Norwegian authorities to:**

- a. assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to ensure the sustainability of their work;**
- b. ensure, on the one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies.**

#### **E. Data collection and research (Article 11)**

44. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.<sup>36</sup>

##### **1. Administrative data collection**

45. The Istanbul Convention requires public authorities, such as the judiciary, the law-enforcement agencies and social welfare services, to set up data systems that go beyond the agencies' needs for recording in order to collect data which are relevant for the purpose of ending violence against women in all its forms. As a minimum requirement, recorded data on victims and perpetrators should be disaggregated by sex and age of both the victim and the perpetrator, type of violence, the relation of the perpetrator to the victim, geographical location and other relevant factors.

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34. Explanatory Report to the Istanbul Convention, paragraph 71.

35. See the Mid-term horizontal review of GREVIO baseline evaluation reports, 2021, paragraph 89.

36. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

Recorded data should also contain information on conviction rates of perpetrators of all forms of violence against women.

46. In Norway, several authorities are involved in data collection on forms of violence covered by the Istanbul Convention and GREVIO notes with appreciation the general tendency towards evidence-based policy making. GREVIO also notes with satisfaction data-collection initiatives that feed into the development of policies. For example, GREVIO notes with satisfaction the collection of detailed data on users of specialist services, including crisis centres and services for sexual abuse victims, which is disaggregated by sex and age of both the victim and the perpetrator, their relationship, and geographical location. . In this respect, data collected by the Norwegian Directorate for Children, Youth and Family Affairs in 2021 shows that 9 out of 10 victims who sought the services of crisis centres were subjected to violence by a male perpetrator and 8 out of 10 victims reported that the perpetrator was the current or ex-spouse or cohabitant. Similarly, 8 out of 10 children accommodated at crisis centres were subjected to violence by their father. Analysis of such data is made annually, which allows for the identification of trends related to users of protection services.<sup>37</sup> Similarly, GREVIO was made aware of a comprehensive analysis carried out by Statistics Norway which looks at criminal justice responses to cases related to maltreatment in close relationships and sexual violence, as well as violence against children under 16 in the period 2010-2017.<sup>38</sup> GREVIO notes that such exercises may serve as a basis upon which to identify shortcomings in the prosecution of these offences and revise policies accordingly. However, in the course of its evaluation of Norway, GREVIO also identified several shortcomings in data collection, including the widespread absence of the data categories required under the convention.

47. Apart from data on users of specialist services, including the national shelter statistics, very little data are disaggregated by sex and even fewer by relationship between victim and perpetrator. The law-enforcement and prosecution services in Norway collect data in relation to the provisions of the Norwegian Criminal Code but do not always break them down by sex/age of both the victim and perpetrator or by their relationship. For example, data kept on stalking only provide the overall numbers of reports, investigations and prosecutions and some information on their outcome; without, however, the inclusion of relevant data categories such as sex and age of both victim and perpetrator and their relationship. As a result, the data collected do not allow conclusions to be drawn on the number of cases of intimate partner violence compared to those of, for example, child abuse. Similarly, the police criminal case register does not contain sex-disaggregated data on forced sterilisation or forced marriage. Equally, the data on the number of emergency barring and protection orders only give the overall total issued annually as well as the number of violations. Neither are they broken down by sex or by relationship of the perpetrator to the victim.

48. Another issue GREVIO would like to highlight is the lack of harmonisation of data across data-collection systems within law enforcement and the judiciary. There is no case management system that would allow individual cases to be tracked across the various stages in the criminal justice chain, from filing the complaint to delivery of the judgment. Moreover, forms of violence against women are strictly recorded on the basis of the offence they are considered to represent; however, the classification of the offence may change as the case moves through the criminal justice system. As a result, conviction and attrition rates are difficult to establish, making it difficult to identify shortcomings in the responses of the police, prosecution and courts to violence against women. GREVIO was also prevented from carrying out an analysis of forms of violence which are not addressed by a separate provision of the Norwegian Criminal Code. For example, the section on abuse in close relationships includes both physical and psychological violence; however, existing crime statistics do not make a distinction between these forms of violence.

49. GREVIO also regrets the absence of data on the number of perpetrators of domestic violence taken into custody, which is of concern in view of the fact that police officers are not mandated to evict, in situations of immediate danger, perpetrators of domestic violence from the

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37. See Shelter statistics (2020), Norwegian Directorate for Children, Youth and Family Affairs, available at: [https://bufdir.no/Statistikk\\_og\\_analyse/Vold\\_og\\_overnep\\_tall\\_og\\_statistikk/kriserentertilbudet\\_i\\_norske\\_kommuner/om\\_beboerne/#heading82969](https://bufdir.no/Statistikk_og_analyse/Vold_og_overnep_tall_og_statistikk/kriserentertilbudet_i_norske_kommuner/om_beboerne/#heading82969).

38. Stene R. J. (2020), Fra overgrep til straff – Statistikk om familievold og lovbrudd mot barn i straffesaksjeden 2010-2017, Statistics Norway, Oslo.



shared residence and custody may be the only immediate measure to ensure a victim's safety. No data are collected on the legal aid granted to female victims of violence, nor on the number of decisions on custody/visitation/residence of children which expressly have taken into account reports of domestic violence and ensured the safety of all family members. The absence of the above data masks difficulties women may experience in accessing justice for different forms of violence against women.

50. It is for the above-mentioned reasons that throughout the evaluation procedure, GREVIO has emphasised the need for the systematic collection of sex-disaggregated data and the importance of monitoring different experiences of women and men and consequently identifying areas in need of improvement or any challenges. The national prevalence study on violence and rape conducted in 2014 reveals that violence remains a gendered phenomenon in Norway<sup>39</sup> despite the high level of gender equality achieved; thus, a non-gendered approach to data collection may lead to making violence against women less visible.

51. Another cause of concern for GREVIO is the lack of high-quality disaggregated data on the number of contacts made by women related to a form of violence covered by the convention collected by primary healthcare providers. Norwegian authorities cited the information not being digitalised in the healthcare sector as a reason contributing to the lack of available data.

52. The fragmentation of administrative data collected by the various institutions as described above taken together with the absence of co-ordination efforts in this area makes it impossible for GREVIO to reach a full understanding of different sectors' responses to violence against women and domestic violence as well as the relationship between them; and thus to identify and remedy the existing shortcomings in public policies. GREVIO thus concludes that the existing administrative data-collection efforts of Norwegian authorities fall short of the standards of Article 11 of the Istanbul Convention, which require all relevant parties, including the judiciary, law-enforcement agencies, healthcare and social welfare services, and other authorities, to have data systems that record harmonised data on victims and perpetrators disaggregated by (at a minimum) sex and age of both the victim and the perpetrator, type of violence, the relation of the perpetrator to the victim and geographical location. Due regard must be paid, however, to complying with applicable privacy and data protection standards.

**53. Bearing in mind the need for administrative data collection to be carried out in relation to all forms of violence covered by the Istanbul Convention, GREVIO urges the Norwegian authorities to:**

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities and social services) are disaggregated with regard to the sex of the victim and the perpetrator, their relationship and the different forms of violence and offences covered by the Istanbul Convention, and that information on the presence of child witnesses and victims is also included, with a view to differentiating between intergenerational violence and intimate partner violence;**
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim, *inter alia*, of allowing the assessment of conviction, attrition and recidivism rates; enabling a thorough analysis of the movement of cases in the criminal justice system; and identifying gaps in the response of institutions which may contribute to low conviction rates and/or discrepancies between reporting rates and conviction rates;**
- c. introduce data collection in the healthcare sector in relation to all forms of violence against women;**
- d. ensure that the process of collecting, storing and transforming collected data complies with standards on personal data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.**

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39. Chapter II, Article 11, population-based surveys.

## 2. Population-based surveys

54. In 2014, the Ministry of Justice and Public Security commissioned a nationwide survey to be carried out by the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) on the prevalence of domestic violence and sexual assault in the Norwegian population. The NKVTS conducted phone interviews with 2 435 women and 2 092 men aged between 18 and 75. Participants were asked about their exposure to physical violence, stalking and sexual abuse in childhood and adulthood. This survey<sup>40</sup> revealed that violence remains a gendered issue in Norway despite the high level of gender equality achieved in the country. The national prevalence survey carried out by the NKVTS in 2019 explores the same issues in respect of elderly women and men in Norway. The NKVTS also conducted a national prevalence survey on physical, psychological and sexual violence against children aged 12 to 16 committed by adults and peers, including its digital dimension. Similarly, the Norwegian Social Research Institute (NOVA) carried out prevalence surveys on violence against children and young people in 2007 and 2015. GREVIO also welcomes the prevalence studies conducted on the prevalence of violence in Sami and non-Sami populations.<sup>41</sup> The project “Safety, violence and quality of life in Norway” concluded in 2021 looked at the impacts of exposure to violence on the quality of life and health of the victims. While GREVIO welcomes these comprehensive surveys, it points out that they mainly focus on physical violence in close relationships and sexual abuse and to this date no initiatives have been launched to assess the prevalence of other forms of violence covered by the Istanbul Convention such as sexual harassment and stalking, including in their digital dimension, forced marriage and female genital mutilation.

55. **GREVIO encourages the Norwegian authorities to regularly conduct population-based surveys addressing all forms of violence against women covered by the scope of the Istanbul Convention.**

## 3. Research

56. Article 11, paragraph 1b, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.<sup>42</sup>

57. Relevant Norwegian ministries regularly commission research and studies from NKVTS on a variety of forms of violence against women, many of which are quoted throughout this report. These publications were developed on the basis of both qualitative and quantitative methodology and offer interesting insights into a number of issues including, but not limited to, gendered experiences and consequences of domestic violence, reporting rates of domestic violence, violence and sexual abuse against persons with intellectual disabilities and FGM prevention for refugees, asylum seekers and settled migrants. GREVIO welcomes in particular the NKVTS research initiatives on other forms of violence against women, for example the publication analysing the digital manifestations of intimate partner violence among teenagers.<sup>43</sup> A more recent study<sup>44</sup> looked at the exposure of adolescents to online sexual violence and highlighted that some adolescents experienced unwanted sexual interaction online for the first time during the Covid-19 lockdown in 2020 and that adolescents in low-income families and those with disabilities were at greater risk of experiencing such violence. The NKVTS also prepared a study conceptualising a national internet portal on violence in close

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40. Women were subjected to a much greater extent than men to severe violence by intimate partners, 8.2% versus 2% respectively (lifetime prevalence). Furthermore, 9.4% of women and 1.1% of men had experienced sexual assault during their lifetime. See Thoresen S. and Hjemdal O. K. (2014), *Vold og voldtekt i Norge En nasjonal forekomststudie av vold i et livsløpsperspektiv*, NKVTS.

41. Chapter I, Article 4, fundamental rights, equality and non-discrimination.

42. Explanatory Report to the Istanbul Convention, paragraph 77.

43. NKVTS, Per-Moum Hellevik, *The Dark Side of Intimacy. Exploring Teenage Intimate Partner Violence and Abuse in an Individualized and Digitalized Society*, 2019.

44. Available in Norwegian at [www.kjonnforskning.no/nb/koronapandemiens-konsekvenser-for-likestillingen?fbclid=IwAR2tVXNnMtkjJDPPBlzL2NcRV8Jl1HdiaYWhWoK77-eIVoPr8Pkzw3cfXk](http://www.kjonnforskning.no/nb/koronapandemiens-konsekvenser-for-likestillingen?fbclid=IwAR2tVXNnMtkjJDPPBlzL2NcRV8Jl1HdiaYWhWoK77-eIVoPr8Pkzw3cfXk).

relationships and rape, by proposing three different models.<sup>45</sup> GREVIO further welcomes the Norwegian authorities' acknowledgement of the importance of research as a foundation of evidence-based policy making.

58. GREVIO notes with appreciation that the findings of these studies feed into the development of public policies to prevent and combat violence against women. For example, the findings of the NKVTS report on domestic violence in Sami communities led to the development of a dedicated section on violence in Sami communities in the current NAP on domestic violence for the first time. Research on violence and abuse in Sami communities will form part of a five-year research programme (2019-2024) on domestic violence, funded by the Ministry of Justice and Public Security. The purpose of the research programme is to produce knowledge on a wide range of specific topics, such as the underlying causes, extent and consequences of domestic violence, welfare services' work with domestic violence victims and NGO efforts in this field. GREVIO notes with satisfaction the presence of the Ethical Code for conducting surveys on indigenous populations, and that the approval of Sami representatives has been sought in the development of this research programme. In partnership with the regional resource centres for violence, traumatic stress and suicide (RVTS), NKVTS also provided assistance to the Norwegian authorities in the development of national guidelines for the development of municipal action plans.

59. While GREVIO welcomes these efforts and acknowledges their important role in exploring in more detail the root causes of certain forms of violence against women and shaping public policies aimed at preventing and combating violence against women, they do not cover all forms of violence against women or the experiences of different groups of women.

60. **GREVIO encourages the Norwegian authorities to continue their efforts to commission research, in particular on forms of violence covered by the Istanbul Convention which so far have not been given enough attention through research, and to expand existing research to include more topics, such as barriers to access to services and justice by women who are or might be exposed to intersectional discrimination, in close co-operation with community-based organisations and women's rights NGOs.**

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45. Borgen G. and Gulbrandsen L. (2013), En nasjonal nettportal om vold i nære relasjoner og voldtekt, Tre mulige konsepter.

### III. Prevention

61. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

#### A. General obligations (Article 12)

62. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

63. In Norway, various initiatives exist that aim to prevent violence generally and certain forms of gender-based violence against women more specifically. In this respect, GREVIO particularly welcomes the inclusion of a dedicated chapter on targeted prevention in the NAP on domestic violence. The NAP provides a number of preventive measures on early detection of domestic violence, treatment programmes for perpetrators and education initiatives targeting children. GREVIO further welcomes the recognition of harmful sexual behaviours committed online in the NAP; however, the relevant measures appear to be only directed at children and adolescents.

64. The NAP on rape similarly includes a number of preventive measures, including specific measures targeting the Sami population or other groups which may be more vulnerable to sexual violence, such as persons with physical or psychosocial and intellectual disabilities, the elderly and persons with addiction issues. GREVIO notes with particular satisfaction the inclusion of the digital dimension of sexual violence in the NAP on rape. In this respect, the NAP emphasises the increase in the digital manifestations of such violence, the different forms it may take, such as image-based abuse or sexualised extortion, and its specific characteristics, such as the anonymity of perpetrators and the interjurisdictional nature of offences, as well as its impacts on the well-being of victims.

65. GREVIO notes with satisfaction that Norwegian embassies are included in the efforts to prevent forced marriage, FGM or other forms of violence by providing support to women and girls who reside in Norway and may be exposed to the risk of such violence during their stay abroad, as well as to men and boys who are at risk of forced marriage. Another good initiative noted by GREVIO on the prevention of sexual violence is the campaign "Good Guy" that targets young people and aims to prevent what is known as "party-related rape" by emphasising young men's agency to take responsibility for their actions. GREVIO also welcomes the creation of a national expert team against forced marriages, FGM and negative social control in 2004, which may be consulted in individual cases where FGM or forced marriage are suspected.<sup>46</sup> The team also co-ordinates the allocation of accommodation in a national housing scheme for people over the age of 18, who are victims of forced marriage, violence related to "honour" and negative social control.

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46. In 2020, such consultations were conducted in 649 cases (of which 76.4% concerned women and girls). Forced marriage was suspected in 10.5% of the cases, and a fear of forced marriage in a smaller number of cases. In 2021, the team provided consultations in relation to 759 cases concerning forced marriage, violence based on "honour", negative social control, FGM and involuntary stay abroad.

## **B. Awareness raising (Article 13)**

66. The Norwegian authorities reported a number of awareness-raising activities that have been carried out in the recent years and that are planned for the future. The subjects covered include dating violence, stalking, rape, violence carried out in the name of “honour” and domestic violence. For example, the campaign “How Little Should One Tolerate?” aims to increase knowledge of domestic violence and of the assistance the police can provide as well as to enable victims to seek help. Information material is developed for newly arrived migrants, which seeks to provide information on negative social control, domestic violence, forced marriage and FGM. A guide has also been prepared for elders in religious communities on the prevention of intimate partner violence and FGM. The website ung.no made a specific campaign in 2018 called #ikke greit (#not okay), which aimed to raise awareness among young people of image-based sexual abuse, party related sexual abuse, dating violence and online violence. GREVIO also notes with interest the awareness-raising activities on the digital manifestations of violence against women carried out by the Norwegian police, through delivering lectures in secondary schools and publishing information on various social media platforms. Each police district has also established a “net patrol”, which are present on the internet and social media and offer advice and guidance on crimes committed on the internet, including violence against women. GREVIO also notes with interest certain initiatives carried out in schools and day-care centres, such as the programmes “SNAKKE” (talk) and “Jeg vet” (I know) which aim to raise awareness about violence, including sexual abuse among children, teachers, pre-school educators, and staff in services for children.

67. While GREVIO welcomes such efforts to raise awareness of domestic and sexual violence among young people in the general population, it notes insufficient specific initiatives targeting women who are exposed to intersectional discrimination, such as women with disabilities, women belonging to national minorities or women with addiction problems. In this respect, GREVIO highlights the need to adapt awareness-raising activities to the specific needs and realities of women with intersecting identities, so that the messages and information disseminated are relevant to the challenges they face. The large-scale investigation into 151 sexual violence cases in 2017 which took place in Tysfjord illustrates the need to devise specific awareness-raising initiatives and interventions to empower women and girls to speak out against such violence while at the same time developing primary prevention models adapted to their specific setting.<sup>47</sup>

68. GREVIO notes with interest a pilot programme called “TryggEst”, which was tested in 10 municipalities with the aim of preventing and identifying violence against vulnerable individuals. GREVIO notes with satisfaction that, on average, the detection of cases of violence increased sixfold under this and 70% of the cases included violence against women, in particular violence against vulnerable elderly women and women with cognitive challenges.<sup>48</sup> In light of a follow-up evaluation,<sup>49</sup> it has been recommended that the programmes be implemented at the national level.

**69. GREVIO encourages the Norwegian authorities to incorporate the specific needs and realities of different groups of women who are, or who are at risk of being, exposed to intersectional discrimination into awareness-raising campaigns or programmes on the different manifestations of violence against women.**

## **C. Education (Article 14)**

70. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent

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47. In this case, 70% of the victims and perpetrators are reported to be members of the Sami community. More information available at: [www.thelocal.no/2017/11/29/norway-reveals-rape-and-sexual-assault-scandal-in-lapland](http://www.thelocal.no/2017/11/29/norway-reveals-rape-and-sexual-assault-scandal-in-lapland).

48. See the state report, p. 34.

49. Evaluation of the programme TryggEst; material obtained during the evaluation visit.

conflict resolution in interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

71. GREVIO notes with satisfaction that, with a view to laying the foundation for a gender-equal society, several initiatives have been taken in the field of education in Norway. Topics related to human rights, gender equality, health and sexual education are included in the formal curriculums for primary and secondary schools, which means that some of the areas of teaching required by Article 14 of the Istanbul Convention are addressed in some form.

72. GREVIO welcomes the explicit inclusion of the topic of sexual violence in the curriculum of secondary schools in 2013 with the aim of providing students with the necessary knowledge and skills to analyse gender roles in the context of sexuality and to differentiate between consensual sexual contact and sexual abuse. Sexual violence also appears to be implicitly included in the mandatory social studies course in upper-secondary schools as the objectives of the curriculum included providing students with the necessary knowledge on various forms of abuse and their prevention. Despite these subjects being mandatory in the curriculum, GREVIO was made aware of a wide variation in the extent to which teachers address these issues. Sexuality education in secondary schools appears to be affected by teachers' perceptions of the issue.<sup>50</sup> Further, a digital learning resource "I know" (as well as violence prevention training) exists in nurseries, preschools, primary and secondary schools and day-care centres: its focus is on recognising violence, victims' rights and sources of help.

73. While GREVIO welcomes the above, it notes the lack of different forms of violence against women in the curriculums. While the mandatory courses on life skills and public health address the setting up and respecting of personal boundaries and non-violent conflict resolution, none of these appear to do so in the context of preventing the different forms of violence against women covered by the Istanbul Convention, and do not seem to deconstruct gender stereotypes as a way of ensuring primary prevention.

74. Teachers play a crucial role in identifying children who may be exposed to violence at home, either as witnesses or direct victims, and their sensitive approach to the subject may lead a child to confide in them. It is thus important that they receive the necessary training and knowledge to deal with an affected child (see the section on the next article). This is all the more important as teachers in Norway are under the obligation to report suspicions to the police and social services about children that may be affected by domestic violence or abuse. Moreover, the Directorate for Health has developed national guidelines for school health services, with the aim of preventing and proactively identifying possible signs of child abuse and neglect.<sup>51</sup>

75. GREVIO welcomes the minority adviser scheme put in place to combat forced marriage, female genital mutilation, violence related to the concept of "honour" and negative social control. The advisers' responsibilities are twofold. First, they engage directly with students to identify those who are at risk of being exposed to the above-mentioned forms of violence. Moreover, they function as experts on these issues and provide knowledge and assistance to teachers, parents and public officials. At the time of the evaluation there were 59 advisers available in lower-secondary and upper-secondary schools in eleven counties in Norway as well as in selected adult education programmes, in particular for recently arrived migrants. The majority of the advisers belong to migrant or minority communities. Advisers report on the number of cases they are involved in annually, which includes the number of students that sought advice from them and inquiries made by other public authorities. Accordingly, in the first six months of 2021, 445 cases were reported compared to a total of 723 cases in 2020.

**76. GREVIO encourages the Norwegian authorities to ensure, through legislative and other measures, that pupils across Norway acquire knowledge and skills, in a compulsory manner, about the topics identified in Article 14 of the Istanbul Convention, and in particular**

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50. Information obtained during the evaluation visit.

51. See the National guideline for health promotion and preventive work in the child and youth health centres and school health service, 0–20 years.

**to inform learners of the different forms of gender-based violence against women. Moreover, GREVIO invites the Norwegian authorities to monitor how teachers make use of the existing teaching materials and how they approach issues related to domestic violence and violence against women.**

**77. GREVIO further encourages the Norwegian authorities to increase the number of minority advisers throughout Norway and to continue to collect data on notifications to the police and social services made by teachers and minority advisers for the purpose of enhancing strategies and co-operation among services.**

#### **D. Training of professionals (Article 15)**

78. The standard set by the Istanbul Convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence against women. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation. The questionnaire drawn up by GREVIO lists, in the table appended to it, the professional groups which GREVIO considers relevant and in need of such training.

79. GREVIO welcomes the Norwegian authorities' efforts to provide initial training for relevant professionals. On the other hand, GREVIO notes with concern that the authorities' gender-neutral approach to policy making is reflected in the content of these training programmes. Terms such as "relationship violence", "interpersonal violence" and "violence in close relationships" are used, so often it is difficult to assess to what extent such programmes actually include forms of violence covered by the convention. In relation to the training of judges, the training scheme consists of an initial training module and ad hoc seminars throughout their career. The initial training module includes topics on gender equality, multicultural society, family law and children's rights. According to the Norwegian authorities, violence against women is not specifically covered in the initial training module. The in-service training scheme is set up in such a way as to enable judges to select training activities based on their own individual needs, including the subject of sexual and gender-based violence. Furthermore, the Norwegian Court Administration supports regional conferences with participants including prosecutors, lawyers, representatives of childcare services and healthcare services and judges, where one of the topics is domestic and "relationship violence".

80. As for law-enforcement professionals, GREVIO notes that specific mandatory courses are taught at the Police Academy on how to detect and investigate "interpersonal violence", including violence in close relationships. Furthermore, the police districts have established a unit of specialised officers on domestic and sexual violence, who undergo mandatory yearly training on these issues. While GREVIO welcomes the establishment of dedicated teams to investigate sexual and domestic violence, it notes with concern that law-enforcement officers not assigned to these units in fact do not receive specific training on these issues. Furthermore, GREVIO could not obtain information on the inclusion of other forms of violence covered by the Istanbul Convention, including but not limited to forced marriage, female genital mutilation and stalking, in the mandatory training programmes for police officers.

