

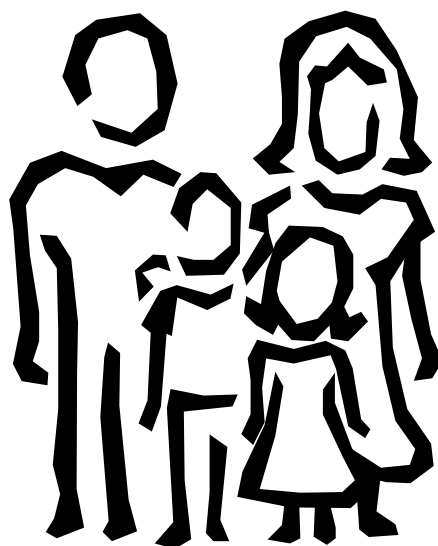
# DREAMING OF THE GOOD LIFE

A REPORT ON FOREIGN NATIONAL WOMEN, MARRIED TO NORWEGIAN MEN,  
WHO HAD TO SEEK REFUGE IN THE SHELTERS IN 2001

by

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Krisesenter  
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## Foreword

Violence against women is a social problem and the society has a duty to take care of those exposed to this violence. To be able to take care of them in the best way possible, there is a need for more knowledge of these problems. In this report we have tried to summarize what we at present know about abused mail-order brides and about a serial import of women and children for the purpose of sexual exploitation. Multicultural marriages can be a resource for the society, but we do not wish that violent men should be able to again and again bring new women to the country for a life of abuse. In our opinion this is, in its utmost consequence, a form of trafficking.

During meetings in the Norwegian government's forum on Violence against Women, the leader of the Tana-project against Prostitution and Violence against Women, Helene Hernes, and Tove Smaadahl, leader of The Secretariat of the Shelter Movement, became aware of the fact that this is a problem that "nobody" seems to know anything about. Based on this, it was our wish to take a closer look at these phenomena in addition to gathering as much information as possible from other sources - if they existed,

The result is this report, which is not an academic research report, but an attempt to illustrate, and state, some of the problems connected to violence against women and children who to begin with came to Norway to live "The Good Life". We will also propose necessary actions and changes in the law based on the conclusions in this report. By doing this, it is our hope that the report will be of use for both the politicians who are responsible on a national, regional and local level, but also for the police/relief workers, and of course for shelters in the whole country.

We are grateful to all the shelters that have contributed with documentation and also participated in telephone interviews, and to everyone else who have been so kind as to contribute with information, knowledge and useful input.

We would also like to thank The Norwegian Ministry of Children and Family affairs and The Ministry of Justice and Police for financial support for editing, copying and distribution of the report.

Tove Smaadahl and Helene Hernes

## Summary

The results that are presented in this report are based on a quantitative part, where the shelters have received a questionnaire on the subject of foreign national women married to Norwegian men, – and a qualitative part where workers at the shelters have been interviewed by telephone on the same subject. A result of our study showed that several shelters have witnessed a strong increase in the number of women in this group the past two to three years. Most of the women came from the former Soviet Union and from Southeast Asia. The increase was most noticeable in the North of Norway, especially Finnmark, and in the North West of Norway. The import of children by paedophiles under coverage of marriage with the child's mother is also a matter of concern. In the second part of the study we take a closer look at the target group's legal protection in regard to the police, immigration authorities and different parts of the relief services. It is our conclusion that their legal protection is not sufficient due to poor knowledge of the target group and their special problems, in addition to unsatisfactory routines. The women do not receive adequate help from the local relief services either, based partly on poor knowledge, and partly on the lacking of resources. At some shelters there is a need for further qualifications, and all of the shelters are in need of more resources. A number of initiatives are proposed here to improve the situation, among them are an improvement of the police routines for receiving reports and taking statements, changes in the Immigration Regulations, better access to information of the target group's legal rights, increased resources to the shelters in addition to further research on these set of problems.