81. Health professionals are often the first to come into contact with women victims of violence. Their training on the different forms of violence covered by the Istanbul Convention is therefore of primordial importance. Treating victims of violence and sexual assault is a mandatory subject for all emergency and primary healthcare practitioners. According to the information provided by Norwegian authorities, 966 professionals benefited from training on this topic in 2021, bringing the total number of trained professionals in Norway to 5 562. In-service training programmes on domestic violence have been also organised for Sami nurses and midwives.

82. National guidelines addressing midwives, doctors and other healthcare professionals working with pregnant women recommend that healthcare personnel enquire about a pregnant woman's past and present experiences of violence, including FGM, in a culturally sensitive manner. An annual five-day training course is also provided to healthcare professionals on the use of

investigative tools and communication methods in encounters with pregnant women and parents of small children.

83. Social workers are another important group that will often encounter victims of violence in their professional life. In this respect, the Norwegian authorities have reported that the Family Counselling Service has taken training initiatives to build the capacities of their personnel to identify and handle domestic violence issues when meeting with families. The Family Counselling Service has also established a specialised team on violence in close relationships which offers professional guidance and training on domestic violence to the employees of the Family Counselling Service. However, according to indications shared with GREVIO,<sup>52</sup> their professional guidance and willingness to recognise and identify cases of domestic and other forms of violence covered by the Istanbul Convention remains limited, particularly regarding mediation in separation procedures and custody and visitation disputes (see Chapter V, Articles 31 and 48).

84. GREVIO notes the indications made by women's rights NGOs<sup>53</sup> that relevant professionals do not possess enough knowledge of and competence in violence against women and domestic violence and that more co-operation between agencies and more training to increase awareness on intersectionality is needed for all relevant practitioners, while judges especially should be trained on deconstructing "rape myths".

**85. GREVIO strongly encourages the Norwegian authorities to ensure that all professionals dealing with victims or perpetrators of all forms of violence covered by the scope of the Istanbul Convention receive systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, while focusing on the victims' human rights, safety, individual needs and empowerment and the prevention of secondary victimisation. Such training should be based on a gendered understanding of violence against women, including its digital dimension, and should be devised in close co-operation with relevant stakeholders, including independent women's rights NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields.**

## **E. Preventive intervention and treatment programmes (Article 16)**

### **1. Programmes for perpetrators of domestic violence**

86. In Norway, perpetrator programmes have been in place since the 1980s, as have other treatment and counselling programmes for perpetrators of sexual abuse and domestic violence.

87. A national survey of available treatment for people with problems related to violence and aggression, undertaken by the National Centre for Violence and Traumatic Stress Studies (NKVTS) in 2017, found that at the time of the survey there were in total 64 service providers working with adults and 47 working with children and adolescents. Participation in perpetrator programmes is voluntary in Norway; thus, treatment is not delivered as a part of a co-ordinated response within the criminal justice framework. However, perpetrators may also be referred by courts as well as by child-protection services, social workers, family doctors, women's crisis centre, outpatient psychiatric services, emergency units, the police and correctional services. It should be noted that courts may refer perpetrators to programmes but cannot issue binding orders.

88. In Norway, perpetrator programmes are provided by the foundation known as Alternative to Violence (ATV) and Brøset. GREVIO notes with interest that ATV is the oldest provider of perpetrator programmes in Europe. It is located in 15 different cities/towns in Norway and funded by state and municipal authorities. Its programme contains elements from various therapy techniques and covers themes including power, safety, control and gender stereotypes. The Istanbul Convention requires

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52. Information obtained during the evaluation visit.

53. See the submission made by Norwegian civil society to GREVIO, pp. 20-22.



close co-operation between perpetrator programmes and women's specialist services, with the aim of preventing reoffending and giving priority to the safety of the victims.<sup>54</sup> GREVIO welcomes the fact that the programmes provided by the ATV seem to meet these requirements,<sup>55</sup> which is also confirmed by representatives of NGOs providing services to victims of violence against women. However, GREVIO was not in a position to assess if the co-operation exists throughout Norway. The programme is mainly conducted through one-on-one and group therapy sessions and its length is tailored to the needs of the perpetrator in collaboration with their individual therapist. GREVIO was informed that on average the participants spend 10 months in treatment. As revealed in a scientific evaluation study conducted on a sample of 84 men, longer participation was found to enhance the positive outcomes: a higher number of sessions was associated with a lower risk of using physical violence a year and a half after treatment.<sup>56</sup> According to information provided by the Norwegian authorities, throughout 2020 and 2021, approximately 1600 perpetrators benefitted from this programme, 20% of whom consisted of women. had benefited from this programme.

89. Similarly, the anger-management programme developed by the Brøset Competence Centre for Prison and Forensic Psychiatry is widely implemented in Norway. The programme is based on cognitive behavioural therapy and the Brøset anger-management model. The programme is delivered in both individual and group settings in a number of mental health facilities, social care centres and correctional institutions and approximately 400 therapists received training on the model.

90. Other examples of NGOs providing programmes for perpetrators include the crisis and counselling helpline for men.

91. Having in mind that perpetrator programmes have been implemented in Norway for many years, GREVIO emphasises the need to evaluate their impact in order to assess whether the programmes actually serve their preventive purpose, and notes with concern that only limited individual assessments of the programmes including those of ATV and Brøset, have been carried out so far.

**92. GREVIO invites the Norwegian authorities to pursue their ongoing activities to conduct a comprehensive evaluation of existing perpetrator programmes in line with standard methodological rules and good practices, in order to assess their impact and to ensure that all programmes are implemented in close co-operation with women's support services.**

## **2. Programmes for sex offenders**

93. In Norway a voluntary treatment programme called BASIS is available to persons convicted for sex offences and who are in need of specialist treatment. The treatment starts in prison while the perpetrator is still serving his sentence and continues upon release. Perpetrators may be referred by the prison doctor or psychologist. If deemed eligible, the inmate in question will then be transferred to one of the 13 prisons which currently provide this programme. The treatment is carried out through one-on-one therapy sessions and its frequency and length are determined based on the needs of the perpetrator. Outpatient treatment is also available in five hospitals to persons who have a self-identified risk of committing child sexual abuse. GREVIO welcomes the establishment of the "Det finnes hjelp" ("There is help") programme by the Norwegian Directorate of Health which includes a low-threshold phone service to provide information to those who wish to undergo treatment and to direct them to available treatment options. The programme also includes online counselling services as well as treatment in selected outpatient clinics throughout the country, and it is aimed for persons who are at risk of committing child sexual assault.

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54. See the Explanatory Report to the Istanbul Convention, paragraph 104.

55. ATV contacts the female partners of programme participants to verify if the man is refraining from violence. Men who refuse contact between ATV and their partners cannot be admitted to the programme.

56. See Askeland I. R., Birkeland M. S., Lømo B. and Tjerstrand O. A. (2021), "Changes in violence and clinical distress among men in individual psychotherapy for violence against their female partner: An explorative study", *Frontiers in Psychology*, Volume 12: 710294.

## **F. Participation of the private sector and the media (Article 17)**

94. The Norwegian media regulatory system is independent from the state, including financially, and operates on the principles of self-regulation and media freedom. The Ethical Code of Practice for the Norwegian Press sets out the journalistic ethics and standards in Norway and anyone who has been the subject of media coverage in breach of these guidelines may complain to the Norwegian Press Complaints Commission. The commission is organised under the Norwegian Press Association, the members of which include almost all print media outlets, radio and TV channels as well as certain social media platforms in Norway. GREVIO notes that according to the Ethical Code of Practice,<sup>57</sup> journalistic activities must respect a person's character and identity, privacy, race, nationality and belief and must refrain from drawing attention to personal or private aspects of a case unless they are fully relevant.

95. While GREVIO did not obtain any information on the applications lodged before the Press Complaints Commission that concern reporting on cases of violence against women, it notes research findings indicating that a gradual but still statistically insignificant decrease in the use of rape myths in the Norwegian press coverage of rape stories following the #MeToo movement.<sup>58</sup> These rape myths include negative comments about the victim's behaviour or clothing choices, discrediting the veracity of the victim's account of the incident or descriptions implying that the incident was an exceptional event. In this respect, GREVIO points to the continuing need to address the prevalence of rape myths in the Norwegian media.

96. In the private sector the Norwegian Marketing Control Act prohibits advertising that discriminates on the basis of gender. Accordingly, "advertisements must not be contrary to the principle of equality between the genders or exploit the body of either gender or give the impression of offensive or derogatory valuations of women or men". While GREVIO welcomes the initiatives undertaken by the Norwegian authorities to address unrealistic depictions of women's bodies in the advertising sector, notably by amending the Marketing Control Act to require the disclosure of retouched photographs, it stresses that women and girls have been increasingly depicted in a sexualised manner in advertising campaigns and commercial activities. Such material representing women as sexualised and submissive beings fosters a culture of violence.

**97. GREVIO encourages the Norwegian authorities to actively support the media sector to implement monitoring and complaint mechanisms aimed at enhancing respect by the media for women's human dignity and the prohibition of any gender discrimination, including in the context of reporting on violence they have suffered and in compliance with freedom of expression and media freedom. GREVIO further encourages the Norwegian authorities to set incentives or otherwise promote the development of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in advertisements.**

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57. Ethical Code of Practice, Article 4.3, available at: <https://accountablejournalism.org/ethics-codes/norway-norwegian-press-code-of-ethics>.

58. "After #MeToo: how the campaign changed the way Norwegian journalists write about rape", Thea Storøy Elnan, available at: <https://reutersinstitute.politics.ox.ac.uk/our-research/after-metoo-how-campaign-changed-way-norwegian-journalists-write-about-rape>.

## IV. Protection and support

98. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

### A. General obligations (Article 18)

99. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local level is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

100. In this respect, GREVIO notes with particular interest the pilot Project November, which was launched by the Ministry of Justice and Public Security in 2015 in Oslo with the aim of providing a multi-agency model for adult and child victims of domestic violence and which is regarded as being similar to a “Barnahus<sup>59</sup> for adults”. The project is housed in a police station in Oslo and its premises are designed specifically for responding to victims of domestic violence, including a room for conducting investigative interviews, containing audiovisual equipment and with an adjacent co-hearing room. Aesthetically, the furniture and interior decoration has much in common with the Oslo Barnahus and is different from the other parts of the police station. Its staff comprises two police specialists in domestic violence risk analysis and a psychosocial team with two social workers (one clinical specialist and one with experience in social services) and a psychologist. No investigating police officers work on Project November; however, the project regularly co-operates with investigators and prosecutors. In addition to risk assessments, a range of victim support and counselling services are provided by the project team, including psychosocial support, providing information on police procedures and the services provided by other agencies, and making referrals to social services and housing offices. However, GREVIO notes the assessments indicating that the project does not operate based on a gendered approach, although national statistics reveal that the majority of assisted victims are women.<sup>60</sup> The project’s psychosocial team also works with perpetrators, encouraging them to seek treatment.

101. Stressing the need for enhanced co-operation at local and at national level, GREVIO expresses hope that the good practices of Project November and Barnahus will be rolled out further and followed by a solid increase in effective multi-agency co-operation on individual cases in the near future. On a more general note, GREVIO observes that the Law on Crisis Centres provides the framework for a multi-agency co-ordinated response.<sup>61</sup> It explicitly provides that the municipalities have an obligation to provide comprehensive follow-up to the victim by co-ordinating the response of the crisis centres with that of other services. However, it does not specify the modalities of co-operation, including the roles and responsibilities of all agencies involved. To address this gap, guidelines were issued for crisis centres to define the modalities of service provision. These guidelines also recommend that the municipal authorities devise municipal action plans on violence in close relationships, to ensure better co-operation between general services provided by municipalities and non-municipal bodies, such as NGOs. According to the information provided by the Norwegian authorities, in 2021 69% of the municipalities had such action plans, either on their own, or in collaboration with other municipalities. According to existing research, increased

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59. See Chapter IV, Article 26, Protection and support for child witnesses.

60. Gil Portoles V. (2021), *Good practice guidance on integrated policies against gender-based and domestic violence*, Fundación para la Convivencia Aspacía and Norwegian Ministry of Justice and Public Security.

61. Ibid.

collaboration has been observed between the crisis centres and relevant state agencies since the entry into force of the Law on Crisis Centres<sup>62</sup>. While GREVIO notes that 17 out of the 43 crisis centres have a formal cooperation agreement in place with the Child Welfare Services; collaborative initiatives with other services are generally taken on a case-by-case basis, and formalised co-ordination agreements are rare, even when municipal action plans are in place.<sup>63</sup>

**102. While recognising the high level of autonomy granted to local governments in Norway, GREVIO strongly encourages the Norwegian authorities to pursue efforts to set up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental entities and service providers to ensure adequate forms of multi-agency co-operation, including through legislative amendments, the development of municipal action plans and/or by devising formalised structures to ensure the participation of all relevant agencies. In particular, GREVIO strongly encourages the inclusion of specialist women's support services run by NGOs in formal co-operation structures.**

## **B. Information (Article 19)**

103. In Norway, information on women victims' rights and available specialist support services, protection measures and pathways to access justice is provided through various online and offline tools. Among these, the website [dinutvei.no](http://dinutvei.no) ("your way out"), launched in 2017 as part of the National Action Plan against Domestic Violence (2014-2017), is managed by the Norwegian Centre for Violence and Traumatic Stress Studies and financed by the Ministry of Justice and Public Security. It provides comprehensive information to victims, witnesses, perpetrators and the general public on the rights of victims of domestic and sexual violence and on the various forms of support measures and services available, including crisis centres, helplines and rape crisis centres, as well as perpetrator programmes across Norway. GREVIO welcomes the creation of this user-friendly tool which includes sections available in 13 languages, including the Sami language, a question-and-answer section and various videos providing guidance to victims on how to access and receive assistance from the various support services. It notes, however, that the platform does not appear to be accessible to women with intellectual and sensory disabilities.

104. The website of the Directorate for Children, Youth and Family Affairs ([Bufdir.no](http://Bufdir.no)) also provides information on support measures and services, including crisis centres and family counselling services available to victims of domestic violence, sexual violence and forced marriage. Additional official websites directed at victims and relevant professionals provide information on violence against people with disabilities, children and migrants. Under the national action plan on negative social control, forced marriage and female genital mutilation, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) is tasked with conducting a number of preventive activities such as the preparation of information and awareness-raising materials directed at victims of FGM and forced marriage and professionals working in this area.

105. Under Section 4 of the Local Government Act, municipalities are obliged to provide information on the public services under their responsibility, including crisis centre and perpetrator programmes. In most cases this information is available on the websites of municipalities or individual crisis centres. Women facing gender-based violence may also seek guidance at the Support Centres for Crime Victims, which are located in police districts in 15 Norwegian cities. These centres provide information and assistance on reporting crime and applying for compensation. Brochures containing similar information is also available in several languages, including English, Arabic, Urdu, Polish, Russian and Somali.

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62 According to the authorities the Law on Crisis Centres was amended in August 2022, together with 11 other laws related to welfare services, in order to enhance co-operation between crisis centres and other services or organisations, such as child protection, day-care, schools, social and health-care services.

63. Bliksvær T. et al. (2019), *Kommunenes krisesentertilbud – En kunnskapsoversikt*, Norland Research Institute.

106. GREVIO welcomes the wide range of tools and materials produced by the different Norwegian public agencies to inform women victims of gender-based violence about their rights and the forms of support available to them. However, GREVIO was made aware that certain groups of women, in particular (newly arrived) migrant women, often remain unaware of their rights to support and protection, and do not always know where to turn for help. It notes that the European Commission on Racism and Intolerance (ECRI) stressed that migrant women who arrive in Norway as spouses of Norwegian nationals or for family reunification may have limited opportunities to break their isolation when they experience domestic violence.<sup>64</sup> As regards information on domestic violence shelters at local level, not much is made available in the Sami language, which can represent a significant obstacle to the access of Sami speakers to available help.<sup>65</sup> GREVIO notes with satisfaction the establishment of the National Sami Competence Centre (NASAK) in 2022, which aims is to make the crisis centre services, the family counselling services and the child welfare services more accessible to the Sami population, for example by increasing the knowledge about Sami culture and providing information in Sami language.

107. In the context of the Covid-19 pandemic and restrictions, research has emphasised the need for public agencies and support services to find more efficient ways to reach women victims of violence, in particular migrant women.

**108. GREVIO encourages the Norwegian authorities to pursue their efforts aimed at ensuring that all women victims receive adequate and timely information, in a language they understand, and to take measures to reach certain groups of women, in particular migrant women and Sami women, to inform them about their rights, to help them to break their isolation and to rebuild their lives.**

## **C. General support services (Article 20)**

### **1. Social services**

109. As GREVIO has had occasion to note in its previous reports, it is of fundamental importance to support women victims of domestic violence through housing schemes to enable them to rebuild their lives.<sup>66</sup> In a similar vein, it is crucial to ensure the access of women victims of domestic violence to the labour market by developing specific schemes such as co-operation with public or private-sector employers and to provide them with vocational training opportunities, in order to fast-track their reintegration into the workforce and thus contribute to their economic independence.

110. General support services for anyone in need, including women who have experienced the forms of violence covered by the Istanbul Convention, are offered through the Norwegian social welfare system. Persons lawfully residing in Norway may apply to their municipality for any support they may need, including housing, family finances, employment, education and day-care for their children or healthcare. The Norwegian Labour and Welfare Administration (NAV) provides advice and guidance to individuals on the available services and benefits. The aim is to ensure that women can build a life without violence, either through the general assistance provided by the municipality or through referrals to specialist services such as crisis centres. Despite the well-established social welfare system in Norway, GREVIO was apprised of a number of challenges in the provision of long-term housing to victims of domestic violence. Long waiting lists and a high threshold for qualifying for municipal housing significantly hinder victims' ability to lead a life independent of their abuser. GREVIO has been alerted to the fact that the majority of victims have difficulties accessing the job market and consequently depend on social welfare benefits for extended periods of time.<sup>67</sup>

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64. ECRI Report on Norway (sixth monitoring cycle), paragraph 74, available at: <https://rm.coe.int/6th-report-on-norway-/1680a17dd8>.

65. Information obtained during the evaluation visit.

66. See GREVIO's baseline evaluation reports on: Austria, paragraph 95; Portugal, paragraph 127; and Serbia, paragraphs 110 and 115.

67. Information obtained during the evaluation visit.

111. **GREVIO urges the Norwegian authorities to set up dedicated programmes that cater to the specific needs of victims of violence against women in the areas of employment, training and housing, thus ensuring their recovery as well as their economic independence and empowerment.**

## 2. Healthcare services

112. The health services in Norway are generally free of charge and regulated by five important laws: the Healthcare Personnel Act, the Patients' Rights Act, the Municipal Health Care Act, the Specialist Health Services Act and the Mental Health Care Act. Accordingly, municipalities must ensure that every resident is offered the necessary general healthcare services. When needed, victims of violence, including domestic and sexual violence, are referred to the relevant specialist healthcare services. The division of tasks between municipal and specialist healthcare services is based on the professional evaluation of the complexity, frequency and severity of each case. When persons are subjected to violence their first point of contact is usually their general practitioner, the emergency medical services or Sexual Assault Centres within certain hospitals. If the need for specialist treatment is identified by these primary healthcare services, victims are referred to the relevant somatic and/or mental healthcare services, including District Psychiatric Centres and private psychologists or psychiatrists. GREVIO notes that on 1 January 2020, it became mandatory for all local authorities to provide access to the services of qualified psychologists. According to information provided by the authorities, the latter does not imply that municipalities are obliged to offer citizens long-term psychological counselling; instead, the role of qualified psychologists is to assist the authorities in promotion and prevention activities regarding healthcare, undertake clinical work aimed at individuals and groups, provide counselling and participate in service development and implementation.<sup>68</sup> Furthermore, 62 out of 350 municipalities in Norway established Prompt Mental Healthcare Services, which provide counselling without requiring a referral from a general practitioner. Public healthcare clinics and the school healthcare services are also responsible for providing preventive services and information to pregnant women, children and young people up to the age of 20 and to their parents or guardians.

113. According to the authorities, the Norwegian welfare system is based on equal access to healthcare services and does not grant priorities for any specific group, including women victims of violence. Accordingly, for adults seeking long-term support, the average waiting time is 44 days. On the other hand, low-threshold and prompt psychosocial counselling is provided to people with moderate problems. These are short-term services, lasting up to 10 sessions, which can be accessed immediately. However, GREVIO notes with concern the observations made by Norwegian civil society organisations that long waiting lists for psychological support present further obstacles to victims of violence in the "re-establishment phase" due to the limited availability of state-run mental healthcare services for victims after their departure from crisis centres.<sup>69</sup> Moreover, a recent study indicates that victims of FGM face serious barriers to accessing mental health services, including high standards for referral letters, waiting lists and the "silencing" of victims due to negative social reactions to speaking out in their communities.<sup>70</sup>

114. According to the Norwegian Patient Register, 3 746 injuries resulting from domestic violence or assault were reported in 2019. Commissioned by the Norwegian Directorate of Health, the NKVTS developed guidelines for healthcare professionals on domestic violence. The guidelines aim to strengthen knowledge among healthcare professionals about symptoms, injuries and circumstances which should lead to a suspicion of violence and to provide advice on routines that increase the likelihood of the identification of domestic violence. It also describes best practices for further assessment when there is a suspicion of violence and recommends action to be taken and the co-operation required with other relevant bodies to ensure that victims receive adequate help. Furthermore, the national guidelines for midwives, doctors and other personnel working with pregnant women require these healthcare professionals to enquire about pregnant women's

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68. State report, p. 42.

69. See the submission made by Norwegian civil society organisations to GREVIO, p. 22.

70. Lien I. L. and Hertzberg C. (2020), "A system analysis of the mental health services in Norway and its availability to women with female genital mutilation.", *PLOS ONE*, 15(11), 1-19, doi: 10.1371/journal.pone.0241194.

exposure to violence and provide instructions on culturally sensitive communication methods in that respect. GREVIO however did not obtain any information on the practical implementation of these guidelines. The Norwegian Directorate of Health has also developed guidelines on the prevention and treatment of FGM for healthcare professionals.<sup>71</sup> Yet, no specific information was made available to GREVIO on the procedures they prescribe and whether they ensure co-operation with other agencies or support services. Similarly, the NAP on negative social control, violence related to “honour”, forced marriage and female genital mutilation (2021-2024) also provides measures on FGM for healthcare services. For victims of rape and sexual violence, the public health sector offers a network of comprehensive medical, forensic and trauma care services available throughout the country.<sup>72</sup>

115. However, despite the existence of these guidelines, GREVIO notes with concern the findings of the study conducted by the NKVTS which reveal that doctors and forensic experts have limited knowledge of FGM, while another study reveals that general practitioners have no expertise in FGM-related health problems.<sup>73</sup> Moreover, healthcare professionals do not seem to form part of a standardised multi-agency approach.

**116. GREVIO strongly encourages the Norwegian authorities to monitor and evaluate the implementation of the guidelines for health professionals on domestic violence, rape and FGM and to address identified shortcomings accordingly, in particular by ensuring that these guidelines are embedded in a multi-agency approach. GREVIO further strongly encourages the Norwegian authorities to ensure that the public mental healthcare system offers accessible long-term counselling to victims of all forms of violence covered by the Istanbul Convention.**

#### **D. Specialist support services (Article 22)**

117. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women’s organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

118. In Norway, various specialised support services exist for women victims of violence. The crisis centres for victims of domestic violence provide comprehensive residential and non-residential services, including psychosocial counselling, referral to health and other support services, information about victim’s rights and legal counselling. The services are funded and supervised by municipalities. In 2021, there were 43 crisis centres across Norway.<sup>74</sup> In 2020, most day users of the crisis centre were victims of psychological, physical and sexual violence, but there were also victims of forced marriage, violence committed in the name of “honour” and online violence.<sup>75</sup>

119. In addition, various public services or NGOs receiving public funding provide specialised support services to women victims of gender-based violence, including women at risk of intersectional discrimination. For example, the Mira Centre located in Oslo provides psychosocial support to women belonging to national minorities and migrant women through individual or group

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71. State report, p. 42.

72. See Article 25, Support for victims of sexual violence.

73. Ziyada M. M. and Johansen R. E. B. (2021), “Barriers and facilitators to the access to specialized female genital cutting healthcare services: Experiences of Somali and Sudanese women in Norway”. *PLOS ONE* 16(9).

74. Bufdir’s website indicates that there are 45 crisis centres throughout Norway; however, the authorities confirmed during the evaluation visit that this number was 46 in 2021.

75. Statistics on crisis centres are available in Norwegian at:

[www.bufdir.no/en/Statistikk\\_og\\_analyse/Vold\\_og\\_overgrep\\_tall\\_og\\_statistikk/krisesentertilbudet\\_i\\_norske\\_kommuner](http://www.bufdir.no/en/Statistikk_og_analyse/Vold_og_overgrep_tall_og_statistikk/krisesentertilbudet_i_norske_kommuner).

counselling.<sup>76</sup> It is run by an NGO and funded by national and local authorities as well as donations. Its staff includes social workers and other professionals with expertise in migration and gender, including in particular forced marriage and violence related to “honour”. Therese's House in Oslo offers emergency accommodation as well as medical and social assistance to women with addiction issues. Women victims of violence who cannot stay at crisis centres because of their use of psychoactive substances can directly access Therese's House without having to contact social services first. Another example is the NGO JURK in Oslo, which offers free legal aid and advice in criminal and civil proceedings to women victims of violence.<sup>77</sup> In addition, the Pro Sentret, set up in 1983, run by Oslo municipality and financed jointly by the central government and the city, provides psychosocial support and assistance to women and other people in prostitution, who often face barriers to help-seeking as a result of stigmatisation and secondary victimisation. GREVIO welcomes the existence of various NGOs and public agencies funded by national and local authorities, which provide specialist services to women victims of violence, including some hard-to-reach groups. However, GREVIO notes that most of these services are located in Oslo and urban areas and that women living far from those services may be left without access to such tailored support and protection. In this respect, GREVIO is concerned that Sami women face particular difficulties in receiving the support they need. In this regard, GREVIO was alerted to the fact that support services lack special expertise in the Sami language and culture. According to Sami representatives, services to Sami people must be provided by staff with such expertise. In this respect, GREVIO regards the establishment of the National Sami Competence Centre (NASAK) as a welcome development, which will play an essential role in ensuring that crisis centres and child welfare services have knowledge on Sami culture.

120. GREVIO further notes with interest that certain services in Norway provide support for victims of violence against women with a digital dimension. For example, the SlettMeg.no (“DeleteMe”) service, which was started and formerly run by the Norwegian Data Protection Authority until it became a separate entity, provides information on content removal mechanisms of various internet and social media services to remove or de-link unwanted content. It also offers an answering service to respond to questions on the removal of unwanted content. In some cases, SlettMeg.no has also assisted victims with contacting service providers. GREVIO was also made aware of a court case where a senior adviser from SlettMeg.no was called as an expert witness on the effects and consequences of unwanted private content on the internet.

**121. GREVIO encourages the Norwegian authorities to expand the range and the geographical distribution of services providing specialist mid- and long-term support to women victims of all forms of violence covered by the Istanbul Convention, in particular women and girls exposed to or at risk of intersectional discrimination, in particular Sami people.**

## **E. Shelters (Article 23)**

122. In Norway, the provision of shelters (“crisis centres” under Norwegian legislation) for victims of domestic violence is regulated by the Law on Crisis Centres of 2010, which introduced a statutory duty for municipalities to ensure access to such services. Under Section 2 of this law, crisis centres must be fully funded by municipalities and fulfil certain requirements, including the provision of safe emergency accommodation to women, children and men facing domestic violence and victims of forced marriage. The law does not prescribe the maximum duration for the accommodation of victims of domestic violence; however, it states that the duration of the stay should not be longer than necessary, taking into consideration the safety of the victim. The shelters should be available without referral and provide users with support, guidance and referral to other relevant support services, as well as follow-up support in the “re-establishment phase” after they leave the shelter. . According to the information provided by women's NGOs informed GREVIO that municipalities do not provide women enough support in the re-establishment phase. According to the authorities, while the Law on Crisis Centres does not impose an obligation on the municipalities to create individualised plans

76. Website of the crisis centre: <https://mirasenteret.no/en/frontpage/>.

77. See JURK's website: <https://foreninger.uio.no/jurk/english/>.



for crisis centre users after leaving the centre; it prescribes an obligation to provide the users with coordinated services.<sup>78</sup> The Law on Crisis Centres also sets out the quality requirements for crisis centre services, including the provision of safe accommodation available around the clock and throughout the year, free daytime services, a year-round, 24-hour helpline providing advice and guidance, qualified personnel and respect for confidentiality. While the Law on Crisis Centres also provides that accommodation for women and men shall be physically separate, GREVIO was informed that in some cases women and men are accommodated in the same facilities although with separate entrances. GREVIO draws attention to the safety concerns which may result from such arrangements. In this respect GREVIO was made aware of certain instances where perpetrators of domestic violence have tried to access crisis centres to search for their current or ex-partners in the guise of seeking services for domestic violence. In order to ensure recognition of the gendered nature of violence against women, women-only crisis centres should be provided. Male victims should be accommodated in separate facilities. In relation to safety concerns, women's rights NGOs informed GREVIO that a high number of crisis centres users are women who are under the confidential address scheme.<sup>79</sup>

123. In Norway there are 43 crisis centres (shelter facilities), which are distributed throughout Norway. GREVIO notes with appreciation that Norway is among the few countries complying with the guiding objective of one family place<sup>80</sup> per 10 000 head of population, as referred to in the Explanatory Report to the Istanbul Convention<sup>81</sup> and considers the statutory duty placed on municipalities to be a contributing factor. GREVIO also notes with satisfaction that under Section 3 of the Law on Crisis Centres, municipalities shall ensure that crisis centres take into account the individual needs of their users. These include the obligation to ensure that children are supported in an adequate manner and that victims staying in the crisis centres have access to qualified interpreters if necessary.

124. While welcoming the efforts to foster, through the Law on Crisis Centres, the role of municipalities in offering crisis centres with quality standards, GREVIO notes that, in practice, gaps remain in the sustainability and comprehensiveness of these services across the country. Indeed, national evaluations of the implementation of the above law have stressed that in some municipalities, the level of funding allocated to the crisis centres is insufficient.<sup>82</sup> In addition, disparities persist in the quality and accessibility of those services across Norway. GREVIO was alerted to the fact that certain crisis centres struggled to provide 24-hour services despite the requirement in the Law on Crisis Centres, due to lack of resources. Similarly, research and evaluations reveal that there is significant variation within the country regarding the provision of follow-up services by the municipal authorities.<sup>83</sup> The unequal geographical spread of crisis centres also appears to be a major impediment to women's equal access to support and safety. Indeed, the number of crisis centres in some rural parts of the country remains scarce and women living in those isolated areas can be obliged to travel long distances to reach a safe shelter. While the Law on Crisis Centres provides that municipalities must ensure that crisis centres are available at "a reasonable travel distance", GREVIO notes that it does not specify the meaning of such a travel distance, which results in significant variations across the country.<sup>84</sup> For 24 crisis centres, the longest travel distance

78. Submission made by Norwegian civil society organisations to GREVIO, p. 24.

79. Information obtained during the evaluation visit. See also Chapter V, Article 53, Restraining Orders.

80. A "family place" requires a bed space for the mother and the average number of children in the country.

81. Explanatory Report to the Istanbul Convention, paragraph 135.

82. See Bakketeig E., et al. (2014), "The development of shelter services in the municipalities. An evaluation of the implementation of the Law on Crisis Centres by the municipalities" (in Norwegian), NOVA Report; Bliksvær T. et al. (2019), "Shelter services in the municipalities. A knowledge overview" (in Norwegian), cited in Bergman S. et al. (2021), "Norwegian Shelters for Victims of Domestic Violence in the COVID-19 Pandemic – Navigating the New Normal", *Journal of family violence*, 1-11, available at:

[https://www.researchgate.net/publication/350471232\\_Norwegian\\_Shelters\\_for\\_Victims\\_of\\_Domestic\\_Violence\\_in\\_the\\_COVID-19\\_Pandemic\\_-\\_Navigating\\_the\\_New\\_Normal](https://www.researchgate.net/publication/350471232_Norwegian_Shelters_for_Victims_of_Domestic_Violence_in_the_COVID-19_Pandemic_-_Navigating_the_New_Normal).

83. See Bakketeig E, Dullum J and Stefansen K. (2019), "Samarbeid i saker om vold og overgrep. Mot en hybridisering av hjelpetjenestene" [interagency collaboration in cases of domestic violence and abuse. Towards a hybridisation of the welfare services]; Tidsskrift for velferdsforskning and Bliksvær T., Skogøy B. E., Sloan L., Bakar N., Johnson R. and Kosuta M. (2019), "Kommunenes krisesentertilbud. En kunnskapsoversikt" [Shelter services in the municipalities – A knowledge overview].

84. See WAVE Country Report 2019, pp. 115-116, available at: [https://wave-network.org/wp-content/uploads/WAVE\\_CR\\_web.pdf](https://wave-network.org/wp-content/uploads/WAVE_CR_web.pdf).

is over 100 km, which can represent a significant barrier to help-seeking for women living in isolated and rural areas.<sup>85</sup>

125. In addition, GREVIO notes with concern that, partly due to a lack of financial resources, many crisis centres do not provide shelter accommodation to certain groups of women exposed to intersectional discrimination, in particular women with disabilities and women with addiction issues. Indeed, only eight crisis centres out of 43 offer accommodation to women with intellectual disabilities, 10 to women with psychosocial disorders and 29 to women with physical disabilities.<sup>86</sup> Considering that women with disabilities are often at higher risk of violence and that crisis centres have been identified as crucial for providing tailored support to those facing violence,<sup>87</sup> GREVIO stresses the need to increase the number of crisis centres accessible to women with disabilities. Similar concerns have emerged in relation to the lack of crisis centres accessible to women with addiction issues, since only eight shelters are accessible to them.<sup>88</sup>

126. According to latest statistics, in 2020 1 668 adult persons (92% of which were women) and 1 258 children were residents in crisis centres in Norway, and 2 212 persons used the daytime services of the crisis centres; 62% of all residents and 43% of non-resident clients had a non-Norwegian ethnic background. Thus, clients with migrant backgrounds are overrepresented compared to their proportion of the population in general.<sup>89</sup> GREVIO notes with concern the difficulties encountered by women belonging to indigenous groups, national minorities and migrant women in accessing services provided by crisis centres. In this context, GREVIO is concerned that the only crisis centre with specific expertise in supporting Sami people, located in Karasjok, in northern Norway, was closed in 2019 due to insufficient funding.<sup>90</sup> Consequently, women living in Karasjok and its surrounding areas must travel approximately 200 kilometres to the cities of Alta or Hammerfest to reach the nearest crisis centres, and road closures during winter often prevent them from accessing crisis centres in other cities. Besides, while migrant women represent a significant proportion of victims staying in crisis centres,<sup>91</sup> it appears that they are not always aware of their right to access crisis centres. During the Covid-19 pandemic, gaps in ensuring migrant women's access to information about crisis centres seem to have worsened due to restrictions on the functioning of other services (such as support centres for migrants, language or training courses), which are usually an entry point for migrant women and thus are central to identifying victims and referring them to shelters.<sup>92</sup> It has been reported that many migrant women were not informed that shelters were still open and operating during the lockdown.<sup>93</sup> In addition, while domestic violence shelters are accessible to asylum-seeking and refugee women, migrant women without a valid residence permit face additional obstacles when escaping violence and seeking a safe shelter. Despite the obligation of the crisis centres to provide services to all victims of violence against women regardless of their residence status, according to shelter statistics, in 2019 only 27 out of 44 crisis centres were accessible to this group of women. GREVIO notes that the Norwegian authorities conducted an analysis to verify how this obligation is fulfilled in practice, which indicated an improvement compared to 2019<sup>94</sup>.

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85. See the state report to GREVIO, p. 47.

86. Ibid.

87. See the Norwegian Human Rights Institution (NIM) supplementary report submitted to GREVIO in 2020, p. 13.

88. See the state report to GREVIO, p. 47.

89. Shelter statistics 2020, available at:

[www.bufdir.no/Statistikk\\_og\\_analyse/Vold\\_og\\_overgrep\\_tall\\_og\\_statistikk/krisesentertilbudet\\_i\\_norske\\_kommuner/](https://bufdir.no/Statistikk_og_analyse/Vold_og_overgrep_tall_og_statistikk/krisesentertilbudet_i_norske_kommuner/).

90. See the submission made by Norwegian civil society organisations to GREVIO in 2020, p. 30.

91. In 2020, 62% of people staying in domestic violence shelters had an immigrant background. Most of them were women (936 out of 1 022 people). See Shelter statistics (2020), Norwegian Directorate for Children, Youth and Family Affairs, available at: [https://bufdir.no/Statistikk\\_og\\_analyse/Vold\\_og\\_overgrep\\_tall\\_og\\_statistikk/krisesentertilbudet\\_i\\_norske\\_kommuner/om\\_beboerne/#heading82969](https://bufdir.no/Statistikk_og_analyse/Vold_og_overgrep_tall_og_statistikk/krisesentertilbudet_i_norske_kommuner/om_beboerne/#heading82969).

92. Bergman S. et al. (2021), "Norwegian Shelters for Victims of Domestic Violence in the COVID-19 Pandemic – Navigating the New Normal", *Journal of family violence*, 1-11.

93. See MIRA Center (2020), *Sosial ulikhet i krisetider (in Norwegian)*. MIRA-Senteret.; cited in Bergman S. et al. (2021), "Norwegian Shelters for Victims of Domestic Violence in the COVID-19 Pandemic – Navigating the New Normal", *Journal of family violence*, 1-11.

94. The authorities informed GREVIO that the analysis of the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) indicated that in 2021, 32 out of 43 crisis centres reported that they are accessible to this group of women.

127. For women victims of forms of gender-based violence other than domestic violence, fewer specialist crisis centres seem to be in place. According to the Norwegian authorities, some housing facilities are available in five municipalities for people over 18 who are exposed to forced marriage and violence related to “honour”.<sup>95</sup> The Directorate for Children, Youth and Family Affairs is tasked with allocating those housing places. According to the information provided by the authorities, approximately 30-40 persons benefit from long or short term accommodation in these facilities. Research has underlined the need to improve the follow-up support available to victims of forced marriage and violence committed in the name of “honour” after they leave the crisis centres, since many of them need additional support to rebuild their lives.<sup>96</sup>

128. **GREVIO strongly encourages the Norwegian authorities to take measures to:**

- a. **improve the geographical spread of specialist crisis centres dedicated to women and their children, in particular in rural areas, while monitoring the quality and financial sustainability of service provision, with the aim of reducing disparities among municipalities;**
- b. **ensure that women victims of gender-based violence are accommodated in separate facilities from men;**
- c. **ensure equal access to such specialist crisis centres for all women victims of all the forms of violence covered by the Istanbul Convention, especially women with disabilities, migrant women with irregular status, Sami women and women with addiction issues;**
- d. **ensure higher degrees of awareness and cultural sensitivity towards the specific situation of Sami women and girls as well as women from national and/or ethnic minorities and migrant women who experience gender-based violence. The aim of such heightened awareness must be the provision of adequate shelter services, including follow-up support, tailored to their specificities, rights and needs.**

## **F. Telephone helplines (Article 24)**

129. In Norway, several national telephone helplines provide initial information and support to victims of the forms of violence covered by the Istanbul Convention. In 2019, a national telephone helpline for all victims of domestic violence (the VO-helpline) was set up and in 2021 an online chat option was added to the services of the helpline. It is funded by the Ministry of Justice and Public Security as part of a three-year pilot project and is operated by trained staff of the Secretariat of the Shelter Movement and Oslo Crisis Centre. The VO-helpline is free of charge, anonymous and available around the clock. It provides information and support to victims of domestic violence in Norwegian and English. According to the authorities, funds allocated to the VO-helpline were increased in 2021 and different solutions were being considered to decrease the rate of unanswered calls, which was 11% in 2019 and 14% in 2020. GREVIO notes with satisfaction that the government plans to engage an independent entity to evaluate the implementation of this service. GREVIO also notes the existence of a dedicated, free, 24/7 emergency helpline for child victims of all forms of abuse and neglect, operated by trained staff. In 2018, 66% of callers to this helpline were girls.<sup>97</sup>

130. The national helpline for victims of sexual abuse is a free-of-charge, 24/7, anonymous helpline for children and adults facing sexual violence.<sup>98</sup> It is run in Norwegian and English by the Support Centre for Victims of Incest and Sexual Assault (SMISO) in Vestfold under the supervision of the Norwegian Directorate for Children, Youth and Family Affairs. Moreover, the Red Cross operates a specialised helpline providing first-hand assistance and referral to victims of forced marriage, female genital mutilation and violence related to “honour” on weekdays from 9 a.m.

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95. Ibid., p. 49.

96. See sciencenorway.no (2015), “Out on a limb after forced marriage”.

97. State report submitted by Norway, p. 50.

98. See the state report to GREVIO, p. 51, see also <https://dinutvei.no/en/english/the-helpline-for-victims-of-sexual-abuse-800-57-000/>.

to 4 p.m.<sup>99</sup> In addition, the Expert Team against Forced Marriage, FGM and Negative Social Control has set up a helpline, available on weekdays from 9 a.m. to 3 p.m., which offers guidance to adult victims and professionals in contact with victims.

131. GREVIO notes with concern that neither the VO-helpline nor the national helpline for victims of sexual abuse are available in the languages spoken by a large proportion of the victims of abuse. According to indications made by NGOs,<sup>100</sup> a large proportion of the victims have migrant backgrounds and have very limited knowledge of Norwegian or English. GREVIO further notes that there are also no services offered in the Sami language, even though Section 1-5 of the Sami Act considers the Sami and Norwegian languages to be of equal worth. This issue becomes particularly worrying when viewed in light of the fact that approximately half of Sami women in Norway have been subjected to violence or abuse. Staff in support services generally lack expertise in the Sami language and culture, as noted earlier. GREVIO is thus gravely concerned that a significant proportion of Sami victims of domestic and sexual violence have difficulties accessing information and support. For many Sami women, telephone helplines may be a crucial source of emergency support, as the majority of them live in remote areas with limited means of transportation during the winter.

132. In addition to the above-mentioned national helplines which each focus on a specific form of violence, 43 telephone helplines operated by individual crisis centres are available for victims of gender-based violence across Norway.<sup>101</sup> While GREVIO welcomes the various national helplines, as well as those operated by crisis centres, it notes that they vary in opening hours and thematic scope, with only very few specifically addressed to women as victims of gender-based violence, resulting in a paucity of numbers available to women victims of violence. It further notes that their accessibility needs to be improved to reach Sami and migrant women and that it remains unclear whether and how these services are accessible to women with hearing and/or intellectual disabilities.

**133. GREVIO encourages the Norwegian authorities to ensure that national helplines for victims of the forms of violence against women covered by the Istanbul Convention are available in a wider variety of languages, in particular Sami, in order to reduce the language barriers that some groups of women experience when seeking help.**

## **G. Support for victims of sexual violence (Article 25)**

134. In Norway, two types of specialist support services, namely the Sexual Assault Centres and the Centres for Victims of Incest and Sexual Abuse (SMISO, which are also called NOK) have been rolled out across the country to provide holistic and sensitive support to victims of rape and sexual violence. GREVIO notes with satisfaction the availability of high-quality and specialist support services for victims of sexual violence in Norway.

135. On the one hand, 23 Sexual Assault Centres located in medical clinics or hospital facilities function as sexual violence referral centres and offer immediate medical support by treating injuries and detecting sexually transmitted disease, providing forensic examination to secure evidence and crisis intervention.<sup>102</sup> Professionals working at the Sexual Assault Centres include doctors, nurses and social workers, who must ensure confidentiality and only report cases of sexual violence if there are immediate and severe risks of revictimisation or of someone else being subject to violence. Forensic and gynaecological examination to secure evidence can be carried out regardless of whether the victim intends to report to the police, which is in line with Article 18, paragraph 4, of the convention. Any evidence lifted off the victim will be transmitted to the police only if the victim decides to press charges.<sup>103</sup> Professionals working at the Sexual Assault Centres can also refer victims to

99. See the state report to GREVIO, p. 51, see also: [www.dinutvei.no/en/english/what-is-the-red-cross-helpline-for-forced-marriage-and-female-genital-mutilation/](http://www.dinutvei.no/en/english/what-is-the-red-cross-helpline-for-forced-marriage-and-female-genital-mutilation/).

100. Information obtained during the evaluation visit.

101. See WAVE Country Report 2019, pp. 115-116.

102. See the state report to GREVIO, p. 49, see also <https://dinutvei.no/en/english/what-is-an-assault-centre/>.

103. Ibid.

lawyers, the police and follow-up services providing more long-term support, including SMISO and crisis centres.

136. On the other hand, the 21 Centres for Victims of Incest and Sexual Abuse (SMISO) offer low-threshold support to victims of sexual violence and their relatives in the form of free-of-charge, medium-term psychosocial counselling.<sup>104</sup> They deliver services primarily to adult women and men, while some centres also provide services to children. There are 13 centres employing professionals who have the expertise to work with children and youth. Furthermore, services tailored to the needs of people with immigrant background are available in 16 centres. The services provided vary from centre to centre and include, among other things, telephone helplines, individual counselling and participation in self-help groups. Four out of the 21 SMISOs are available around the clock. SMISOs are funded by national and local authorities and are run by intermunicipal agencies or NGOs. The staff operating in SMISOs work under a confidentiality obligation and cannot disclose the testimonies of the victims, except if there is an immediate or severe threat to the victim or someone else's life. In 2019, the average longest travel distance to reach a SMISO was 166 km.<sup>105</sup> In 2019, 2 870 people used the services of SMISOs, 84% of which were women.<sup>106</sup> An evaluation of the functioning of SMISOs has shown that while most users were satisfied with the support they received, it was indicated that the funding system based on state and municipal grants has often led to a certain financial instability for those services.<sup>107</sup> In addition, as GREVIO has noted previously, rape crisis centres, in line with Article 25, should provide long-term counselling,<sup>108</sup> and it is thus gravely concerned about indications from NGOs that some of the SMISOs face difficulties in providing long-term psychosocial support to victims of sexual violence, including follow-up counselling.<sup>109</sup>

137. In addition, the DIXI Resource Centre is a free service in Oslo for victims of rape and their relatives. It provides individual and group counselling sessions for victims, free legal aid, telephone and online counselling, and help in contacting health and other support services.<sup>110</sup>

**138. GREVIO encourages the Norwegian authorities to ensure the availability of long-term psychosocial support for women victims of sexual violence in an adequate geographical distribution, and to ensure the financial stability of those services.**

## **H. Protection and support for child witnesses (Article 26)**

139. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

140. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.<sup>111</sup> It is thus of crucial importance to ensure their access to age-appropriate psychological counselling and therapy as soon as they come to the attention of the authorities.

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104. See the state report to GREVIO, p. 48, see also <https://dinutvei.no/en/english/what-is-the-support-centre-for-survivors-of-incest-and-sexual-abuse-smiso/>.

105. See the state report p. 48.

106. See the state report to GREVIO, p. 46.

107. See Mette I. et al. (2017), "The centres against incest and sexual abuse: An evaluation of the centres' work and framework conditions" (in Norwegian) available at <https://oda.oslomet.no/oda-xmlui/bitstream/handle/20.500.12199/5119/Nettversjon-Rapport-16-17-Sentrene-mot-incest-og-seksuelle-overgrep.pdf?sequence=1&isAllowed=y>.

108. See previous considerations of this issue in GREVIO reports on Denmark, Finland, France, Serbia and Sweden (Mid-term horizontal review of GREVIO baseline evaluation reports, 2021, paragraph 285).