## List of Contents

<i>Foreword</i>	2
<i>Summary</i>	3
<i>List of Contents</i>	4
<b>1. Introduction</b>	<b>6</b>
1.1 The issue	6
1.2 Abused women - the Norwegian way	6
1.3 The “three year rule”	6
1.4 About the enquiry	7
<b>2 The purpose of this report</b>	<b>7</b>
<b>3 Main set of problems</b>	<b>8</b>
<b>4 Method</b>	<b>8</b>
<b>5 Foreign national women, children and Norwegian husbands</b>	<b>9</b>
<b>6 Establishing contact</b>	<b>11</b>
<b>6.1 The foreign national women</b>	<b>11</b>
6.1.1 Women from Russia and Eastern Europe	12
6.1.2 Women from Thailand and the Philippines	12
6.1.3 How are the women treated?	13
<b>6.2 The husband takes control</b>	<b>14</b>
<b>6.3 Mail-order families</b>	<b>14</b>
<b>7 Women's legal rights in their meetings with relief services, police and immigration authorities</b>	<b>15</b>
<b>7.1 The Police</b>	<b>15</b>
<b>7.2 Interpreting Services</b>	<b>16</b>
7.2.1 Use of interpreters at the shelters	17
7.2.2 Telephone interpreters	17
7.2.3 Conclusion	18
7.2.4 Proposals of action	18
<b>7.3 Residence permit based on abuse</b>	<b>18</b>
7.3.1 The law in general. Guidelines	18
7.3.2 Proposals of action	19
7.3.3 The abuser as witness in the woman’s case of applying for a residence permit	20
7.3.4 Proposals of action	20
<b>7.4 Divorce in one day</b>	<b>21</b>
7.4.1 Proposals of action	21
<b>8 The shelters’ role</b>	<b>22</b>
<b>8.1 A presentation of what the shelters offer</b>	<b>22</b>
<b>8.2 Foreign national women at the shelters</b>	<b>23</b>
<b>8.3 Use of interpreters at the shelters</b>	<b>24</b>
<b>8.4 Resources and establishing knowledge at the shelters</b>	<b>24</b>
8.4.1 Personnel resources with foreign women	25

8.4.2	Documentation	26
<b>8.5</b>	<b>Proposals of action</b>	<b>27</b>
<b>9</b>	<b><i>Proposals of new measures and changes of law</i></b>	<b>27</b>
9.1	The “three year rule” must be changed	27
9.2	Foreign speaking women must receive information in their own language	28
9.3	Improve the routines for use of interpreters	28
9.4	More resources to the shelters	28
9.5	The police must improve their routines	28
9.6	Access to the Criminal Records for The National Directorate of Immigration	29
9.7	A thorough discussion of the use of the Immigration Regulations, cf. 37 sixth paragraph	29
9.8	No statement from the abuser when the woman applies for permit based on ill-treatment	29
9.9	Divorce in one day should not be approved	30
<b>10</b>	<b><i>Proposals for further research</i></b>	<b>30</b>
<b>11</b>	<b><i>Conclusion</i></b>	<b>31</b>
<b>Sources:</b>		<b>31</b>
<b>[ENCLOSURE 1]</b>		<b>33</b>
1.2	A presentation of the Secretariat of the Shelter Movement and the Tana Project Network	33
<b>[ENCLOSURE 2]</b>		<b>38</b>
<b>I.</b>	<b><i>INTRODUCTION</i></b>	<b>38</b>
A.	<b><i>Social and cultural conditions in the country of origin</i></b>	<b>39</b>
B.	<b><i>Ill-treatment in the marriage or cohabitation</i></b>	<b>40</b>
1.	Proving ill-treatment	40
2.	Preparation of the case by the police	40
<b>III.</b>	<b><i>CONSIDERATION OF ACCOMPANYING CHILD OF THE ONE SPOUSE</i></b>	<b>41</b>
<b>IV.</b>	<b><i>FOREIGN NATIONAL WOMEN ABANDONED IN THE COUNTRY OF ORIGIN OR SENT BACK THERE BY THE SPOUSE</i></b>	<b>41</b>
<b>V.</b>	<b><i>OTHER SITUATIONS WHERE PERMITS CAN BE GRANTED PURSUANT TO SECTION 8 SECOND PARAGRAPH OF THE IMMIGRATION ACT, CF. SECTION 21 THIRD PARAGRAPH OF THE IMMIGRATION REGULATIONS, STRONG HUMANITARIAN CONSIDERATIONS/PARTICULAR CONNECTION</i></b>	<b>42</b>
<b>VI.</b>	<b><i>SUBSISTENCE AND HOUSING</i></b>	<b>42</b>
<b>VII.</b>	<b><i>FREE LEGAL AID</i></b>	<b>42</b>
<b>VIII.</b>	<b><i>TIME LIMIT FOR DEPARTURE</i></b>	<b>42</b>
<b>CONTYDIAGRAM</b>		<b>43</b>