109. Information obtained during the evaluation visit.

110. See: [www.dinutvei.no/en/english/what-is-the-dixi-resource-center-against-sexual-assault/](http://www.dinutvei.no/en/english/what-is-the-dixi-resource-center-against-sexual-assault/).

111. "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at [https://vawnet.org/sites/default/files/materials/files/2016-09/AR\\_Witness.pdf](https://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf).

141. In Norway, pursuant to Section 1-1 of the Law on Child Welfare, children and young people living in conditions that may harm their health and development must receive the necessary and timely assistance, support and protection. In this context, many public agencies are tasked with providing support and information to children witnessing domestic violence, which GREVIO welcomes.

142. Among those, GREVIO notes with particular satisfaction the Children's House (Barnahus) network that has grown across Norway since 2007 and that is key to providing child-sensitive support. The legal basis for the Barnahus is set out in the Law on Child Protection and the Law on Criminal Procedure of 2015, such as the duties of their staff members and the groups of children covered by such assistance. Children witnessing violence are treated as victims in line with the legal framework, which GREVIO welcomes. There are currently 11 Barnahus in Norway, which are established in every police district with the exception of Finmark and provide services to children under 16 who are victims or witnesses in a criminal investigation for cases of alleged sexual abuse, bodily harm, domestic violence or FGM.<sup>112</sup> Barnahus also provide services to victims of violence and sexual assault from other vulnerable groups, such as persons with intellectual disabilities. The services provided by the Barnahus include child-sensitive police interviews, psychosocial support and follow-up and medical examinations, when necessary, as well as co-ordination with other services. The Barnahus are under the supervision of the Ministry of Justice and are co-ordinated by the Police Directorate.<sup>113</sup> They are often located in separate buildings, although some are part of police stations. Their functioning is based on the provision of multidisciplinary expertise, involving psychologists, social workers, police officers and medical staff, and child welfare services on a case-by-case basis. Interviews with children are carried out in child-friendly interview rooms by trained professionals and recorded with a view to preventing their re-traumatisation, which GREVIO welcomes. In 2020, 2 108 facilitated interviews were carried out with children or adults with intellectual disabilities in relation to sexual offences, 2 478 in relation to violence and 177 in relation to other offences.

143. In addition, pursuant to Section 3 of the Law on Crisis Centres of 2010, domestic violence crisis centres shall ensure that children are supported in an adequate manner. The Directorate for Children, Youth and Family Affairs has provided guidelines for supporting children staying in crisis centres.<sup>114</sup> While welcoming the legal obligation to consider the individual needs of children staying in shelter facilities, GREVIO was informed that, in practice, some crisis centres are not equipped to provide tailored support to children. Moreover, about 33% of children had to interrupt preschool or school attendance while staying in crisis centres.<sup>115</sup> While in most cases this was due to safety concerns, GREVIO notes that the long travel distances between crisis centres and educational institutions was equally a factor. Furthermore, according to shelter statistics for 2020, one in four women and one in five children had stayed in a crisis centre before.<sup>116</sup> Taking these figures into account, GREVIO notes that safety and protection of abused women and their children probably can be better achieved by a higher use of measures such as emergency barring and restraining orders, rather than by placing them in a crisis centre. Where child-protection examinations lead to an assessment that a child is being harmed by witnessing or experiencing violence in the home, the public interest would require protection measures to be issued (see Chapter VI). Finally, municipal health services and school health centres appear to be central in identifying child victims and witnesses of violence, since they are under a legal obligation to actively prevent, detect and report cases of violence, child abuse and neglect.<sup>117</sup> The national professional guidelines recommend that the detection of child abuse and neglect should be systematically addressed during medical check-ups of children. In this context, school nurses and municipal health services must report to

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112. See the state report to GREVIO, p. 53, See also Kaldal A. (2020), "Comparative review of legislation related to Barnahus in Nordic countries: Public consultation process of the draft Child protection in criminal proceedings and comprehensive treatment of children in the Children's House Act of 1 June 2020".

113. Ibid.

114. See the 2010 Law on Crisis Centres, LOV-2009-06-19-44, available (in Norwegian) at <https://lovdata.no/dokument/NL/lov/2009-06-19-44>.

115. See the submission made by Norwegian civil society organisations to GREVIO in 2020, pp. 31-32 and also Bliksvær T., Skogøy B. E., Sloan L., Bakar N., Johnson R. and Kosuta M. (2019), p. 5, available for download at: <https://norsk.brange.unit.no/norsk-xmloi/handle/11250/2727373>.

116. Information obtained during the evaluation visit.

117. See the state report to GREVIO, pp. 52-53.

child welfare services if there is sufficient reason to believe that a child is being subject to severe abuse or neglect.

**144. GREVIO encourages the Norwegian authorities to take the necessary measures to provide support and protection to children who accompany their mothers to domestic violence crisis centres by ensuring continued access to education, including by making greater use of emergency barring and protection orders.**

#### **I. Reporting by professionals (Article 28)**

145. In Norway, Section 196 of the Penal Code imposes a duty on every adult to avert criminal acts, including those related to violence against women. This obligation also applies to all relevant professionals such as social workers and healthcare personnel and overrides any duty of confidentiality. Failure to comply with Article 196 is punishable by a fine or up to one year imprisonment. The provision, however, provides a certain level of discretion in the execution of the duty to avert. Accordingly, the duty may be discharged by notifying the police but also by averting the criminal act or its consequences “by other means”.

146. As regards the duties and competencies of healthcare professionals, GREVIO notes that the Health Personnel Act provides that such professionals have a duty to inform social welfare services when the matter in hand may require measures from the latter after having obtained the patient’s consent.<sup>118</sup>GREVIO, however, does not possess any information on the simultaneous application of this provision in cases of violence against adult women with Article 196 of the Penal Code, given that the latter invalidates the requirement of the patient’s consent before seeking the involvement of other institutions.

147. GREVIO draws attention to the effect such mandatory reporting requirements may have on certain groups of women, such as irregular migrant women or women from national and/or ethnic minorities, discouraging them from seeking medical help, as they fear mandatory reporting and the institution of criminal proceeding against their will.

148. While GREVIO notes that the imposition of reporting obligations on professionals does not run counter to Article 28 of the Istanbul Convention, blanket reporting obligations may raise issues around the provision of victim-centred and gender-sensitive support services. Mandatory reporting may in fact constitute a barrier to help seeking for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children (such as retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). Where the authorities have introduced mandatory obligations for professionals, GREVIO notes that these should allow for the balancing of the victims’ protection needs – including those of her children – with respect for the victim’s autonomy and empowerment, and should thus be circumscribed to cases in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. In these cases, reporting may be made subject to certain appropriate conditions such as the consent of the victim, except for some specific cases such as where the victim is a minor or is unable to protect her/himself due to disabilities.<sup>119</sup>

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118. According to Section 6 (4) of the Child Welfare Act, notwithstanding the duty of confidentiality, the public authorities have an obligation to inform child welfare services if there is reason to believe that the child is subject to severe neglect. Persons subject to professional secrecy, such as doctors, nurses and psychologists, also have the same obligation to provide such information.

119. See paragraph 148 of the Explanatory Report to the Istanbul Convention.

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149. **Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the Norwegian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Norwegian authorities to review the obligation for professionals to report cases of violence against women, including the obligation to report to the police and to alert social services, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected.**



## V. Substantive law

150. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

### A. Civil law

#### 1 Civil remedies against the state – ensuring due diligence (Article 29)

151. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the Istanbul Convention).

152. In Norway, public officials are criminally liable for any negligent or intentional violation of their public duties and may be dismissed if convicted thereof (Criminal Code, Chapter 19, Sections 171 and 172). Under the Damages Act, the state may be liable for damages caused by a public official or employee (Chapter 2).

153. However, GREVIO notes that the procedure to launch criminal proceedings against public officials for negligent behaviour, misconduct or failure to comply with their positive obligations requires the decision of the Criminal Investigations Bureau as a prerequisite. GREVIO notes with concern that the latter may delay or completely prevent the victims' ability to initiate criminal proceedings and consequently seek redress in the course of those. Moreover, no statistical data seem to be available as to the number of civil proceedings in relation to unlawful action or omissions by public authorities in cases of acts of violence covered by the Istanbul Convention, making it difficult to assess to what extent these procedures, in practice, address any failure of the public authorities to comply with their due diligence obligation.

**154. GREVIO strongly encourages the Norwegian authorities to ensure through all available means that women victims of any of the forms of violence against women are aware of and given the practical means to challenge and address any wrongdoing by state actors, including by re-examining and removing any barriers that may delay or prevent victims from doing so.**

**155. GREVIO encourages the Norwegian authorities to measure progress in this area by collecting data on the number of proceedings initiated by victims and their outcomes.**

#### 2 Compensation (Article 30)

156. A person who has suffered bodily injury or impairment of health as a result of a violent crime that infringes upon life, health or freedom may be entitled to criminal injuries compensation under the Compensation for Victims of Violent Crime Act. The scheme encompasses compensation for expenses, loss of income, loss of future income, damages for pain and suffering for permanent medical invalidity, reparation for non-pecuniary damage and compensation for surviving relatives. As a main rule, the perpetrator is financially responsible for his or her actions against victims and the victim can make such a claim within the course of criminal proceedings or initiate civil proceedings for that purpose. When compensation is paid by the state under the Compensation for Victims of Violent Crime Act, the state may seek redress from the perpetrator where appropriate. The compensation scheme is a subsidiary arrangement, which means that when the appropriate level of compensation is determined, deduction is made by payment from the perpetrator, insurance

payment and other compensation received from other parties in connection with the incident. Applications for compensation for victims of violent crime are decided by the Criminal Injuries Compensation Authority and may be appealed to the Compensation Board for Victims of Violent Crime.

157. Compensation is granted for physical and psychological suffering and the law sets 60 times the “basic amount” defined under the Norwegian National Insurance Scheme as the upper limit of the amount of compensation for which a single applicant may be eligible. In 2018, a total of €16.21 million was paid to female applicants, with an average payment of €12 144. In 2019, a total of €15.57 million was paid to female applicants, with an average payment of €13 400. According to the information provided by the authorities, in 2020, compensation was granted to a total of 944 women, out of whom 118 were victims of domestic violence. In that year, the average payment was € 15 894, and the overall approval rate was 49.4%. In 2021, the average payment was €16 001, while the overall approval rate was somewhat increased (55%).

158. GREVIO welcomes the fact that state compensation is, in principle, available to women victims of violence in Norway,<sup>120</sup> including victims of online abuse. It notes however with concern that the Compensation for Victims of Violent Crime Act excludes victims of sexual harassment from the scope of the state compensation scheme except in the most serious cases. Even though the Equality and Anti-Discrimination Tribunal may award compensation for sexual harassment as defined in Section 38 of the Equality and Anti-Discrimination Act, only the cases where the tribunal has reached an unanimous decision and the respondent does not contest the compensation claim are eligible for compensation. The law also sets an upper limit of 10 000 Norwegian kroner (NOK) (approximately €1 000) for compensation in sexual harassment cases, and the question may be raised as to whether the latter can be seen as adequate compensation for the losses suffered.

159. GREVIO also notes certain shortcomings in the practical application of the Compensation for Victims of Violent Crime Act. Data collected by the Criminal Injury Compensation Authority on the total number of applications for compensation processed (claimed and granted) are not disaggregated by the applicants’ sex. According to the information offered in the state report, in 2018 and 2019 the authority processed 2 143 and 2 819 applications from women respectively.<sup>121</sup> Compensation was awarded in 1 295 cases in 2018 and 1 222 cases in 2019. The lengthy processing times reaching up to 18 months can further have detrimental results for the victim by affording the perpetrator further time to organise his insolvency. GREVIO has been made aware that a new Compensation for Victims of Violent Crime Act has been adopted by the parliament on 3 June 2022 and will enter into force on 1 January 2023, which introduced a stricter criterion to access this mechanism; as a general rule, the victims will be eligible to apply to this mechanism only if there is a court ruling awarding victims compensation in the context of a criminal case against the perpetrator.<sup>122</sup>

160. **GREVIO encourages the Norwegian authorities to:**

- a. take the necessary measures in order to ensure that victims are informed about the legal possibilities to claim compensation for women victims of any of the forms of violence covered by the Istanbul Convention, with a view to facilitating their access to the available mechanisms;**
- b. ensure that the Criminal Injuries Compensation Authority collects data disaggregated by sex, age, type of violence, the relation of the perpetrator to the victim and geographical location on claimed and granted compensation requests in order to analyse the effectiveness of the compensation system;**

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120. Compensation to female victims was granted for the following offences in 2020: attempted rape, attempted murder, attempted robbery and robbery, domestic violence, threats, rape, sexual acts, violation of the body/bodily harm, violence against public servants, exposure to violence, child abduction, hate crime, violence experience by children, online abuse and others (unspecified). Compensation was also granted to “survivors after murder” (it can be assumed that this is related to compensation granted to children/relatives of victims who were murdered in the context of domestic violence).

121. Disaggregation by sex is provided for the purpose of the state report, but disaggregation is not commonly done.

122. See the report from the National Human Rights Institution, p. 8.

- c. **ensure that compensation claims are dealt with within a reasonable time as required by Article 30, paragraph 3, of the Istanbul Convention, to ensure that victims receive the financial support they need.**

### **3 Custody, visitation rights and safety (Article 31)**

161. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention requires such decisions to take into account any incidents of violence covered by the convention, in particular incidents of domestic violence. Furthermore, it requires parties to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator. In particular, in cases of domestic violence, issues regarding children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face to face.<sup>123</sup>

162. The Norwegian Children Act proclaims the best interests of the child as the guiding principle in all matters related to the exercise of parental responsibility, custody and right of access. The act provides a mandatory dispute resolution system before family counselling services in custody and visitation cases. Accordingly, all separating or divorcing parents with children under the age of 16 must attend mediation sessions for a minimum of one and maximum of seven hours. While the attendance of both parents in person and at the same time is the rule, the act stipulates that when appropriate, the mediator may decide that the parties shall attend separately or with a representative. The mediators make use of a digital tool to identify high risk cases, including cases of domestic violence. After mandatory mediation, a certificate is issued for six months, during which parties can initiate court proceedings.

163. The law provides that when deciding on these matters the relevant authorities must ensure that the child is not subjected to violence or in any other way treated in such a manner as to impair or endanger his or her physical or mental health. Children's witnessing of domestic violence has long been regarded as falling within the remit of this provision in Norway: all three NAPs on domestic violence consider children's witnessing of violence as a form of abuse itself and acknowledge its detrimental impacts on children, which GREVIO welcomes. GREVIO notes with particular satisfaction that the Norwegian Children Act explicitly prohibits the access rights of parents who have been issued with a restraining order under Section 57 of the Penal Code or a ban on visits under Section 222a of the Criminal Procedure Act, including in a domestic violence context, regardless of prior agreement or decision.

164. However, GREVIO identified certain shortcomings in the child custody and contact system in Norway. According to existing research,<sup>124</sup> high-conflict families, which include families affected by domestic violence, are offered inappropriate or inadequate services by mediators due to the lack of systematic training on issues related to such families. . This might undermine the mediators' ability to correctly identify the need for separate meetings as provided for by the Children Act, thus obliging victims of domestic violence to encounter their abusive ex-partner. GREVIO notes that the mandatory nature of the mediation process in custody decisions with no possibility for exceptions<sup>125</sup> in cases of families marred by domestic violence runs counter to the standards of the Istanbul Convention.<sup>126</sup> Instead, separate meetings should be granted regularly upon the request of a victim

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123. Istanbul Convention, Explanatory Report, paragraph 176.

124. Nylund, Anna. (2018). A Dispute Systems Design Perspective on Norwegian Child Custody Mediation, p. 18, available at: [www.researchgate.net/publication/324184758\\_A\\_Dispute\\_Systems\\_Design\\_Perspective\\_on\\_Norwegian\\_Child\\_CustodyMediation](http://www.researchgate.net/publication/324184758_A_Dispute_Systems_Design_Perspective_on_Norwegian_Child_CustodyMediation)

125 Regulations on mediation pursuant to the Marriage Act and the Children Act Section 7 states: "[...] However, a parent is not obliged to attend if compelling reasons arise. The mediator decides whether compelling reasons exist. Parents are also not obliged to attend mediation (exception to the requirement for a mediation certificate) if one of the parents has been convicted of serious violence or abuse against their own children." The regulations however, do not specify compelling reasons, apart from serious violence against children and while the mediators can grant separate meetings to parents if violence is discovered, the information at hand does not indicate how often this option is made use of.

126. See Article 48, Prohibition of mandatory alternative dispute resolution processes or sentencing.

of domestic violence. When considering whether there should be a joint meeting, the mediators should first conduct a risk assessment based on information from both parents as well as from other bodies, including law enforcement, municipality, health, education and specialist women's support services to see if a separate meeting is justified in the circumstances of the case. GREVIO notes that some form of risk assessment is carried out which consists of the pre-selection of cases based on a questionnaire; however, GREVIO notes that the said questionnaire is comprised of only eight questions addressed to both parents and mediation services are not able to obtain or seek information from other bodies or specialist services about the occurrence of violence during this pre-selection process. Instead, mediators rely only on information received from both parents, which GREVIO regards as problematic. The risk assessment should also extend to decisions on custody and visitation arrangements in cases involving a history of violence and abuse, even though the parents may have reached an agreement on the matter. This will ensure that the agreed arrangements are in the best interests of the child and in particular that the safety of the non-abusive parent and the child are protected. GREVIO notes that the Homicide Committee, while highlighting a danger associated with shared custody among couples with history of intimate partner violence, recommended an analysis of whether the Children Act's provisions on visitation adequately take into consideration the protection of the abused parent.<sup>127</sup>

165. GREVIO regrets that no data were provided on the number of cases in which custody and visitation rights have been limited, restricted or denied because of a child witnessing violence. However GREVIO heard alarming accounts from representatives of domestic violence crisis centres of perpetrators using child visitation as an opportunity to continue their violent behaviour towards their current or former partners.<sup>128</sup> GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child; however, exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interests of the child.

166. According to research, although child custody mediation is mandatory in Norway for all separating couples with children, the number of child custody disputes in courts is similar to the other Nordic countries with voluntary mediation schemes only.<sup>129</sup> When custody and visitation disputes reach the courts, GREVIO takes note of other research indicating that awareness of different causes of high conflict among parents regarding child custody appears to be low particularly among judges, as is the knowledge of their consequences on parenting and the children.<sup>130</sup>

167. Based on Section 43a of the Children Act, contact with children may be made under supervision by a publicly appointed person where the needs of the child dictate so. The courts may order protected supervision or supported supervision and these orders prescribe the necessary conditions for access, including the limit of duration. The person supervising the visit may be a child welfare officers, or a person with whom the child welfare service enters into an agreement. The visitation is carried out in a suitable place. When the circumstances reveal that visitation with the parent is not in the child's best interests, the supervisor shall immediately produce a report indicating this.

**168. GREVIO urges the Norwegian authorities to introduce the principle of non-mandatory mediation in family law processes that concern families marred by a history of violence.**

**169. In the interim, GREVIO urges the Norwegian authorities to introduce an appropriate screening process in order to identify families with a history of violence, including violence perpetrated by one parent against the other, in order to apply exceptions to mandatory mediation in family law processes aiming to establish decisions on custody and visitation rights by making use of information received from both parents and relevant entities, including but not limited to law-enforcement agencies, social services, health, education, domestic violence crisis centres and/or other women's specialist support services.**

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127. Report of the Norwegian Partner Homicide Committee, 2020.

128. Information obtained during the evaluation visit.

129. Nylund A. (2018). A Dispute Systems Design Perspective on Norwegian Child Custody Mediation. In: Nylund A., Ervasti K., Adrian L (eds) *Nordic Mediation Research*. Springer, Cham. See: [www.doi.org/10.1007/978-3-319-73019-6\\_2](https://doi.org/10.1007/978-3-319-73019-6_2).

130. Ibid.

170. **GREVIO further urges the Norwegian authorities to establish a risk-assessment process in cases where parents with a history of abuse by one parent against the other have reached an agreement about custody, visitation or residence with a view to determining that the agreement is in the best interests of the child and that the safety of the woman and her child are ensured.**

171. **Finally, GREVIO urges the Norwegian authorities to:**

- a. **increase the competence of mediators, family counsellors, psychologists, judges and other professionals working with child custody and visitation issues to recognise and take into due consideration domestic violence witnessed by children, through in-service training;**
- b. **systematically collect data on the number of cases in which custody and visitation rights have been limited, restricted or denied because of a child witnessing violence and use such data as means for reviewing and revising policies in this area.**

#### **4 Civil consequences of forced marriages (Article 32)**

172. Article 32 of the Istanbul Convention requires that “marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim”. The aim of this provision is to ensure that where women and girls free themselves from marriages concluded without their free consent, they do not have to bear any consequences regarding their civil status.

173. According to Article 16 (4) of the Norwegian Marriage Act, victims of forced marriages can file for divorce without having to undergo the legal separation period or seek the annulment of the marriage. The application for annulment must be made within one year of being free from the forced marriage, and no later than five years after entering into the marriage. The Marriage Act also allows county governors to initiate legal proceedings to annul a marriage if needed. This provision may apply to cases of bigamy, forced marriage or if one of the spouses was a minor at the time in marriages entered into in a foreign country. While GREVIO welcomes the ability of county governors to launch proceedings for the annulment of forced marriages, no data have been made available to enable GREVIO to assess whether this option is used in practice and if so to what effect. GREVIO further notes with concern that the time limit of five years of marriage after which annulment is no longer possible unduly restricts the ability of women victims of forced marriage to seek annulment.

174. **GREVIO encourages the Norwegian authorities to take measures to strengthen the legal remedies for women in situations of forced marriage in order to regain their unmarried civil status, in particular by removing the time limit on annulments and by offering the legal entitlement to void or dissolve a marriage.**

## **B. Criminal law**

### **1. Psychological violence (Article 33)**

175. Psychological violence is not explicitly criminalised in the Norwegian Criminal Code, although the offence of abuse in personal relationships (Chapter 25, Section 282), reckless behaviour (section 266), serious personal persecution (section 266 a), violation of privacy (section 267) and the offences of threats and coercion (Chapter 24, sections 251, 252, 263 and 264) cover some forms of violence that are frequently experienced in domestic violence situations. According to the state report, the offence of abuse in personal relationships is applicable to psychological violence so long as it reached the level of abuse.<sup>131</sup> The prescribed punishment for a basic form of this offence is imprisonment for a maximum of six years. The determination of whether the impugned act reaches the threshold set out in the law is made on a case-by-case basis and taking into consideration factors

131. As established by the Supreme Court of Norway in 2013, Rt. 2013, p. 879.

including, but not limited to, the seriousness of the violent act, its time span and the relationship between the perpetrator and the victim. Based on the practice of the Supreme Court of Norway, children who have witnessed violence between their guardians are deemed to be injured parties. The offence of coercion is met when a person unlawfully by violence or threat or by putting forward harmful information or defamatory allegations forces another to do, endure or omit to do something. The offence of threat requires a person to inflict serious fear in another by threatening to engage in criminal conduct. These provisions do not encompass a course of conduct which might consist of several incidents of conduct of a lower intensity, which often form part of the pattern of abuse in domestic violence situations and which is what Article 33 of the Istanbul Convention seeks to capture. In essence, the existing criminal offences in the Norwegian Criminal Code do not correspond to all acts that seriously impair the psychological integrity of a person as required by Article 33.

176. GREVIO has had the opportunity to examine the approaches of using general offences such as coercion and threat to capture psychological violence as well as using domestic violence to prosecute psychological violence. There are certain shortcomings in both of these approaches. First, general offences typically set the threshold of conduct very high to be considered criminal behaviour and are designed to sanction single isolated events, rather than a pattern of repeated and prolonged abuse committed through acts which do not, per se, necessarily reach the threshold of criminalisation. Psychological violence, as understood by the convention, may be employed at early stages of the cycle of violence, or throughout, in order to control the victim. Furthermore, without a criminal offence adequately covering psychological violence, law-enforcement agencies are ill-equipped to respond to this type of violence. Similarly, domestic violence provisions are rarely used to prosecute psychological violence alone, but rather psychological violence coupled with physical violence. Therefore, these approaches often fall short of adequately capturing the harm experienced by victims of psychological violence.<sup>132</sup>

177. GREVIO notes with concern the lack of data on the number of cases of psychological violence in abusive relationships that are reported, investigated, prosecuted and eventually lead to a conviction. According to the authorities, the offence of abuse in personal relationships includes both psychological and physical violence, so there is no distinction in the crime statistics.<sup>133</sup> Such data would be essential to demonstrate the level of understanding by police and prosecutors or the existence of any specific training efforts for the criminal justice authorities on applying the above-mentioned offences set out in the Criminal Code. It is not possible with the information at hand to establish whether these provisions in practice fully capture instances of psychological violence which victims of domestic violence may experience, including coercive control and other manifestations of psychological abuse in this context that is below the threshold of the above offences. GREVIO, however, welcomes the information provided by the Norwegian authorities that a legislative committee has been set up to provide an analysis of legal issues that arise in cases relating to negative social control and psychological violence, among other topics. The committee's mandate explicitly states the need to investigate whether victims of psychological violence have sufficient legal protection under the existing criminal provisions and whether Norway fulfils the Istanbul Convention's obligation to criminalise psychological violence. While the committee is yet to finalise its report, GREVIO is hopeful that the work of the committee will lead to the increased compliance of the Norwegian Criminal Code with the standards of the Istanbul Convention in the near future.

**178. GREVIO invites the Norwegian authorities to pursue their current efforts to introduce a specific criminal offence of psychological violence to capture more adequately the criminal conduct covered by Article 33 of the Istanbul Convention and to increase awareness, including through the training of judges, law-enforcement agencies and legal professionals, of the gendered nature and consequences of psychological violence.**

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132. See the Mid-term Horizontal Review of GREVIO baseline evaluation reports, pp. 119-121, available at [www.rm.coe.int/horizontal-review-study-2021/1680a26325](http://www.rm.coe.int/horizontal-review-study-2021/1680a26325).

133. Information obtained during the visit.

## 2. Stalking (Article 34)

179. GREVIO commends Norway for introducing the specific crime of stalking in 2016 (Chapter 24, Section 266 and 266a) to comply with the standards of the Istanbul Convention. Section 266 of the Criminal Code provides for punishment by imprisonment of up to two years of any frightening or bothersome behaviour or other harassing conduct which violates another person's peace. Section 266a sets out the serious form of the stalking offence where a person repeatedly threatens, follows, watches, contacts or by other comparable acts stalks another person in a manner which is likely to cause fear or anxiety, punishable with up to four years in prison.

180. GREVIO notes that the wording of sections 266 and 266a are fully in compliance with the Istanbul Convention. However, the limited data available indicate certain shortcomings in prosecution, such as the high number of cases in which prosecution was discontinued and the low number of sanctions imposed, most of which consist of fines.<sup>134</sup> While GREVIO acknowledges difficulties in prosecuting stalking, it points to the need to provide adequate guidance to criminal justice professionals on how to handle the complex nature of stalking,<sup>135</sup> including ex-partner stalking.

**181. While recognising that Norway has introduced a dedicated offence of stalking, which is in full compliance with the Istanbul Convention, GREVIO invites the authorities to review whether general guidelines for legal professionals, such as the Prosecution Instructions, include procedures on how to deal with the complex nature of this offence and to introduce changes as appropriate.**

## 3. Physical violence (Article 35)

182. Section 282 of the Norwegian Criminal Code sets out the offence of abuse in personal relationships. The provision defines the term "abuse" as threats, use of force, deprivation of liberty, violence or other degrading treatment against a person to whom the perpetrator has a close relationship. Accordingly, the victim may be a romantic partner, cohabitant or spouse of the perpetrator but may also include children, grandchildren or other close relatives, members of the person's household or anyone in the person's care. The Norwegian Criminal Code also contains a number of provisions for general offences such as physical assault, threats, coercion and sexual violence. These are applicable in cases where domestic violence is committed by former or current partners who do not cohabit with the victim. In the absence of data distinguishing between the application of general provisions in comparison to the specific offence prescribed by Section 282 of the Norwegian Criminal Code, disaggregated by the relationship of the perpetrator to the victim, it is impossible for GREVIO to assess how frequently the provision on violence in personal relationship is used to prosecute intimate partner violence.

**183. GREVIO encourages the Norwegian authorities to ensure the effective application of the full range of criminal offences relevant to physical and psychological violence employed by one intimate partner against the other.**

## 4. Sexual violence, including rape (Article 36)

184. Sexual violence is criminalised in Chapter 26 of the Criminal Code. Section 291 covers sexual assault through force or threat; and there are other offences: Section 292 (sexual assault involving penetration); Section 293 (aggravated sexual assault); Section 294 (grossly negligent sexual assault); and sections 295 and 296, which cover sexual abuses of power stemming from professional and institutional relationships as well as other situations where there is a power imbalance between the perpetrator and the victim and sections 299 to 314 covering various offences involving sexual abuse of a child. Sections 291 to 293 of the Criminal Code also apply to sexual violence, including sexual assault, perpetrated against a former or current spouse or partner and the fact that the victim

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134. See Chapter VI, General obligations, immediate response, prevention and protection (Articles 49 and 50), Conviction rates.

135. See the Mid-term horizontal review of GREVIO baseline evaluation reports, 2021.

and perpetrator have previously been married or lived together cannot be regarded as a mitigating factor. Section 297 of the Criminal Code covers sexual acts performed without consent, which is punishable by a fine or imprisonment for up to one year.

185. On the basis of the above, GREVIO notes with concern that neither the offence of rape (Section 292) nor the additional sexual offences are based exclusively on the lack of consent (with the exception of Section 297), which is the central element of the way the Istanbul Convention frames sexual violence. Instead, they continue to be categorised according to the degree of physical violence or threat employed, or to the degree of the victim's helplessness, inability to offer resistance or to express their consent/will. As GREVIO has consistently stated, this approach does not fully capture the realities of women experiencing sexual violence and how they respond to threat (flight, fight, freeze, flop or befriend). The consequence is that not all forms of sexual violence are criminalised in Norway, as required by the convention. Other consequences include the requirement of higher thresholds of evidentiary standards of physical resistance, which was also voiced by the police officers met by GREVIO. In this context, GREVIO notes that research on the neurobiology of sexual trauma, conducted on victims of rape, shows that "freezing" (what is known as "tonic immobility") is a common reaction by victims associated with subsequent post-traumatic stress disorder (PTSD) and severe depression.<sup>136</sup>

186. While GREVIO notes that the law-enforcement and prosecution authorities as well as judges appear to have a good understanding and awareness of sexual violence and consent, the law currently in force still requires that women's experiences of rape and sexual violence are assessed through the prism of the use of violence, threat or unlawful deceit, rather than on the basis of their lack of consent. In this respect, while the offence under Section 297 deems lack of consent sufficient for the prosecution of certain acts, it is not clear what sort of behaviour is covered by this provision, nor are the sanctions foreseen capable of having a dissuasive effect for more serious forms of sexual violence.

187. GREVIO notes that adopting a definition of rape based on the lack of consent was considered by the Norwegian Government in 2013; however, these discussions did not yield a change in the law as the public bodies consulted regarded the existing definition as complying with international standards. More recently, in 2018 the Norwegian Parliament (*Storting*) held a vote on a number of parliamentarians' proposals to amend the legal definition of rape, which was also unsuccessful.

188. As an encouraging development, the NAP on rape (2019-2022) states that the Ministry of Justice and Public Security will consider whether to revise the chapter on sexual offences in the Norwegian Penal Code. According to the authorities, this may be a good basis on which to move toward consent-based definitions of rape and sexual assault. GREVIO notes in this regard that research shows that, as a result of the introduction of new rape offences, the number of prosecutions of non-consensual sexual acts has risen by up to 75%.<sup>137</sup>

189. GREVIO welcomes the advancement of discussions surrounding consent. It however notes with concern that under the Norwegian Criminal Code certain forms of sexual violence are punishable with lesser sanctions where unequal power dynamics between the perpetrator and the victim may seriously hinder the latter's ability to give informed consent. Such circumstances include the exploitation of a relationship of trust or dependency, the victim's mental illness or the vulnerable situation of a person under 18.<sup>138</sup> GREVIO warns against the creation of a hierarchy of victims on the basis of their characteristics, such as age, helplessness, dependence, disability or other things, and calls for appropriate legislative measures to send the message that rape is rape. Where the

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136. Research studies show that a substantial number of victims do not resist the perpetrator in any way: tonic immobility is described as an involuntary, temporary state of motor inhibition in response to situations involving intense fear. In various studies, significant immobility was reported by 37% to 52% of sexual assault victims. See Moller A., Sondergaard H. P. and Helstrom L. (2017), "Tonic immobility during sexual assault – a common reaction predicting post-traumatic stress disorder and severe depression", *Acta Obstetricia et Gynecologica Scandinavica*, 2017; 96: pp. 932-938.

137. See the report of the Swedish National Council for Crime Prevention (Brå) (2020), "The new consent law in practice: An updated review of the changes in 2018 to the legal rules concerning rape".

138. It should be noted in this context that the age of sexual consent in Norway is 16.



circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act.

**190. GREVIO urges the Norwegian authorities to amend the criminal legislation on sexual violence and rape to ensure that provisions are firmly rooted in the lack of freely given consent as required by Article 36, paragraph 1, of the Istanbul Convention. GREVIO further urges the Norwegian authorities to ensure appropriate sanctions for all sexual acts without the consent of the victim, irrespective of personal characteristics.**

#### **5. Forced marriage (Article 37)**

191. Chapter 24, Section 253, of the Norwegian Criminal Code criminalises forced marriage, including that coerced by violence, deprivation of liberty, other criminal or wrongful conduct or exerting undue pressure or by influencing the victim to travel to overseas where they will be forced to marry. GREVIO welcomes the recent legal amendments extending the scope of Section 253 to include extrajudicial forced marriages given that such marriages are often perceived to be as binding as marriages entered into formally. Cases of forced marriage are rarely reported to the police.<sup>139</sup> Entering into marriage with a person under the age of 16 is punishable irrespective of whether coercion is used (see Section 262, second paragraph of the Criminal Code<sup>140</sup>). Data for 2020 (not disaggregated by sex) show that only 16 offences of forced marriage were reported to the police, none of which resulted in prosecution.

**192. GREVIO invites the Norwegian authorities to ensure that Section 253 of the Norwegian Criminal Code covers the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this adult or child into a marriage.**

#### **6. Female genital mutilation (Article 38)**

193. Section 284 of the Norwegian Criminal Code criminalises female genital mutilation (FGM) and defines it as any act damaging or permanently modifying a woman's genitalia, including re-infibulation and regardless of the victim's consent. GREVIO notes with particular interest the obligation contained in the Section 196 of the Criminal Code, which is imposed on every adult citizen and thereby includes workers and employees in day-care centres, child welfare services, social services, health and care services, schools and before and after-school care services as well as elders and leaders of religious or belief communities, to alert authorities to cases of FGM. This obligation also applies to situations where FGM isn't performed but , its likelihood sets off the duty to avert to prevent it from happening. Failure to meet this obligation is punishable by a fine or up to one year in prison. GREVIO, however, does not have information on the implementation of the reporting obligation stipulated in Section 196 of the Criminal Code in cases of FGM, including in which the victim is a minor.

194. The intentional conduct of coercing or procuring a woman and that of inciting, coercing or procuring a girl to undergo any of the acts listed in Article 38 of the convention do not, however, find explicit expression in the Criminal Code of Norway.

195. GREVIO notes with concern that to date only 53 cases<sup>141</sup> have been reported, none of which resulted in prosecution. According to a study published by the National Centre for Violence and Traumatic Stress Studies (NKVTS),<sup>142</sup> the problem stems from the inability of forensic experts and doctors to pinpoint the timing of the occurrence, limiting the law-enforcement authorities' opportunities to proceed with prosecution. Some police officers interviewed for the study also expressed concerns that doctors do not take the child's legal rights seriously enough in these cases. It seems that more effort is needed to recognise and address this form of violence in co-operation

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139. In 2020, 16 cases were reported to the police.

140. State report, p. 62.

141. Six cases were reported to the police in 2020, and three and nine cases in 2019 and 2018, respectively.

142. Inger-Lise Lien, Prosecution of the Offence of Female Genital Mutilation/Cutting in Norway, *International Journal of Law, Policy and the Family*, Volume 31, Issue 2, August 2017, pp. 191-206, <https://doi.org/10.1093/lawfam/ebx003>.

with community-based organisations, and through training and awareness raising among professionals.<sup>143</sup>

196. **GREVIO strongly encourages the Norwegian authorities to criminalise the intentional conduct of coercing or procuring a woman to undergo any act of excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris, and any act of inciting, coercing or procuring a girl to undergo such acts.**

197. **Furthermore, GREVIO strongly encourages the Norwegian authorities to pursue efforts to increase awareness of female genital mutilation in society and to ensure an improvement in knowledge and understanding of this form of violence by relevant professionals, including but not limited to, health professionals, prosecutors, judges and lawyers.**

## **7. Forced abortion and forced sterilisation (Article 39)**

198. Forced abortion and sterilisation is only explicitly criminalised in the context of war crimes and crimes against humanity. According to the authorities, such acts are covered by the general provisions on violent crime, including Section 274 on aggravated bodily harm, cf. Section 11, and in practice, almost all of sterilisation and abortion operations conducted in Norway are voluntary.

199. **GREVIO strongly encourages the Norwegian authorities to criminalise the intentional behaviour of:**

- a. performing an abortion on a woman without her prior and informed consent;**
- b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.**

## **8. Sexual harassment (Article 40)**

200. The offence of sexual harassment defined in Article 40 of the Istanbul Convention covers any unwanted behaviour of a sexual nature that affects or might affect the dignity of a person. Sexual harassment is neither limited to the workplace nor to the family and can occur in multiple contexts. Accordingly, the context or setting in which it occurs does not constitute an element of the offence as defined in the convention. The convention allows parties to choose whether to sanction perpetrators of this offence either through criminal or non-criminal sanctions.

201. In Norway, sexual harassment is criminalised by various provisions of the Criminal Code. Chapter 26, Section 297, covers sexual acts performed without consent, Section 298 covers sexually offensive conduct in public or in the presence of or directed at any person who has not consented thereto. However, none of these provisions require a violation of the dignity of a person as required by the Istanbul Convention. Harassment, including sexual harassment in the workplace, is also prohibited pursuant to Section 4-3 of the Working Environment Act.

202. Moreover, the Equality and Anti-discrimination Act was amended in 2002 to include a prohibition against sexual harassment. Section 13 of the act defines sexual harassment as any form of unwanted sexual attention that has the purpose or effect of being offensive, frightening, hostile, degrading, humiliating or troublesome. The law also places an obligation on employers and managers of organisations and educational institutions to prevent and stop harassment and sexual harassment in their area of responsibility, which GREVIO welcomes.

203. GREVIO also welcomes the steps taken by the Norwegian Parliament in 2019 to amend the Equality and Anti-Discrimination Act to provide a low-threshold option for processing sexual harassment cases and empowering the Equality and Anti-Discrimination Tribunal to process cases of sexual harassment as of January 2020. Prior to this date victims of sexual harassment could only

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<sup>143</sup> The duty to avert FGM is discussed in more detail under Chapter IV, Article 28, Reporting by professionals.

take their cases to the court, which required a higher threshold to launch proceedings. However, due to limited data on the number of cases brought under the different pieces of legislation, it is difficult to assess the effectiveness of the existing legal framework on sexual harassment. Despite strengthened laws and increased awareness, figures from the Norwegian Institute for the Working Environment (STAMI) show a small increase in the number of people who reported unwanted sexual attention at work from 4.1% in 2016 to 4.5% in 2019. There is as much of an increase among men as women, but the level is much higher among young women.

**204. GREVIO encourages the Norwegian authorities to review the Criminal Code in accordance with Article 40 of the Istanbul Convention to include in its offence of sexual harassment acts of a sexual nature that might affect the dignity of the victim.**

## **9. Sanctions and measures (Article 45)**

205. While the Istanbul Convention leaves discretion to the parties as to the types of offence that merit a prison sentence and which other measures can apply, it requires that sanctions must be effective, proportionate and dissuasive. Under the Norwegian Criminal Code, a number of offences include fines as the lower range of punishment. These offences include physical assault, stalking, sexual acts performed without consent, sexually offensive conduct in public or in the presence of or directed at another person and violation of a restraining order. While GREVIO could not obtain detailed sex-disaggregated data on the sanctions imposed for the offences covered by the Istanbul Convention, an assessment of Statistics Norway's figures from 2020 reveal that fines have been the most imposed sanctions for the majority of principal offences, including violence and maltreatment as well as sexual offences. Conditional waiver of prosecution has also been widely made use of in these cases.

206. While GREVIO recognises the differences in penal policy and sanctioning regimes across member states of the Council of Europe, it is nonetheless concerned that judges do not easily resort to the full range of punishment in their sentencing practice. Weak sanctions send a message to victims, perpetrators and society that violence against women is less serious than other crimes, which can lead to more toleration and a sense of impunity.

**207. GREVIO strongly encourages the Norwegian authorities to take measures to ensure that criminal sanctions in cases of violence against women are effective, proportionate and dissuasive. In determining criminal sanctions, precautions should be taken to avoid victims being revictimised by the imposition of fines on their husbands or partners. The suspension of sentences should be the result of a careful balancing between the need, on the one hand, to promote the social reintegration of first offenders and, on the other, to contain the danger of recidivism, to avoid undue delays in criminal proceedings and to uphold the principle of accountability under criminal law.**

## **10. Aggravating circumstances (Article 46)**

208. The Norwegian criminal legislation grants judges a certain level of freedom to consider matters relating to the determination of sentences. Any aggravating circumstances are taken into account in the determination of a sentence either through the general provisions relating to the determination of a sentence (Chapter 14) or by providing a specific aggravated form of certain offences, including but not limited to physical assault, causing bodily harm and sexual offences. Aggravating factors provided by the Criminal Code include the criminal history of the offender but also motives based on race, skin colour, national or ethnic origin, religion or belief or sexual orientation. These do not, however, include all of the grounds set out in Article 46 of the convention to aggravate the crime, in particular the commission of the act against a former or current spouse or partner as recognised by internal law, by a member of the family or a person cohabiting with the victim.

209. **GREVIO strongly encourages the Norwegian authorities to ensure that the commission of an act against a former or current spouse or partner as well as the presence of children is considered as an aggravating circumstance by the judiciary, together with all other aggravating circumstances listed in Article 46 of the Istanbul Convention. This would include ensuring the understanding among the Public Prosecution Service and the judiciary that dismissals or short sentences in domestic violence cases and other forms of violence against women do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence.**

#### **11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

210. Article 48, paragraph 1, of the Istanbul Convention bans mandatory alternative dispute resolution procedures in relation to cases of all forms of violence against women. This prohibition includes mediation and conciliation, but it is limited to mandatory mechanisms. This provision stems from the principle that these mechanisms require that the parties enter into them freely. It is further based on the realisation that violence against women is a manifestation of unequal power relations and that inequality hinders freedom of consent. Furthermore, Article 48 serves to avoid re-privatisation of domestic violence and violence against women and to enable the victim to seek justice.

211. In Norway, the domestic legislation provides two types of mediation: criminal mediation between victim and perpetrator by the Conflict Resolution Board under Section 71a and Section 69, sub-section 3, of the Criminal Procedure Act and under Section 37, sub-section 1(i), of the Penal Code; and civil mediation under the Children Act between two parents in disagreement over custody and visitation arrangements as well as under the Marriage Act in divorce and separation cases with children under the age of 16.

212. Mediation in criminal law is a voluntary process intended to supplement the criminal justice process as a restorative element by offering the victim the opportunity to reach closure in a way the formal criminal justice process cannot. Referrals to mediation are either requested by the parties or recommended by the prosecuting authority. Both sides, victim and perpetrator, must consent to the process and may withdraw their consent at any time. It has no effect on the outcome of the criminal proceedings and does not replace a conviction; however, if the parties reach an agreement it results in the suspension of execution of the sentence.

213. As for civil mediation, this includes mandatory mediation for at least one hour before the Family Counselling Offices<sup>144</sup> for all separating couples with children under the age of 16 and pre-action mediation where a parent intending to instigate child custody proceedings at court must attend mediation for one to seven hours. Both alternative dispute resolution procedures are subject to the same regulation, but the pre-action mediation only concerns parents who have not found agreement in the initial mediation or parents who face new or recurrent conflicts.

214. Even though the law provides an exception to mandatory mediation in cases where one parent has been convicted of serious violence or abuse against the child or has been committed to psychiatric care, the system does not appear to take into consideration cases of intimate partner violence committed by one parent against the other and/or witnessed by the child. Section 26 of the Marriage Act provides that mediation is not mandatory prior to launching divorce proceedings where one spouse intentionally attempted to kill the other or their children or wilfully exposed them to severe maltreatment. The same applies if the spouse has behaved in a manner that is likely to arouse grave fear of such conduct. GREVIO is gravely concerned that the law sets a very high threshold (that is, attempted murder or severe maltreatment) for granting exemption from the mediation, which fails to offer protection from all forms of violence against women. The law also obliges the parties to attend mediation in person unless the mediator decides that compelling reasons prevent them from doing

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144. Family Counselling Service is a low-threshold service available throughout Norway, which provides counselling to families experiencing difficulties, crisis or conflicts.

so. However, it does not explicitly acknowledge intimate partner violence as such a ground, nor does it provide any other criteria.

215. Both domestic<sup>145</sup> and international<sup>146</sup> studies reveal that there is a significant proportion of couples with a history of abuse in mandatory mediation and the majority of those couples fail to reach an agreement even after 18 months. In cases involving intimate partner violence, the practice of obliging the victim to attend meetings with the ex-partner inevitably leads to re-traumatisation.

**216. GREVIO urges the Norwegian authorities to review whether in the current practice of mediation in divorce proceedings separate meetings are granted in cases where intimate partner violence was detected, and to take legislative as well as other measures to end the practice of mandatory mediation in divorce proceedings involving a victim of intimate partner violence. GREVIO further urges the Norwegian authorities to incorporate a risk-assessment procedure and other safeguards to ensure that any voluntary conciliation procedures are entered into on the basis of prior and informed consent.**

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145. FORM-project at the Department of Psychology, University of Oslo (Gulbrandsen, and Tjersland, 2011) and a study led by the Norwegian Centre for Applied Research, Technology and Innovation, SINTEF (Ådanes, Haugen, Jensberg, Lossius Husum and Rantalaiho, 2011).

146. Baitar R., Buysse A., Brondeel. R., Mol J. and Rober P. (2012), "Toward High-Quality Divorce Agreements: The Influence of Facilitative Professionals", *Negotiation Journal*, 28, 453-473: 10.1111/j.1571-9979.2012.00351.x.; Shaw L. (2010), "Divorce Mediation Outcome Research: A Meta-Analysis", *Conflict Resolution Quarterly*, 27, 447-467: 10.1002/crq.20006.

## **VI. Investigation, prosecution, procedural law and protective measures**

217. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

### **A. General obligations, immediate response, prevention and protection (Articles 49 and 50)**

218. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

#### **1. Reporting to, immediate response and investigations by law-enforcement agencies**

219. GREVIO welcomes the fact that the Norwegian police forces are instructed by the Director General of Public Prosecutions to give priority to cases involving violence against women and domestic violence in times of scarcity. These cases are also to be handled in a swift manner. Accordingly, the maximum processing time for decisions on prosecution and complaints shall not exceed 30 days in at least 90% of cases<sup>147</sup>. However, according to reports from civil society representatives, in practice the majority of investigations are not conducted in a timely manner.<sup>148</sup> According to the authorities, this is due to a lack of resources, but they also insist that cases involving violence are treated as priority. For rape cases, a national target of 130 days' processing time for investigation was introduced in 2019; since then, processing times have decreased gradually, and the average time was 138 days as of 31 August 2021. GREVIO welcomes the provision that allows for interviews to be carried out by a female police officer upon the request of the victim – 40% of police officers in Norway are female.