## **1 Introduction**

Contributors to this study have been Tove Smaadahl, leader of the Secretariat of the Shelter Movement, and Helene Rød Hernes, who is project leader for the Tana Project against Prostitution and Violence against Women. This report is written by Tove Smaadahl, Liv Langberg and Helene Rød Hernes.

### **1.1 The issue**

Foreign national women married to violent Norwegian men have for many years sought help at the shelters for battered women. During the past three years, several shelters have reported that they are receiving an increasing number of these women, and some shelters have had a doubling during this period. The National Directorate of Immigration has also noted an increase in the number of immigrant women from Russia, Thailand and the Philippines (*Klassekampen 25.02.2002*).

Another new "trend" is that paedophiles use contact bureaus to get in touch with women who have children of desirable age and gender, mainly from the Southeast Asia.

### **1.2 Abused women - the Norwegian way**

There are no certain figures that show the extent of women abuse in Norway. One of the reasons is that the police and the public health services have not singled out these figures as an area of interest. Neither do the 50 shelters in Norway keep joint statistics. The Ministry of Children and Family affairs obtain information about the number of residents, overnight stays and telephone calls. The Secretariat of the Shelter Movement gathers joint information from the shelters on the resident's age, number of children, causes, and the extent and consequences of the violence. The statistical questionnaires from the Secretariat of the Shelter Movement are being reformulated so that new areas relating to violence against women may be shed light on.

### **1.3 The "three year rule"**

Minority women are overrepresented at the shelters considering their representation in the population at large. Many of these women are married to ethnic Norwegian men and have gained a residence permit in Norway through family reunification conditioned by marriage or

cohabitation. Should they move away from their husbands, or separate before three years have passed, they lose their residence permit. Abused women can be granted a residence permit earlier if the immigration authorities believe the woman's story. This is based on judgement, and the rules for what must actually happen for the women to gain a residence permit, are vague. Therefore, women under the "three year rule" who are subjected to violence, often choose to stay in their marriage despite the abuse they are experiencing.

#### ***1.4 About the enquiry***

The results that are presented in this report are based on a quantitative part, where we have tried to assess how many foreign national women, married to Norwegian men, had to visit a shelter during 2001, and a qualitative part, where we interviewed the workers at the shelters about their experiences and the impressions they have had in concern with these problems.

Unfortunately, only a few shelters have gained permission from the Norwegian Data Inspectorate to store sensitive information. Therefore we did not receive data from all the shelters. For the same reason we used more time than estimated to gather the statistics on the shelters' residents, and consequently it was not possible to process and analyse this data further.

As to the question of how many Norwegian men totally who marry foreign national women, especially through contact bureaus, and how many of these women experience exploitation and harassment, maybe abuse, and then are "traded in" when the husband wishes to try out someone new, is not possible to find the answer to in a simple study like this.

An extreme situation has to arise before a woman takes the first step and contacts a shelter. Those who have been counted in this study represent therefore only the tip of the iceberg.

## **2 The purpose of this report**

Based on the government's Plan of Action, "Violence against Women", it is our wish to contribute to the increase of knowledge as to which processes lead to an increase in the

above-mentioned problems. What kind of problems do the women meet, and what are their needs for help.

It is our hope that knowledge in this field can be implemented in the already existing Plans of Action in the various departments. At the same time we wish to shed light upon the need for new initiatives, both on a local, regional and national level.

We also wish to contribute to establishing knowledge that will increase the shelters' competence, and thereby contribute to ensure the quality of what the shelters have to offer. At the same time we will look at the need for resources in connection with ensuring the quality.