220. On a more general note, GREVIO welcomes the general understanding of Norwegian law-enforcement officers that the nature of domestic violence requires the investigators to act in a speedy manner in order to ensure collection of evidence. In that respect, GREVIO was informed that police officers take the necessary steps to act proactively and collect and preserve evidence of abuse, including asking for the victim's consent when requesting information from healthcare services. GREVIO also welcomes the fact that the Director of Public Prosecutions reviews the work of the police by randomly selecting cases; these "quality inspections" were carried out nationwide in 2016 and 2020.

221. The national prevalence study on rape from 2014 revealed that 9.4% of women had experience of rape, most of them did not report the rape to the police and a third of them did not disclose the rape to anyone.<sup>149</sup> According to the statistics from the National Police Directorate, the number of rape cases reported to the police has increased considerably in the last 10 years,<sup>150</sup> with an increase of nearly 22% between 2020 and 2021. However, there is a great disparity between the number of reported cases and those decided upon in court.<sup>151</sup> A review of the quality of investigations

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147 According to Decree RA-2021-1, section IV this requirement applies to the higher prosecuting authority, the Regional Public Prosecution Offices and the Director of Public Prosecutions), cf. for example 2. As for the police, there is a general requirement to give high priority to cases of abuse in close relationships, under Decree. RA-2021-1 section V 1, sections 8 and 9.

148. Submission by representatives of Norwegian civil society to GREVIO, including p. 38.

149. "Violence and rape in Norway – A national prevalence study with a life course perspective", Thoresen S. and Hjemdal O. K. (2014), overview of findings available at: [www.nkvts.no/english/report/violence-and-rape-in-norway-a-national-prevalence-study-with-a-life-course-perspective/](http://www.nkvts.no/english/report/violence-and-rape-in-norway-a-national-prevalence-study-with-a-life-course-perspective/).

150. See the report from the National Human Rights Institution, p. 5.

151. Ibid., p. 6.

in 275 reported rape cases by Norway's Director of Public Prosecutions in 2020 revealed that there is considerable room for improvement in the quality of police investigations. Shortcomings were identified in the initial phases of investigations, in particular regarding the steps taken to secure evidence. For example, in 20% of cases reviewed, relevant evidence from mobile phones was not secured. In 21% of the cases, photos of the crime scene were not taken. In one in three cases, no written mandates to experts were prepared for the forensic investigation, despite the requirements of the Criminal Procedure Act. The review further found that the use of coercive measures was rarely considered, even though it was a relevant factor in 63% of the cases. In 20% of the cases, additional witnesses should have been questioned. GREVIO notes with grave concern that these shortcomings have probably contributed to the high attrition rate in sexual violence cases: as much as 80% of reported rape cases are closed by the police and never reach the courts.

222. Moreover, GREVIO notes the information provided by women's rights NGOs and experts in the field that the police and other authorities have inadequate knowledge and experience of violence committed in the name of "honour", forced marriage and FGM.<sup>152</sup> GREVIO notes that this issue is a contributing factor to the low rates of prosecution in cases concerning forced marriages and FGM.

223. GREVIO further notes with concern the indications<sup>153</sup> regarding the lack of expertise in the criminal justice system in handling cases of domestic violence and violence against women with disabilities, in particular women with intellectual disabilities.

224. Generally, all offences set out by the Istanbul Convention are prosecuted *ex officio*, which means investigations do not require a complaint by the victim.

## 2. Effective investigation and prosecution

225. GREVIO notes with satisfaction that all police districts in Norway have at least one officer specialised in domestic violence and sexual violence cases. However, in smaller districts the specialist officers may also be assigned other tasks as a result of a lack of resources.<sup>154</sup>

226. The prosecution rates for different forms of violence against women vary across Norway. For example, approximately 70% of stalking cases have resulted in prosecution in the past three years. On the other hand, around 80% of reported rape cases are closed by the police and never get prosecuted, as noted above. The sub-par quality of the investigations noted above and the stereotypical notions about female and male sexuality prevailing not only in the general population but also among criminal justice professionals may be counted among the factors contributing to such high rates of attrition and acquittals. As for forced marriages, out of 39 reported cases between 2018 and 2020, only one resulted in prosecution, at the end of which the perpetrator was acquitted. GREVIO further notes with concern that no female genital mutilation case has been prosecuted in Norway. This might very well stem from the low number of incidents occurring in the country, but GREVIO notes with concern the research<sup>155</sup> indicating that the lack of expertise of medical professionals to correctly identify when an instance of FGM may have occurred makes it close to impossible for prosecution services to pursue these cases.

227. GREVIO also notes with concern the lack of disaggregated data on domestic violence cases. Even though Statistics Norway collects data on interpersonal violence cases disaggregated by the perpetrator's sex, domestic violence (violence in close relationships in the Norwegian Criminal Code) cases are grouped together with other forms of violence. Combined with the fact that data are not disaggregated by the relationship between the victim and perpetrator, it is impossible to assess the criminal justice system's response to domestic violence against women in Norway.

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152. Submission made by representatives of Norwegian civil society, p. 37.

153. Submission made by the Norwegian Equality and Anti-Discrimination Ombud, p. 4.

154. Information obtained during the evaluation visit.

155. Lien I. L. (2017), "Prosecution of the offence of female genital mutilation/cutting in Norway", *International Journal of Law, Policy and the Family*, 31(2), 191-206.

228. While GREVIO noted the awareness of law-enforcement officers about digital manifestations of violence against women, GREVIO was alerted to the fact that the majority of these cases are punished with fines,<sup>156</sup> which serves as a discouraging factor for law-enforcement officers to pursue such investigations given the lack of human resources.

### 3. Conviction rates

229. GREVIO notes with concern that the absence of systematic data collection on the different offences of relevance to the Istanbul Convention disaggregated by type of offence, sex and age of both the victim and the perpetrator, the relationship of the perpetrator to the victim and the geographical location by law-enforcement agencies, prosecution services and the judiciary prevents the Norwegian authorities from identifying, and subsequently addressing, shortcomings in the criminal justice response to violence against women and domestic violence. With gaps in the number and type of data categories applied by the different criminal justice actors, it is not possible to clearly identify levels of attrition or any structural issues in investigations, prosecutions or the handling of criminal proceedings. This is particularly pronounced in relation to intimate partner violence. The limitations in data collection do not allow for a sound assessment of the criminal justice response to domestic violence against women perpetrated by their intimate partners in Norway.

230. Data that are available, for example the relatively high numbers of prosecutions for stalking, do not seem to show a high number of convictions. For example, between 2018 and 2020 there was a progressive increase in reports of stalking (from 5 741 to 7 410), the majority of which were investigated; however, the number of convictions remained low (650 in 2020). According to the authorities, the availability of data is limited, as not all police districts record statistics at section level, and thus only general statistics on offences regarding reckless behaviour and stalking exist. In total, 7 410 such offences were reported in 2020, out of which 5 289 were investigated; of the latter number, 3 169 cases were unsolved. Of 2 120 solved cases, 650 sanctions were imposed, out of which 64 included unconditional imprisonment; in 347 cases, perpetrators were punished by fines, while prosecution was conditionally dropped in 175 cases.

231. Similarly, despite the steady increase in the number of reports of sexual violence, as noted above, in particular rape, issues concerning the low rates of prosecution and conviction have been indicated by the Norwegian Equality and Anti-Discrimination Ombud and civil society representatives.<sup>157</sup> Shortcomings include low rates of follow-up interviews with victims, low rates of immediate interrogation of the accused, when possible, and an insufficient use of recording of interrogations, when possible.<sup>158</sup> Of the cases that reach the courts, approximately 30% end with the acquittal of the perpetrator. Taking into account the identified shortcomings in the criminal justice response to rape and other offences noted above, GREVIO reiterates that while turning to the criminal justice system is not the only response to be pursued in cases of violence against women, it is important to ensure accountability for criminal acts by removing obstacles to victims' access to justice.

232. **GREVIO urges the Norwegian authorities to:**

- a. **pursue efforts to review and analyse the disparity between the number of reported cases and those decided on in court in relation to all forms of violence covered by the Istanbul Convention, in order to identify shortcomings in the prosecution chain (investigation – prosecution – criminal proceedings) and use the findings for evidence-based policy making in order to address and eliminate any gaps in the response of the police and judicial institutions;**
- b. **undertake practical steps, such as in-service training, to overcome persistent attitudes, beliefs and practices that stand in the way of the response of the police and judiciary to domestic violence and other forms of violence covered by the**

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156. Information obtained during the evaluation visit.

157. Submission made by Norwegian Equality and Anti-Discrimination Ombud, also corroborated by information obtained during the evaluation visit.

158. See the report from the Equality and Anti-Discrimination Ombud, p. 2.



**Istanbul Convention. Progress in this area should be measured through the collection of publicly available data illustrating prosecution and conviction rates for the different forms of violence covered by the scope of the Istanbul Convention, respecting the requirements defined in its Article 11, in particular that the recorded data on victim and perpetrator should be disaggregated by sex and age of both the victim and the perpetrator, the type of violence and the relationship of the perpetrator to the victim, as well as geographical location.**

233. GREVIO strongly encourages the Norwegian authorities to provide law-enforcement agencies with the requisite means and capacity to assist effectively and without delay all victims, in particular victims of domestic violence and rape, from the moment they report the violence, including by expanding existing efforts to establish specialist units within the police and by promoting and further strengthening the proactive collection of evidence, such as taking photos of the crime scene, interviewing witnesses and collecting evidence in digital form.

## **B. Risk assessment and risk management (Article 51)**

234. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, including the risk of repeated and lethal violence, according to standardised procedures and in co-operation with each other, and, if necessary, to provide co-ordinated support.

235. The Norwegian police apply the following risk-assessment tools which are widely used and recognised internationally:<sup>159</sup> the short version of the Spousal Assault Risk Assessment (SARA-SV) for domestic violence and the Assessment of Risk for Honour-Based Violence (PATRIARCH) for violence related to "honour". All police districts have dedicated SARA co-ordinators and officers who conduct risk assessment and follow up on such cases, and a network of co-ordinators was established recently to share knowledge. The SARA and PATRIARCH checklists are filled out automatically by police officers during the registration of each case. Although some level of training on the use of these systems has been ensured, it appears that some professionals would benefit from more through training programmes to be able to address the complexities of understanding and interpreting risk factors in violence against women cases. Further, civil society indicated that data from 2018 showed the use of these risk-assessment tools was less than 40% in six out of 11 police districts, while in the police district east, risk assessment was conducted in only 168 out of 680 cases involving intimate partner violence.<sup>160</sup> In cases where a risk of repeated violence is identified, the police can arrest a suspected perpetrator. No data are provided, though, to illustrate how often this is done, but women's rights NGOs have indicated that arrest is very rare. Additionally, the courts can decide to remand the suspect in custody at the request of the prosecuting authority. Since 1 January 2004, a nationwide system of mobile violence alarms has been initiated by the Norwegian police. The alarm devices may be provided to victims at the discretion of the police and when triggered they enable the police to locate the person under threat as accurately as possible by using geolocation technologies. While acknowledging the usefulness of mobile alarms, women's rights NGOs indicate that they place too much responsibility and pressure on the victim. According to the authorities, 1 709 and 1 240 mobile violence alarms were provided to victims in 2018 and 2019 respectively. While acknowledging that personal security alarms may improve the victims' freedom of movement, GREVIO notes that such measures placing the burden to report violence on the victim should be combined with other protective measures or preventive operational measures, such as the use of reverse violence alarms.<sup>161</sup>

159. See the Mid-term horizontal review of GREVIO baseline evaluation reports, 2021, paragraph 453.

160. See the submission from Norwegian civil society organisations to GREVIO, p. 39.

161. See the section Restraining or protection orders (Article 53).

236. GREVIO further notes that the convention asks for measures to be taken in managing risk by co-operating with other agencies and services, in particular women's specialist services. The police, as GREVIO is informed, deal with high-risk cases and reassessment of the risk is carried out weekly. GREVIO was not in a position to assess if this reassessment has been carried out consistently and throughout Norway, or whether repeated assessments have been made in co-operation with other agencies or specialist services.

237. In assessing the efficiency of the risk-assessment and management measures in Norway, GREVIO recalls the finding of the Norwegian Partner Homicide Committee that in the majority of intimate partner deaths reviewed, the police and other public support services failed to implement timely preventive measures that could have reduced the risk of severe intimate partner violence.<sup>162</sup>

**238. GREVIO strongly encourages the Norwegian authorities to provide law-enforcement officials responsible for filling out the SARA and PATRIARCH checklists with systematic in-service training with a view to ensuring the effective use of these tools, as well as to review their implementation in practice. GREVIO strongly encourages the Norwegian authorities to ensure that risk-management procedures are fully integrated into multi-agency co-operation efforts with the aim of supporting the victims with co-ordinated safety and protection measures.**

### **C. Emergency barring orders (Article 52)**

239. In Norway, emergency barring orders (bans on visits) are regarded as an interim measure regulated by Section 222a of the Criminal Procedure Act and may be imposed by prosecution authorities upon the request of the victim or *ex officio* and can be brought before courts for review. A ban may be issued to prevent perpetrators accessing certain areas or pursuing, visiting or in any other way contacting the victim for a maximum duration of one year subject to renewal. According to the authorities, the average duration of a ban on visits is 35 days. In cases of imminent danger, the scope of the ban may extend to the shared residence for a period not exceeding three months, which is also renewable. Orders banning access to the shared residence are subject to automatic review by the courts, regardless of a perpetrator's request. In acute situations, emergency barring orders may be imposed the same day; in the rest of the cases however, the time frame for delivering the decision depends on the specific circumstances of the case, including the urgency of the matter and the clarity of the facts surrounding the case. GREVIO notes with concern long processing times: according to the statistics provided by the authorities, in 2020, the average processing time from the incident until the order was issued was 29 days.

240. In this respect, GREVIO notes with concern that even if emergency barring orders may be ordered *ex officio* in certain cases, the general rule appears to be that the victims apply for the order themselves unless public interest requires otherwise. GREVIO draws attention to the fact that, as a measure of protection, emergency barring orders must immediately be ordered *ex officio* as part of the state's obligation to prevent any act of violence covered by the Istanbul Convention that is perpetrated by non-state actors.

241. Moreover, GREVIO is gravely concerned that these orders are limited to banning the perpetrator from entering the shared residence but do not necessarily include eviction. GREVIO recalls that the purpose of emergency barring orders is to ensure the safety of domestic violence victims in full respect of their right to remain in their own home. These measures must be imposed with a view to ensuring the physical distance between victim and perpetrator by removing the perpetrator where there is an imminent risk of violence instead of uprooting victims and their children and placing them in shelters.

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162. Report by the Norwegian Partner Homicide Committee, available at [www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522](http://www.regjeringen.no/no/dokumenter/nou-2020-17/id2791522).

242. **GREVIO urges the Norwegian authorities to take legislative and other measures to enable the competent authorities to order, in situations of immediate danger and *ex officio*, a perpetrator of domestic violence to vacate the residence of a victim or person at risk and to reduce the average processing time for issuing all types of emergency barring orders.**

#### **D. Restraining or protection orders (Article 53)**

243. In Norway, protection (restraining) orders exist only as a criminal sanction imposed by courts and are regulated by Section 57 of the Penal Code. Such orders may prevent a perpetrator from being present in certain areas or stalk, visit or otherwise contact a victim for a maximum duration of five years; however, they may also be imposed indefinitely under special conditions. The scope of the restraining orders may be extended to victim's children as well. In cases of imminent risk, the perpetrator may also be banned from the shared residence with the protected person. GREVIO stresses that such court decisions are unlikely to take effect quickly. Many of them are dependent on criminal proceedings already having begun, usually presupposing that the victim will have made a statement and is prepared to testify before any protective measures are taken. In the absence of data on the criminal convictions for intimate partner violence, it is difficult to assess the practical relevance of this tool for women victims of intimate partner violence. GREVIO notes that the protection it offers is available only in cases in which criminal proceedings have been opened. Where this is not the case, no procedure exists that allows women victims of intimate partner violence to obtain a civil law protection order. In 2020, restraining orders as part of criminal proceedings were issued in 6 090 cases involving women victims. According to civil society representatives, there is a high threshold for obtaining such an order in relation to a shared residence, and thus usually the victims are forced to move with their children to a crisis centre.<sup>163</sup>

244. GREVIO further notes with concern the shortcomings in the enforcement of protection orders and the high frequency of their violation, as indicated by women's rights NGOs, which as a result impedes the victim's freedom of movement.<sup>164</sup> Accordingly, despite the high rate of violations and a directive from the Director General of Public Prosecutions in this regard, sanctions are rarely imposed.<sup>165</sup> Bearing in mind the fact that the statistics do not make a distinction between a ban on visits and protection and restraining orders, out of 2 854 reports in 2020, 996 resulted in prosecution and in a mere 225 cases were sanctions imposed, none of which included detention.

245. GREVIO notes the possibility to reinforce protection orders using electronic bracelets, which are also called reverse violence alarms. This measure was introduced in 2013 and can only be imposed by the courts. Information provided by women's rights NGOs indicates that this measure is used extremely rarely: in 2018, only 14 perpetrators were required to wear electronic bracelets,<sup>166</sup> while a review conducted by NOVA revealed that the measure was used in only 26 cases in a period of seven years. GREVIO notes that women's rights NGOs and the Equality and Anti-Discrimination Ombud<sup>167</sup> call for the greater use of electronic bracelets, noting their benefits in ensuring victims' safety as there are no recorded violations of protection orders in cases where electronic bracelets have been used. According to information provided by the authorities, the Director of Public Prosecutions and the National Police Directorate issued an instruction to increase the use of electronic bracelets.<sup>168</sup> GREVIO welcomes this development, noting the concern of experts in the field that the low use of electronic bracelets, despite the fact that the system was introduced in 2013, reinforces the impression that perpetrators' rights take precedence over the rights of victims.<sup>169</sup>

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163. See the submission made by Norwegian civil society to GREVIO, p. 40.

164. Information obtained during the evaluation visit.

165. The directive from the Director General of Public Prosecutions stipulates that violations shall be followed promptly and, in severe cases, may result in detention.

166. See the submission made by Norwegian civil society to GREVIO, p. 40.

167. Report of the Equality and Anti-Discrimination Ombud, p. 12.

168. Information obtained during the evaluation visit.

169. Academics and NGO experts met by GREVIO also noted that the Supreme Court of Norway, in its judgment on 5 November 2021, ruled that the imposition of an electronic bracelet is not dependent on a previous conviction for committing violence, but GREVIO received no detailed information on this judgment and its impact.

246. According to the authorities, restraining orders can also be combined with other protective measures, including the use of personal violence alarms,<sup>170</sup> surveillance and patrolling. GREVIO welcomes the possibility of employing these tools to implement restraining orders; however, these measures remain discretionary and are not automatically granted in each case.

247. GREVIO welcomes the diligence of Norwegian law-enforcement officers in systematically and promptly informing victims when perpetrators served with a protection order are released on bail.

248. The Norwegian criminal system also provides for the use of secret addresses and change of name, known as Code 7 and Code 6, as measures that can be employed by the police to prevent further violence or death in the most serious cases of domestic violence and violence committed in the name of “honour”. While both measures involve the relocation of the victim, Code 7 prevents private individuals accessing the victim’s new contact information while it remains available to public authorities on the population register. Conversely, under Code 6, only select public officials with a higher level of clearance can access a victim’s address or other geographical information. These measures entail a change of name and cutting off all contact with friends and family, yet experience shows that they do not always provide unassailable protection. According to information obtained by GREVIO during its evaluation of Norway, more than 1 000 persons live under Codes 6 and 7, the majority of whom are women victims of gender-based violence and their children. While recognising the need for certain drastic measures where the risk of imminent danger is high and persistent, GREVIO stresses that such measures often result in the increased isolation and loneliness of the victim and her children and therefore must be invoked only as a last resort. With a view to avoiding re-traumatisation and ensuring the safety of victims and their children in their own homes, priority must be given to other security measures which require the perpetrator to stay away from the victim, such as emergency barring orders and protection orders, and their effective implementation must be ensured, including by the use of electronic bracelets. GREVIO further notes the need to assess the impact of the measures provided by Codes 6 and 7 on the victims of violence against women and their children.

249. **GREVIO urges the Norwegian authorities to take the necessary legislative and or policy measures to bring the Norwegian legal framework and practice in line with Article 53 of the Istanbul Convention, notably by:**

- a. **ensuring that protection orders are available under civil law, upon application, irrespective of or in addition to other legal proceedings;**
- b. **stepping up efforts to monitor and enforce protection orders, including through protocols/regulation and increased use of technical means such as electronic bracelets, and to hold perpetrators accountable for violating such orders by imposing dissuasive and proportionate sanctions.**

## **E. *Ex parte* and *ex officio* proceedings (Article 55)**

### **1. *Ex parte* and *ex officio* proceedings**

250. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint. In accordance with Norwegian law, investigation and prosecution are not contingent on a police report or application for prosecution from the victim (Section 62a, first paragraph of the Criminal Procedure Act, and Section 244, first paragraph.<sup>171</sup>) This applies to all crimes, including those related to violence against women and domestic violence.

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170. See the section Risk assessment and risk management (Article 51).

171. State report, p. 70.

## **2. Victim support in legal proceedings**

251. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services, may assist and support victims during investigations and judicial proceedings.

252. Under Section 107 of the Criminal Procedure Act, victims of crimes in Norway have the right to a victim support lawyer free of charge. Victim support lawyers can be called upon as soon as a crime is reported and before victims make their first statement. Law-enforcement agencies are obliged to inform victims of this right and to facilitate access to such lawyers.

253. In addition to legal representation, all police districts have their own Support Centres for Crime Victims, which provide information and guidance to victims, witness support and assistance with initiating compensation procedures. These services are provided by trained lawyers employed by the law-enforcement authorities. While welcoming the provision of such support, GREVIO notes with some concern that Support Centres for Crime Victims are general victim support services, not specialist women's support services.

254. GREVIO welcomes the support provided to children by the Barnahus in civil and criminal cases involving abuse, including that witnessed by the child. Services provided by the Barnahus include psychosocial support and questioning by trained officers accompanied by child-protection officers and held in camera to avoid further traumatising of the child (see more about Barnahus in the sections General obligations, Article 18, and Protection and support to child witnesses, Article 26).

### **F. Legal aid (Article 57)**

255. In criminal cases, victims of certain offences including those involving sexual assault, domestic violence or serious bodily harm can also benefit from free legal assistance under the Free Legal Aid Act without any eligibility requirements and regardless of the victim's financial situation. Accordingly, victims have the right to benefit from 3 hours of free legal assistance from any lawyer of their choosing to assess whether they wish to report the offence to the police. Article 5 of the Free Legal Aid Act sets forth the subsidiary nature of this scheme, stressing that it does not include assistance that is covered by other schemes or that can be replicated in another manner, including through the appointment of a victim support lawyer as per Section 107 of the Criminal Procedure Code.

256. Once a case is reported to the police, victims of the aforementioned crimes have the right to a victim support lawyer free of charge under Section 107a of the Criminal Procedure Code. The services of victim support lawyers cover the investigation phase and court proceedings, including for compensation. The duration of the assistance can be prolonged upon the request of the victim and may also include the annulment of the marriage concluded by force. GREVIO notes with interest that under this scheme, legal aid is provided by official lawyers assigned to each court unless a specific lawyer is requested by the victim. Additionally, under the Legal Aid Act victims of forced marriage who do not wish to report the offence to the police have the right to 12 hours of free legal assistance from any lawyer of their choosing. The duration of the assistance can be prolonged upon the request of the victim and also include the annulment of forced marriages.

257. Victims of violent crimes can also get free legal aid civil cases, for example cases regarding child custody and sharing of property after a separation and divorce, and several conditions need to be fulfilled under the Free Legal Aid Act to qualify for free legal aid, including income and asset thresholds. In this respect, GREVIO notes with regret that starting from 1 January 2022 the income threshold was raised to EUR 32 000 for single persons and to EUR 49 000 for spouses and partners living together or with joint finances, which represents a 30% increase compared to previous years. The asset threshold in place is EUR 10 000. However, certain proceedings,

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including claims for compensation from the perpetrator of a criminal offence and cases involving the annulment of forced marriages, are exempt from means testing. Legal aid is provided to eligible clients by private lawyers, who are remunerated out of public funds.

258. GREVIO notes with concern certain proposals in the Legal Aid Committee's review of the Free Legal Aid Act,<sup>172</sup> in particular the exclusion of offences covered by Section 107a (1) (a) or (b) of the Criminal Procedure Act, which include rape, abuse in close relationships, grossly negligent rape, rape of children, incest and human trafficking. The committee also suggests removing the right to legal aid in cases to assess whether the victim wants to report the case to the police, cases regarding forced marriages that are not reported to the police as well as applications for the state compensation scheme for certain cases. The committee's proposal is based on the reasoning that other bodies such as civil society organisations may have the capacity to provide victims with the necessary assistance, but GREVIO is concerned by a possible decrease these changes may cause in the quality of the legal assistance provided.

**259. GREVIO encourages the Norwegian authorities to ensure that legal aid in civil proceedings remains accessible for women victims of the forms of violence covered by the Istanbul Convention under the Free Legal Aid Act, including claims for compensation from the perpetrator of a criminal offence and in cases involving forced marriages.**

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172. 10 NOU 2020: 5 Likhet for loven — Lov om støtte til rettshjelp (rettshjelpsloven), also indicated in the submission made by representatives of Norwegian civil society.

## VII. Migration and asylum

260. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or women who are subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

### A. Residence status (Article 59)

261. The Act relating to the admission of foreign nationals into the realm and their stay here (“the Immigration Act”)<sup>173</sup> and the Immigration Regulations<sup>174</sup> provide the legal framework for the entry into, stay in and expulsion from Norway, including claims for asylum and international protection. First-instance administrative decisions made pursuant to the Immigration Act by the Directorate of Immigration (UDI) may be appealed against to the administrative body known as the Immigration Appeals Board (UNE).<sup>175</sup>

262. Ordinarily, a dependant spouse/partner living in Norway on a family reunification visa may apply for an autonomous residence permit after a qualification period of three years of continuous residence in Norway.<sup>176</sup>

263. Where the marriage or cohabitation ends during the three-year qualification period, there are two legal routes available to migrant women to seek an autonomous residence permit to remain in Norway.

264. Such alternative route is applicable if there is reason to assume that the foreign national or any children have been abused, the dependant foreign national can apply for an independent residence permit. Between 2017 and 2019 a total of 183 permits were granted to women under this provision. The UDI confirmed that this provision is available to all migrant women, whether their sponsoring spouse is a Norwegian national, an EU/EEA national living in Norway or a third-country national living in Norway. UDI guidance states that the “abuse” can include physical, emotional, sexual, material or negative social control. The evidential requirements to substantiate the abuse are not strict and the applicant’s own statement will form the starting point of an assessment (unless clear indications exist that the statement is incorrect). It is not a requirement that the abuse be reported to the police or that the perpetrator be convicted of the offence.

265. GREVIO welcomes this victim-centred approach. However, there remains some concern among civil society stakeholders that, notwithstanding the low evidential threshold to establish abuse, in practice the qualifying threshold for the severity of the abuse is higher than that envisaged in the law.<sup>177</sup> For example, the abuse must have caused a deterioration in the victim’s quality of life and only “severe” or “repeated” abuse will qualify. Moreover, GREVIO is concerned that, in practice, additional criteria, such as financial independence, are being imposed by the UDI despite the exemption granted by Section 10-8 Immigration Regulations to victims of violence against women who obtained an independent residence permit pursuant to Section 53, paragraph 1 (b) of the

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173. LOV-2008-05-15-35: [www.lovddata.no/dokument/NLE/lov/2008-05-15-35](http://www.lovddata.no/dokument/NLE/lov/2008-05-15-35) (English version).

174. UDI Immigration Regulations, available at: [www.udiregelverk.no/en/documents/laws-and-regulations/lover-og-forskrifter2/utlendingsforskriften/#/kapittel/10/overskrift/41/paragraf/10-](http://www.udiregelverk.no/en/documents/laws-and-regulations/lover-og-forskrifter2/utlendingsforskriften/#/kapittel/10/overskrift/41/paragraf/10-)

175. Pursuant to Section 76 of the Immigration Act.

176. Section 62 of the Immigration Act. GREVIO was informed that in the period 2020-21 parliament extended the qualification period to five years for family members of refugees (not applicable to migrant women who are living in Norway on a family reunification visa linked to non-refugee sponsors).

177. Submission made by Norwegian Civil society organisations.

Immigration Act. . According to the authorities, this is a practice that only applies to migrant women fleeing abuse from a sponsoring spouse and is not applied to women applying to remain in Norway on the basis of an autonomous residence permit for other reasons. Introducing additional requirements without an expression in the law creates unnecessary barriers and seems arbitrary, which is worsened by the fact that no other group of applicants seems to be subjected to financial screening.

266. Alternatively, if, as a result of the breakdown of a marriage or cohabitation, a migrant woman experiences unreasonable difficulties in her country of origin, she is eligible for an autonomous residence permit. The difficulties must be more than social, cultural or financial. This provision applies to countries where divorced women are stigmatised, where there are dowry practices or in cultures where crimes in the name of “honour” are justified. While GREVIO welcomes this specific measure, it notes that between 2017 and 2019 only four women were granted a residence permit under this provision, suggesting a rather low relevance in practice.

267. According to information provided by the Norwegian authorities,<sup>178</sup> migrant women seeking an autonomous residence permit based on “difficulties in their country of origin” or based on humanitarian grounds, or those on a dependency visa linked to an EEA national living in Norway who are fleeing abuse, are exempt from the requirement to prove independent financial resources as provided by Section 19-2 of the Immigration Regulations<sup>179</sup>. Meanwhile, Section 114(4)(c) of the Immigration Act provides that a non-EEA national who receives a residence permit as the spouse of an EEA national living in Norway can retain their residence permit in the event of divorce if s/he has been exposed to violence or other serious abuse in the marriage, subject to meeting the requirement of independent financial resources.<sup>180</sup> The law also imposes the same requirement on EEA nationals joining an EEA national in Norway. GREVIO notes with concern that, the conflicting wording in the Immigration Act and Immigration Regulations may lead to an interpretation of these provisions in the detriment of migrant victims of gender-based violence against women.

268. Article 59, paragraph 2, of the convention seeks to protect migrant women who are victims of abuse from being removed alongside the perpetrators to third countries. The Immigration Act permits representations to be made by the individual facing expulsion proceedings and their close family members and the UDI must undertake a proportionality assessment. However, there is no express requirement to consider domestic abuse as grounds for suspending the expulsion of a victim alongside the perpetrator. Alternatively, the UDI will advise a dependent migrant woman that she is entitled to seek asylum and, as part of this assessment, they will consider granting an independent residence permit based on humanitarian grounds (Section 38 of the Immigration Act). GREVIO stresses that the particular situation of a woman facing expulsion alongside a perpetrator of domestic abuse is a material consideration, as envisaged by Article 59, paragraph 2, of the Istanbul Convention.

269. Article 59, paragraph 3, of the convention requires access to an autonomous residence permit for all migrant women (regardless of their immigration status) where their stay is (a) necessary as a result of their personal situation or (b) necessary to enable co-operation with the criminal justice authorities. The law in Norway does not currently correspond to the requirements of this article. First, an individual is precluded from submitting an application for a humanitarian residence permit directly to the UDI. Consideration for this permit only arises if the migrant woman has made an application for asylum that has resulted in refugee status and subsidiary protection being refused. In these circumstances, the UDI will consider whether there are any grounds for a humanitarian residence permit. Article 59, paragraph 3a, of the convention envisages access to a residence permit outside of the asylum procedure. Second, access to a residence permit based on difficulties in a migrant

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178. Information obtained during the evaluation visit.

179. Section 19-2 of the Immigration Regulations state that partners of EEA citizens can obtain an independent residence permit in accordance with section 53, first paragraph, letter b of the act following divorce or separation if they were victims of domestic violence; thus, they benefit from the same maintenance exception.

180. Section 114 of the Immigration Act provide that in the event of divorce or cessation of cohabitation, the EEA national's family members who are not EEA nationals retain the right of residence for as long as they themselves fulfil the conditions in section 112, first paragraph (a), (b) or (c) (which set out maintenance requirements) provided that they have been exposed to violence or other serious abuse in the marriage.



woman's country of origin excludes certain women, such as dependent spouses/partners of EEA/EFTA nationals living in Norway, as well as irregular migrant women, and therefore does not conform to Article 59, paragraph 3a, of the convention.

270. Victims of human trafficking are able to access a residence permit based on co-operation with the authorities, but this provision does not extend to all victims of gender-based violence, as required by Article 59, paragraph 3b, of the convention.

271. In relation to Article 59, paragraph 4, of the convention, GREVIO welcomes Norway's approach to offering protection and restitution to victims of forced marriage. Accordingly, the victim will be granted an independent residence permit thereby empowering her to escape a forced marriage without fear of losing her residence status. Between 2017 and 2019, only one such residence permit was granted, suggesting that further efforts are required to increase awareness of and accessibility to this important law. Second, there is an exemption to the rule that an absence from Norway for more than two years will result in the loss of residence status if this absence is linked to abuse. If a migrant woman who had previously been living in Norway on a family reunification visa travelled abroad but was prevented from returning to Norway before the expiry of the two-year period (through, for example, deception, coercion or having her travel documents confiscated), she would be eligible for an independent residence permit based on humanitarian grounds enabling her return to Norway. GREVIO notes that these provisions do not, however, extend to cover the specific scenario envisaged by Article 59, paragraph 4, of the convention, namely restoration of a residence permit that is lost as a result of a women being absent from Norway for more than two years having been taken abroad "for the purposes of forced marriage".

**272. GREVIO urges the Norwegian authorities to fully and expressly reflect the financial resource exemption in the Immigration Act in order to ensure that this requirement does not act as a barrier to protection for migrant women experiencing gender-based violence against women. Accordingly, GREVIO encourages the Norwegian authorities to review the cohesiveness of its Immigration Act to ensure all provisions are compatible with both the letter and spirit of Article 59, paragraph 1, of the Istanbul Convention.**

**273. GREVIO encourages the Norwegian authorities to grant the right to residence for victims of all forms of violence against women on the basis of their co-operation with law enforcement. GREVIO further encourages the Norwegian authorities to extend the possibility of regaining their original residence status in Norway to victims of forced marriage who have been absent from Norway for more than two years for the purpose of forced marriage.**

## **B. Gender-based asylum claims (Article 60)**

### **1. Gender-sensitive asylum determination procedure**

274. The Immigration Act expressly recognises gender-based violence as a form of persecution, as required by Article 60, paragraph 1, of the convention, which GREVIO welcomes. It states that persecution may include, *inter alia*, physical or mental violence, including sexual violence and acts of a gender-specific or child-specific nature.<sup>181</sup> In relation to the requirement of Article 60, paragraph 2, of the convention that a gender-sensitive interpretation be applied to all grounds of persecution, GREVIO welcomes the Guidelines on Gender-Related Persecution published by the Ministry of Justice and Public Security. This document contains important guidance on how to consider and apply a gender-sensitive interpretation to each ground of persecution.<sup>182</sup> However, in the absence of disaggregated data on the granting and refusal of refugee status for each ground of persecution, GREVIO could not make an assessment of the application of these provisions and guidelines to claims raising issues of gender-based violence and abuse.

181. See Section 29 (2)(f) of the Immigration Act (persecution may take the form of actions "directed specifically at gender").

182. Guidelines G-08/2012 (paragraphs 3.1 and 3.3): [www.regjeringen.no/no/dokumenter/retningslinjer-om-kjonnsrelatert-forfolg/id696289/](http://www.regjeringen.no/no/dokumenter/retningslinjer-om-kjonnsrelatert-forfolg/id696289/).

275. These guidelines are relevant to both the asylum procedure and the substantive assessment of the claim in cases raising gender-related issues. In relation to the asylum procedure, all adult asylum seekers, including spouses, must be interviewed separately.<sup>183</sup> Women should be offered the choice of a female interviewer and interpreter.<sup>184</sup> Interviewers must pay special attention to the fact that victims of violence or sexual abuse may be traumatised, which may impact upon their behaviour and answers during the interview.<sup>185</sup> In assessing the claim for asylum and the credibility of the applicant, the guidelines require the caseworker to take into consideration that gender-based persecution can be difficult for victims to disclose.<sup>186</sup>

276. GREVIO notes, however, that there is no formal or routine screening procedure that requires a vulnerability or needs assessment to be undertaken at the outset of the asylum procedure to ascertain whether special measures are required, whether in relation to accommodation, to referrals to specialist support services or to how an asylum application is processed.<sup>187</sup> GREVIO is concerned that no such procedure exists in Norway, particularly in the context of Norway striving to operate a rapid asylum procedure whereby 70% of asylum claims are processed within three weeks. Victims of sexual and gender-based violence who may be experiencing trauma and mental health issues often require additional time and specialist support before they are able to fully disclose the extent and nature of their experiences relevant to their claim for international protection.

277. Within the UDI there are a number of internal networks (for example on FGM, forced marriage, domestic violence and human trafficking) that share information. However, while case-workers participate in these networks, these teams do not undertake casework on individual asylum claims and there is no such specialist unit within the asylum department that is responsible for assessing claims for asylum based on sexual and gender-based violence against women. Although caseworkers receive training, there is no mandatory module specifically related to claims for asylum involving sexual and gender-based violence against women. GREVIO considers that delivery of specialist training to caseworkers on sexual and gender-based violence against women or the establishment of a specialist caseworker unit could enhance the quality of asylum decisions involving gender-based persecution and ensure that the aforementioned guidelines on gender-related persecution are properly and consistently implemented.

## 2. Accommodation

278. Individuals who have applied for asylum in Norway have a right to accommodation.<sup>188</sup> Initially, individuals are placed in a transit reception centre. Following their initial asylum interview, they are moved to an ordinary reception centre. Following the grant of refugee status or international protection, individuals are moved to an integration reception centre.

279. The UDI bears responsibility for ensuring sufficient capacity of spaces in reception centres. In recent times Norway has closed a number of reception centres as a result of decreasing numbers of asylum seekers. The UDI confirmed that the current reception network has surplus spaces.<sup>189</sup> The municipalities are responsible for providing statutory services to the residents in reception centres, including health, child welfare and interpreters, however GREVIO was informed that access to these services is often obstructed due to the isolated location of some reception accommodation and limited knowledge within healthcare services of asylum seekers' rights.

280. The UDI retains management responsibility for state reception centres and oversight responsibility for reception centres that are managed by third-party contractors. All 10 reception centres in Norway are mixed, two of which are based on a decentralised model wherein asylum

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183. Immigration Regulations 17-7(1).

184. Immigration Regulations 17-2 (2).

185. Guidelines G-08/2012, paragraph 2.1.

186. Ibid.

187. This gap in procedural safeguards for vulnerable individuals was identified in a 2019 study undertaken by Vulner, "Vulnerable Protection Seekers in Norway: Regulations, Practices, and Challenges" available at: [www.samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/bitstream/handle/11250/2827370/Vulnerable+Protection+Seekers+in+Norway.pdf?sequence=1](http://www.samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/bitstream/handle/11250/2827370/Vulnerable+Protection+Seekers+in+Norway.pdf?sequence=1).

188. Guaranteed by Section 95 of the Immigration Act.

189. GREVIO notes that the UDI were unable to provide data on the total number of reception centre spaces.

seekers are accommodated in private accommodation located across the municipality, such as in Kristiansand. GREVIO notes with particular interest the dedicated school for asylum-seeking and refugee children in Kristiansand. GREVIO also noted the positive operational and supportive relationship between the reception centre and the UDI.

281. Extensive guidance relevant to the operating procedures of reception centres has been published by the UDI. GREVIO welcomes this guidance that strives to ensure transparent and uniform standards and procedures for all residents concerning, among other things, a gender and cultural balance among the staff, putting in place written procedures for dealing with violence and abuse against women and ensuring the identification and follow-up of vulnerable residents (which include those at risk of human trafficking, violence in close relationships, negative social control, child marriage, forced marriage and FGM), including by referring them to specialist health services, ensuring the provision of suitable accommodation, increasing staffing or security or seeking assistance from the police or child welfare services.

282. Despite these comprehensive guidelines relevant to the protection of women, members of civil society have identified a widespread failure to implement these guidelines.<sup>190</sup> A monitoring visit undertaken by the UNHCR to Råde transit reception centre identified a lack of suitable gender and culture-sensitive reception conditions. It was observed that the accommodation did not guarantee privacy and separation of spaces for vulnerable and traumatised women. Similarly, the findings of the Partner Homicide Committee into the murder of asylum-seeking women by a partner/spouse concluded that reception centre staff (along with social services and the police) lacked knowledge and expertise of intimate partner violence and failed to prevent sexual violence or other forms of gender-based violence against women within reception centres.<sup>191</sup>

283. Although free legal aid representation is available in asylum cases following a negative decision by the UDI, GREVIO notes with concern that this opportunity is not provided in prior stages of the asylum procedure. GREVIO is also concerned about the limitation imposed on the available representation, for example five hours is funded for a regular asylum case regardless of its complexity or the vulnerability of the asylum seeker. This cap can be reduced further for accelerated cases. GREVIO is concerned that these stringent time limits could undermine the quality of legal representation and advice available, particularly for vulnerable women and girls who are experiencing trauma and delayed disclosure arising from sexual violence or other forms of gender-based violence against women, which in turn undermines the purpose of the guidelines on gender-related persecution.

**284. GREVIO urges the Norwegian authorities to ensure that vulnerability, particularly related to sexual violence and other forms of gender-based violence against women, is formally assessed and identified at the earliest possible opportunity within the asylum procedure to inform decisions relating to accommodation and support services and to ensure procedural fairness and gender sensitivity in the conduct of asylum interviews.**

**285. GREVIO urges the Norwegian authorities to ensure that all reception centre staff are fully trained in all forms of gender-based violence against women and gender sensitivity and that the UDI's guidelines relevant to the protection of women and girls within reception centres are properly implemented.**

**286. GREVIO further encourages the Norwegian authorities to ensure the adequate quality of legal representation for women asylum seekers throughout the asylum application process, starting from the first interview.**

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190. Information provided during the evaluation visit.

191. Report NOU 2020 – 17 "Varslede drap? – Partnerdrapsutvalgets utredning" (December 2020).

### 3. *Non-refoulement* (Article 61)

287. Article 61 of the Istanbul Convention requires states to respect the principle of *non-refoulement* in relation to victims of gender-based violence (regardless of their immigration status) who may fear persecution if returned. States must not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Articles 2 and 3 of the European Convention on Human Rights also prohibit a person being returned to a place where their lives would be at risk and/or they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment.

288. Section 73 of the Immigration Act enshrines the principle of *non-refoulement*. Section 74 provides for a temporary residence permit to be granted to a foreign national whose protection against removal pursuant to Section 73 is the sole basis for residence in Norway.

289. The UNHCR has recently raised concerns about Norway's application of the concept of "internal flight alternative" to cases of cessation of refugee status.<sup>192</sup> According to the assessment by the UNHCR, the cessation clauses must be exhaustively enumerated and authorities must refrain from other reasons adduced by way of analogy to justify the withdrawal of refugee status, such as on the ground of an improvement that is only local or confined to a particular city or town or other smaller area. According to information obtained in the course of the evaluation, GREVIO understands that the UDI and UNE often assert that women can seek protection from male relatives and networks in their home countries and also fail to take into account the risk of persecution or ill-treatment arising from a woman's westernisation during a lawful long residence period in Norway as refugees. GREVIO notes with concern that this approach may give rise to a risk of *refoulement* of women and girls.

290. **GREVIO encourages the Norwegian authorities to ensure that it acts in full compliance with the requirements of Article 61 of the Istanbul Convention by duly applying the *non-refoulement* principle.**

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192. See the UNHCR's amicus curiae before the Supreme Court of Norway (December 2020) [www.refworld.org/docid/602b9c934.html](http://www.refworld.org/docid/602b9c934.html).

## Concluding remarks

291. Equality between women and men has long been a political goal in Norway and much effort has gone into policies and measures aimed at achieving women's equality with men in all aspects of life. For many years, the linkages between gender equality and violence against women were given principal attention in all policy measures. This has led to the development of legislation, policy measures and support services for women victims of violence against women and especially domestic violence as early as 2000, which GREVIO welcomes.

292. More recently, the policy approach has shifted from an exclusive focus on women's experiences of violence in public and in private to a more gender-neutral approach, which has led to the mainstreaming of gender away from the relevant laws, policies, services and data-collection systems. GREVIO recalls in this respect the obligation of the convention to pay particular attention to women victims of gender-based violence (Article 2, paragraph 2). For this reason, GREVIO has identified, throughout the report, instances where, in GREVIO's view, insufficient attention is being paid in policy design and legislation as well as service provision to the experiences of women who are exposed to violence because they are women. In the policy area, this is most apparent in the different national action plans, each of which address one or more forms of violence covered by the Istanbul Convention but seemingly without paying sufficient attention to their gendered nature. For example, the NAP on domestic violence acknowledges that women are subjected to serious and repeated violence to a higher extent than men, but does little to address the root causes of violence, namely the structural inequalities between women and men. Similarly, the NAP on negative social control, violence related to "honour", forced marriage and female genital mutilation regards these forms of violence as a cultural issue instead of adopting a gendered understanding of violence committed in the name of "honour".

293. The evaluation also revealed a greater need to place the provision of support services to all groups of victims and in all regions of Norway at the heart of the convention's implementation in order to ensure a more even geographical coverage of specialist support services for all victims of violence against women. The quality of interventions by local authorities and the availability of specialist services vary significantly within Norway. This issue is particularly crucial for the Sami women of Norway, many of whom face obstacles to accessing support services. The knowledge of relevant professionals on the factors leading to vulnerability and the other barriers that impact not only Sami women but also women with disabilities and women with addiction issues needs to be increased in order to ensure a response tailored to their specific needs.

294. Another area that warrants more heightened attention is data collection and analysis. The data categories presently in use do not serve to identify the differences between women and men in their experiences of or exposure to violence. Since data are rarely disaggregated by sex or by relationship of perpetrator to the victim, they are of limited use in assessing the current Norwegian response to violence against women. In their current form, the data do not sufficiently allow lessons to be drawn as to how social services, law-enforcement agencies and the judiciary serve women victims of violence.

295. Notwithstanding the above, GREVIO notes with satisfaction the wide variety of policy measures and legislation in place to address the forms of violence against women covered by the Istanbul Convention. In particular GREVIO welcomes the efforts of the Norwegian authorities to support research initiatives looking at the criminal justice responses to certain forms of violence, such as intimate partner killings. GREVIO further commends the commitment to evidence-based policy making which enables the findings of these initiatives to be utilised to improve and further develop different sectors' and stakeholders' responses to violence against women.

296. With the present report, GREVIO wishes to support the Norwegian authorities in their fight to end violence against women and invites the Norwegian authorities to keep it regularly informed of developments as regards the implementation of the Istanbul Convention. GREVIO looks forward to continuing its good co-operation with the Norwegian authorities.

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297. GREVIO also invites the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

## **Appendix I**

### **List of proposals and suggestions by GREVIO**

#### **I. Purposes, definitions, equality and non-discrimination, general obligations**

#### **B. Scope of application of the convention and definitions (Articles 2 and 3)**

1. GREVIO strongly encourages the Norwegian authorities to ensure that all legislative and policy measures undertaken to implement the Istanbul Convention, including decisions related to funding, reflect the full recognition that all forms of violence against women covered by the scope of the Istanbul Convention, including domestic violence, affect women disproportionately, and to increase the level of attention paid to women victims of gender-based violence in policy documents (paragraph 10).

#### **C. Fundamental rights, equality and non-discrimination (Article 4)**

##### **1. Gender equality and non-discrimination**

2. GREVIO strongly encourages the Norwegian authorities to (paragraph 20):

- a. implement measures to prevent and combat violence against Sami women based on the National Action Plan on Domestic Violence (2020-2024) and in close co-operation with Sami representatives;
- b. strengthen measures to prevent and combat violence that affects women who are or might be exposed to intersectional discrimination, including women with disabilities, women from national and/or ethnic minorities, migrant women, LGBTI women, elderly women, women in prostitution and women with addiction issues;
- c. integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women and raise the awareness of victims belonging to these groups of women about their rights to protection and support services;
- d. develop and improve accessibility to protection and support services for these groups of women;
- e. support research into the prevalence of violence experienced by specific groups of women and girls at risk of or exposed to intersectional discrimination.

#### **D. State obligations and due diligence (Article 5)**

3. GREVIO strongly encourages the Norwegian authorities to ensure an effective enforcement of the due diligence obligation, including by raising awareness among public officials dealing with victims of violence against women and domestic violence of the need to act in full compliance with their due diligence obligation to prevent, investigate, punish and provide reparation for victims of any of the forms of violence covered by the Istanbul Convention and without discrimination on the basis of any of the grounds listed in its Article 4, paragraph 3 (paragraph 24).

#### **E. Gender-sensitive policies (Article 6)**

4. GREVIO strongly encourages the Norwegian authorities to integrate the gender dimension of violence against women into the design, development and evaluation of laws, policies and measures to prevent and combat all forms of violence covered by the Istanbul Convention. Such a gender-sensitive approach should be based on an understanding of the link between the prevalence of violence against women and the structural inequalities between women and men, with the aim of

addressing the specific needs of women victims as well as raising awareness of and counteracting the negative stereotypes against women which legitimise and sustain violence against women (paragraph 27).

## **II. Integrated policies and data collection**

### **A. Comprehensive and co-ordinated policies (Article 7)**

5. GREVIO strongly encourages the Norwegian authorities to improve co-ordination structures across the existing national action plans and to review the measures contained in them, with the aim of integrating them under an overarching framework that would ensure a holistic response to all forms of violence against women covered by the Istanbul Convention, including in its digital dimension, and by giving due importance to the gendered nature of the different forms of violence against women, including domestic violence (paragraph 33).

### **B. Financial resources (Article 8)**

6. GREVIO strongly encourages the Norwegian authorities to (paragraph 38):

- a. ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation, including specialist support services provided by civil society entities;
- b. ensure that all relevant government agencies systematically introduce budget lines dedicated to measures to prevent and combat all forms of violence against women, in order to regularly monitor the level of the allocated funding and its spending.

### **D. Co-ordinating body (Article 10)**

7. GREVIO strongly encourages the Norwegian authorities to (paragraph 43):

- a. assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to ensure the sustainability of their work;
- b. ensure, on the one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies.

### **E. Data collection and research (Article 11)**

#### **1. Administrative data collection**

8. Bearing in mind the need for administrative data collection to be carried out in relation to all forms of violence covered by the Istanbul Convention, GREVIO urges the Norwegian authorities to (paragraph 53):

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities and social services) are disaggregated with regard to the sex of the victim and the perpetrator, their relationship and the different forms of violence and offences covered by the Istanbul Convention, and that information on the presence of child witnesses and victims is also included, with a view to differentiating between intergenerational violence and intimate partner violence;



- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim, inter alia, of allowing the assessment of conviction, attrition and recidivism rates; enabling a thorough analysis of the movement of cases in the criminal justice system; and identifying gaps in the response of institutions which may contribute to low conviction rates and/or discrepancies between reporting rates and conviction rates;
- c. introduce data collection in the healthcare sector in relation to all forms of violence against women;
- d. ensure that the process of collecting, storing and transforming collected data complies with standards on personal data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

## **2. Population-based surveys**

9. GREVIO encourages the Norwegian authorities to regularly conduct population-based surveys addressing all forms of violence against women covered by the scope of the Istanbul Convention (paragraph 55).

## **3. Research**

10. GREVIO encourages the Norwegian authorities to continue their efforts to commission research, in particular on forms of violence covered by the Istanbul Convention which so far have not been given enough attention through research, and to expand existing research to include more topics, such as barriers to access to services and justice by women who are or might be exposed to intersectional discrimination, in close co-operation with community-based organisations and women's rights NGOs (paragraph 60).

# **III. Prevention**

## **B. Awareness raising (Article 13)**

11. GREVIO encourages the Norwegian authorities to incorporate the specific needs and realities of different groups of women who are, or who are at risk of being, exposed to intersectional discrimination into awareness-raising campaigns or programmes on the different manifestations of violence against women (paragraph 69).

## **C. Education (Article 14)**

12. GREVIO encourages the Norwegian authorities to ensure, through legislative and other measures, that pupils across Norway acquire knowledge and skills, in a compulsory manner, about the topics identified in Article 14 of the Istanbul Convention, and in particular to inform learners of the different forms of gender-based violence against women. Moreover, GREVIO invites the Norwegian authorities to monitor how teachers make use of the existing teaching materials and how they approach issues related to domestic violence and violence against women (paragraph 76).

13. GREVIO further encourages the Norwegian authorities to increase the number of minority advisers throughout Norway and to continue to collect data on notifications to the police and social services made by teachers and minority advisers for the purpose of enhancing strategies and co-operation among services (paragraph 77).

#### **D. Training of professionals (Article 15)**

14. GREVIO strongly encourages the Norwegian authorities to ensure that all professionals dealing with victims or perpetrators of all forms of violence covered by the scope of the Istanbul Convention receive systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, while focusing on the victims' human rights, safety, individual needs and empowerment and the prevention of secondary victimisation. Such training should be based on a gendered understanding of violence against women, including its digital dimension, and should be devised in close co-operation with relevant stakeholders, including independent women's rights NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the standards that staff are expected to follow in their respective fields (paragraph 85).

#### **E. Preventive intervention and treatment programmes (Article 16)**

##### **1. Programmes for perpetrators of domestic violence**

15. GREVIO invites the Norwegian authorities to pursue their ongoing activities to conduct a comprehensive evaluation of existing perpetrator programmes in line with standard methodological rules and good practices, in order to assess their impact and to ensure that all programmes are implemented in close co-operation with women's support services (paragraph 92).

#### **F. Participation of the private sector and the media (Article 17)**

16. GREVIO encourages the Norwegian authorities to actively support the media sector to implement monitoring and complaint mechanisms aimed at enhancing respect by the media for women's human dignity and the prohibition of any gender discrimination, including in the context of reporting on violence they have suffered and in compliance with freedom of expression and media freedom. GREVIO further encourages the Norwegian authorities to set incentives or otherwise promote the development of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in advertisements (paragraph 97).

### **IV. Protection and support**

#### **A. General obligations (Article 18)**

17. While recognising the high level of autonomy granted to local governments in Norway, GREVIO strongly encourages the Norwegian authorities to pursue efforts to set up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental entities and service providers to ensure adequate forms of multi-agency co-operation, including through legislative amendments, the development of municipal action plans and/or by devising formalised structures to ensure the participation of all relevant agencies. In particular, GREVIO strongly encourages the inclusion of specialist women's support services run by NGOs in formal co-operation structures (paragraph 102).

#### **B. Information (Article 19)**

18. GREVIO encourages the Norwegian authorities to pursue their efforts aimed at ensuring that all women victims receive adequate and timely information, in a language they understand, and to take measures to reach certain groups of women, in particular migrant women and Sami women, to inform them about their rights, to help them to break their isolation and to rebuild their lives (paragraph 108).

## **C. General support services (Article 20)**

### **1. Social services**

19. GREVIO urges the Norwegian authorities to set up dedicated programmes that cater to the specific needs of victims of violence against women in the areas of employment, training and housing, thus ensuring their recovery as well as their economic independence and empowerment (paragraph 111).

### **3. Healthcare services**

20. GREVIO strongly encourages the Norwegian authorities to monitor and evaluate the implementation of the guidelines for health professionals on domestic violence, rape and FGM and to address identified shortcomings accordingly, in particular by ensuring that these guidelines are embedded in a multi-agency approach. GREVIO further strongly encourages the Norwegian authorities to ensure that the public mental healthcare system offers accessible long-term counselling to victims of all forms of violence covered by the Istanbul Convention (paragraph 116).

## **D. Specialist support services (Article 22)**

21. GREVIO encourages the Norwegian authorities to expand the range and the geographical distribution of services providing specialist mid- and long-term support to women victims of all forms of violence covered by the Istanbul Convention, in particular women and girls exposed to or at risk of intersectional discrimination, in particular Sami people (paragraph 121).

## **E. Shelters (Article 23)**

22. GREVIO strongly encourages the Norwegian authorities to take measures to (paragraph 128):

- a. improve the geographical spread of specialist crisis centres dedicated to women and their children, in particular in rural areas, while monitoring the quality and financial sustainability of service provision, with the aim of reducing disparities among municipalities;
- b. ensure that women victims of gender-based violence are accommodated in separate facilities from men;
- c. ensure equal access to such specialist crisis centres for all women victims of all the forms of violence covered by the Istanbul Convention, especially women with disabilities, migrant women with irregular status, Sami women and women with addiction issues;
- d. ensure higher degrees of awareness and cultural sensitivity towards the specific situation of Sami women and girls as well as women from national and/or ethnic minorities and migrant women who experience gender-based violence. The aim of such heightened awareness must be the provision of adequate shelter services, including follow-up support, tailored to their specificities, rights and needs.

## **F. Telephone helplines (Article 24)**

23. GREVIO encourages the Norwegian authorities to ensure that national helplines for victims of the forms of violence against women covered by the Istanbul Convention are available in a wider variety of languages, in particular Sami, in order to reduce the language barriers that some groups of women experience when seeking help (paragraph 133).

## **G. Support for victims of sexual violence (Article 25)**

24. GREVIO encourages the Norwegian authorities to ensure the availability of long-term psychosocial support for women victims of sexual violence in an adequate geographical distribution, and to ensure the financial stability of those services (paragraph 138).

## **H. Protection and support for child witnesses (Article 26)**

25. GREVIO encourages the Norwegian authorities to take the necessary measures to provide support and protection to children who accompany their mothers to domestic violence crisis centres by ensuring continued access to education, including by making greater use of emergency barring and protection orders (paragraph 144).

## **I. Reporting by professionals (Article 28)**

26. Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the Norwegian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Norwegian authorities to review the obligation for professionals to report cases of violence against women, including the obligation to report to the police and to alert social services, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected (paragraph 149).

## **V. Substantive law**

### **A. Civil law**

#### **1. Civil remedies against the state – ensuring due diligence (Article 29)**

27. GREVIO strongly encourages the Norwegian authorities to ensure through all available means that women victims of any of the forms of violence against women are aware of and given the practical means to challenge and address any wrongdoing by state actors, including by re-examining and removing any barriers that may delay or prevent victims from doing so (paragraph 154).

28. GREVIO encourages the Norwegian authorities to measure progress in this area by collecting data on the number of proceedings initiated by victims and their outcomes (paragraph 155).

#### **2. Compensation (Article 30)**

29. GREVIO encourages the Norwegian authorities to (paragraph 160):

- a. take the necessary measures in order to ensure that victims are informed about the legal possibilities to claim compensation for women victims of any of the forms of violence covered by the Istanbul Convention, with a view to facilitating their access to the available mechanisms;
- b. ensure that the Criminal Injuries Compensation Authority collects data disaggregated by sex, age, type of violence, the relation of the perpetrator to the victim and geographical location on claimed and granted compensation requests in order to analyse the effectiveness of the compensation system;

- c. ensure that compensation claims are dealt with within a reasonable time as required by Article 30, paragraph 3, of the Istanbul Convention, to ensure that victims receive the financial support they need.

### **3. Custody, visitation rights and safety (Article 31)**

30. GREVIO urges the Norwegian authorities to introduce the principle of non-mandatory mediation in family law processes that concern families marred by a history of violence (paragraph 168).

31. In the interim, GREVIO urges the Norwegian authorities to introduce an appropriate screening process in order to identify families with a history of violence, including violence perpetrated by one parent against the other, in order to apply exceptions to mandatory mediation in family law processes aiming to establish decisions on custody and visitation rights by making use of information received from both parents and relevant entities, including but not limited to law-enforcement agencies, social services, health, education, domestic violence crisis centres and/or other women's specialist support services (paragraph 169).

32. GREVIO further urges the Norwegian authorities to establish a risk-assessment process in cases where parents with a history of abuse by one parent against the other have reached an agreement about custody, visitation or residence with a view to determining that the agreement is in the best interests of the child and that the safety of the woman and her child are ensured (paragraph 170).

33. Finally, GREVIO urges the Norwegian authorities to (paragraph 171):

- a. increase the competence of mediators, family counsellors, psychologists, judges and other professionals working with child custody and visitation issues to recognise and take into due consideration domestic violence witnessed by children, through in-service training;
- b. systematically collect data on the number of cases in which custody and visitation rights have been limited, restricted or denied because of a child witnessing violence and use such data as means for reviewing and revising policies in this area.

### **4. Civil consequences of forced marriages (Article 32)**

34. GREVIO encourages the Norwegian authorities to take measures to strengthen the legal remedies for women in situations of forced marriage in order to regain their unmarried civil status, in particular by removing the time limit on annulments and by offering the legal entitlement to void or dissolve a marriage (paragraph 174).

## **B. Criminal law**

### **1. Psychological violence (Article 33)**

35. GREVIO invites the Norwegian authorities to pursue their current efforts to introduce a specific criminal offence of psychological violence to capture more adequately the criminal conduct covered by Article 33 of the Istanbul Convention and to increase awareness, including through the training of judges, law-enforcement agencies and legal professionals, of the gendered nature and consequences of psychological violence (paragraph 178).

### **2. Stalking (Article 34)**

36. While recognising that Norway has introduced a dedicated offence of stalking, which is in full compliance with the Istanbul Convention, GREVIO invites the authorities to review whether general guidelines for legal professionals, such as the Prosecution Instructions, include procedures on how

to deal with the complex nature of this offence and to introduce changes as appropriate (paragraph 181).

### **3. Physical violence (Article 35)**

37. GREVIO encourages the Norwegian authorities to ensure the effective application of the full range of criminal offences relevant to physical and psychological violence employed by one intimate partner against the other (paragraph 183).

### **4. Sexual violence, including rape (Article 36)**

38. GREVIO urges the Norwegian authorities to amend the criminal legislation on sexual violence and rape to ensure that provisions are firmly rooted in the lack of freely given consent as required by Article 36, paragraph 1, of the Istanbul Convention. GREVIO further urges the Norwegian authorities to ensure appropriate sanctions for all sexual acts without the consent of the victim, irrespective of personal characteristics (paragraph 190).

### **5. Forced marriage (Article 37)**

39. GREVIO invites the Norwegian authorities to ensure that Section 253 of the Norwegian Criminal Code covers the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this adult or child into a marriage (paragraph 192).

### **6. Female genital mutilation (Article 38)**

40. GREVIO strongly encourages the Norwegian authorities to criminalise the intentional conduct of coercing or procuring a woman to undergo any act of excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris, and any act of inciting, coercing or procuring a girl to undergo such acts (paragraph 196).

41. Furthermore, GREVIO strongly encourages the Norwegian authorities to pursue efforts to increase awareness of female genital mutilation in society and to ensure an improvement in knowledge and understanding of this form of violence by relevant professionals, including but not limited to, health professionals, prosecutors, judges and lawyers (paragraph 197).

### **7. Forced abortion and forced sterilisation (Article 39)**

42. GREVIO strongly encourages the Norwegian authorities to criminalise the intentional behaviour of (paragraph 199):

- a. performing an abortion on a woman without her prior and informed consent;
- b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

### **8. Sexual harassment (Article 40)**

43. GREVIO encourages the Norwegian authorities to review the Criminal Code in accordance with Article 40 of the Istanbul Convention to include in its offence of sexual harassment acts of a sexual nature that might affect the dignity of the victim (paragraph 204).

### **9. Sanctions and measures (Article 45)**

44. GREVIO strongly encourages the Norwegian authorities to take measures to ensure that criminal sanctions in cases of violence against women are effective, proportionate and dissuasive. In determining criminal sanctions, precautions should be taken to avoid victims being revictimised by the imposition of fines on their husbands or partners. The suspension of sentences should be the result of a careful balancing between the need, on the one hand, to promote the social reintegration

of first offenders and, on the other, to contain the danger of recidivism, to avoid undue delays in criminal proceedings and to uphold the principle of accountability under criminal law (paragraph 207).

### **10. Aggravating circumstances (Article 46)**

45. GREVIO strongly encourages the Norwegian authorities to ensure that the commission of an act against a former or current spouse or partner as well as the presence of children is considered as an aggravating circumstance by the judiciary, together with all other aggravating circumstances listed in Article 46 of the Istanbul Convention. This would include ensuring the understanding among the Public Prosecution Service and the judiciary that dismissals or short sentences in domestic violence cases and other forms of violence against women do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence (paragraph 209).

### **11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

46. GREVIO urges the Norwegian authorities to review whether in the current practice of mediation in divorce proceedings separate meetings are granted in cases where intimate partner violence was detected, and to take legislative as well as other measures to end the practice of mandatory mediation in divorce proceedings involving a victim of intimate partner violence. GREVIO further urges the Norwegian authorities to incorporate a risk-assessment procedure and other safeguards to ensure that any voluntary conciliation procedures are entered into on the basis of prior and informed consent (paragraph 216).

## **VI. Investigation, prosecution, procedural law and protective measures**

### **A. General obligations, immediate response, prevention and protection (Articles 49 and 50)**

#### **3. Conviction rates**

47. GREVIO urges the Norwegian authorities to (paragraph 232):

- a. pursue efforts to review and analyse the disparity between the number of reported cases and those decided on in court in relation to all forms of violence covered by the Istanbul Convention, in order to identify shortcomings in the prosecution chain (investigation – prosecution – criminal proceedings) and use the findings for evidence-based policy making in order to address and eliminate any gaps in the response of the police and judicial institutions;
- b. undertake practical steps, such as in-service training, to overcome persistent attitudes, beliefs and practices that stand in the way of the response of the police and judiciary to domestic violence and other forms of violence covered by the Istanbul Convention. Progress in this area should be measured through the collection of publicly available data illustrating prosecution and conviction rates for the different forms of violence covered by the scope of the Istanbul Convention, respecting the requirements defined in its Article 11, in particular that the recorded data on victim and perpetrator should be disaggregated by sex and age of both the victim and the perpetrator, the type of violence and the relationship of the perpetrator to the victim, as well as geographical location.

48. GREVIO strongly encourages the Norwegian authorities to provide law-enforcement agencies with the requisite means and capacity to assist effectively and without delay all victims, in particular victims of domestic violence and rape, from the moment they report the violence, including by expanding existing efforts to establish specialist units within the police and by promoting and further strengthening the proactive collection of evidence, such as taking photos of the crime scene, interviewing witnesses and collecting evidence in digital form (paragraph 233).

## **B. Risk assessment and risk management (Article 51)**

49. GREVIO strongly encourages the Norwegian authorities to provide law-enforcement officials responsible for filling out the SARA and PATRIARCH checklists with systematic in-service training with a view to ensuring the effective use of these tools, as well as to review their implementation in practice. GREVIO strongly encourages the Norwegian authorities to ensure that risk-management procedures are fully integrated into multi-agency co-operation efforts with the aim of supporting the victims with co-ordinated safety and protection measures (paragraph 238).

## **C. Emergency barring orders (Article 52)**

50. GREVIO urges the Norwegian authorities to take legislative and other measures to enable the competent authorities to order, in situations of immediate danger and *ex officio*, a perpetrator of domestic violence to vacate the residence of a victim or person at risk and to reduce the average processing time for issuing all types of emergency barring orders (paragraph 242).

## **D. Restraining or protection orders (Article 53)**

51. GREVIO urges the Norwegian authorities to take the necessary legislative and or policy measures to bring the Norwegian legal framework and practice in line with Article 53 of the Istanbul Convention, notably by (paragraph 249):

- a. ensuring that protection orders are available under civil law, upon application, irrespective of or in addition to other legal proceedings;
- b. stepping up efforts to monitor and enforce protection orders, including through protocols/regulation and increased use of technical means such as electronic bracelets, and to hold perpetrators accountable for violating such orders by imposing dissuasive and proportionate sanctions.

## **F. Legal aid (Article 57)**

52. GREVIO encourages the Norwegian authorities to ensure that legal aid in civil proceedings remains accessible for women victims of the forms of violence covered by the Istanbul Convention under the Free Legal Aid Act, including claims for compensation from the perpetrator of a criminal offence and in cases involving forced marriages (paragraph 259).

# **VII. Migration and asylum**

## **A. Residence status (Article 59)**

53. GREVIO urges the Norwegian authorities to fully and expressly reflect the financial resource exemption in the Immigration Act in order to ensure that this requirement does not act as a barrier to protection for migrant women experiencing gender-based violence against women. Accordingly, GREVIO encourages the Norwegian authorities to review the cohesiveness of its Immigration Act to ensure all provisions are compatible with both the letter and spirit of Article 59, paragraph 1, of the Istanbul Convention (paragraph 272).

54. GREVIO encourages the Norwegian authorities to grant the right to residence for victims of all forms of violence against women on the basis of their co-operation with law enforcement. GREVIO further encourages the Norwegian authorities to extend the possibility of regaining their original residence status in Norway to victims of forced marriage who have been absent from Norway for more than two years for the purpose of forced marriage (paragraph 273).



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## **B. Gender-based asylum claims (Article 60)**

### **2. Accommodation**

55. GREVIO urges the Norwegian authorities to ensure that vulnerability, particularly related to sexual violence and other forms of gender-based violence against women, is formally assessed and identified at the earliest possible opportunity within the asylum procedure to inform decisions relating to accommodation and support services and to ensure procedural fairness and gender sensitivity in the conduct of asylum interviews (paragraph 284).

56. GREVIO urges the Norwegian authorities to ensure that all reception centre staff are fully trained in all forms of gender-based violence against women and gender sensitivity and that the UDI's guidelines relevant to the protection of women and girls within reception centres are properly implemented (paragraph 285).

57. GREVIO further encourages the Norwegian authorities to ensure the adequate quality of legal representation for women asylum seekers throughout the asylum application process, starting from the first interview (paragraph 286).

### **3. Non-refoulement (Article 61)**

58. GREVIO encourages the Norwegian authorities to ensure that it acts in full compliance with the requirements of Article 61 of the Istanbul Convention by duly applying the non-refoulement principle (paragraph 290).

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## **Appendix II**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

Ministry of Justice and Public Security  
Higher Prosecution Authorities  
National Police Directorate  
Norwegian Police University College  
Ministry of Children and Families  
Ministry of Education and Research  
Ministry of Culture  
Ministry of Labour and Social affairs  
Ministry of Local Government and Modernisation  
Ministry for Health and Care Services  
Norwegian Institute of Public Health  
National Centre for Emergency Primary Health Care  
Sami Parliament  
Statistics Norway  
Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS)  
Immigration Appeals Board (UNE)  
Directorate of Immigration (UDI)  
Regional Resource Centre For Violence (RTVS Sør)  
Kristiansand municipality  
Kristiansand Police  
Kristiansand asylum centre

#### **Other public bodies**

Gender Equality and Anti-Discrimination Ombud  
Norwegian National Human Rights Institution

#### **Non-governmental organisations and civil society organisations**

Pro Sentret  
Oslo SMISO/NoK  
Oslo Crisis Centre  
Therese's House  
Amnesty International  
Alternative to Violence (ATV)  
KUN Centre for Equality and Diversity  
The Norwegian Women's Public Health Association  
JURK  
Alternative to Violence (ATV) Kristiansand

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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