### **3 Main set of problems**

In this study, our main intention has been to find out:

- How many foreign national women married to ethnic Norwegian men stayed at the shelters in Norway in 2001, and are there regional differences?
- How the relief services, the law and the police function when it comes to these kinds of problems.
- How the problems can be prevented and what actions that must be taken to improve the women's situation.

### **4 Method**

The regular statistical questionnaire from the Secretariat of the Shelter Movement does not show data as to how many residents with a foreign background at the shelters in 2001 were married to Norwegian men. We therefore formulated a separate questionnaire that was sent to the shelters. Based on one of the main goals from the Tana Project, we documented how many of the women and children that came to the shelters were from Russia, the Baltic States, Thailand, the Philippines and "other countries".

It was not within our capacity to find out how many children the women brought with them from their country of origin, and how many were born during their marriage with the



Norwegian man. We have therefore only registered how many children that came to a shelter with their mother in 2001.

All the shelters have responded to the questionnaire, but Sør-Trøndelag County is not part of the overview because the shelter in Trondheim did not have the necessary statistical basis. Two foreign women married to Norwegian men arrived at the shelter in Orkdal in 2001, which is within the same county, and between them they brought three children with them.

Information from the shelters indicated that the increase should be largest in counties with a widespread population. After all had been counted and the statistics had been gathered, we therefore made diagrams for each county. One can here see the total number of residents at the shelters in each county, compared to how many were foreign women (with children) married to Norwegian men. The figures for Thailand and the Philippines are presented together to protect the women's identity. The same was done in the last category, "other countries".

Each county's total number of inhabitants the actual year was obtained from Statistics Norway (SSB). The population figures are presented at the top of each county diagram.

We also had telephone-interviews with workers at the shelters. Unfortunately, it was not within our limits to conduct interviews with the women themselves.

It was our wish to gain a general overview of the help that the women obtained when consulting the police, a shelter or public relief services. We also wanted to learn more about who these women are and the reasons for their stay at the shelters. An interview-guide was not used, only "loose" questions/associations.

Only the county in which the shelters are located have been registered, so that it would be difficult to identify both the women and the abuser.

## **5 Foreign national women, children and Norwegian husbands**

In the year 2001, shelters all over the country received altogether 237 foreign national women who had escaped from their Norwegian husbands.

Most of the women that came to the shelters brought their children with them, altogether 151 children. The majority of the women were from Russia (76 Russian women with 42 children), followed by women from Thailand, Eastern Europe, the Philippines<sup>1</sup> and "other countries".

We can see regional differences, not only in how many women in the target group that visit the shelters, but also in the women's country of origin. Finnmark and Nordland have the largest number from the target group, approximately one third of the women at the shelters in these counties. Troms is second with about 25%, followed by Møre and Romsdal and Sogn and Fjordane with approximately 20% each. Vestfold is the county with the lowest number of women from the target group, with 5 of 124 women, which is about 1/24.

Based on these figures, it is not possible to say anything substantial about whether or not the import of mail-order brides is more widespread in sparsely populated areas than in more urban areas. At the shelters in Buskerud and Oppland, for example, there were a lower proportion of women from the target group than in Oslo. Based on this hypothesis, one could also expect a higher proportion in Nord-Trøndelag, but the figures from this county are actually average. What we can say something about, however, is that Northern Norway and the Northwest differ from the rest with a high proportion of women in the target group. Approximately half of these women are Russian. Finnmark distinguishes itself by the fact that all women in the target group are Russian.

The number of residents at the shelters pr. 1 000 inhabitants varies between the counties (VISTA Utredning A/S - Suggestions for a cost model for the shelters 2001). This can usually be seen in connection with accessibility: In Østfold, for example, which has a high density of shelters, the usage of the shelters is far higher than in Vestfold, where there is only one shelter. In this study we are able to establish that the total number of residents at the shelters in Finnmark is high, compared to the population in general. Compared to the population density in Finnmark, the coverage of shelters is good. Geographically, though, the coverage is low because of a widespread population. Compared to the proportion of women in the target group in Finnmark, it can seem as though the results show that not only do more Norwegian men marry foreign national women here, but also that a higher proportion of the women are being mistreated. In Tromsø and Nordland, where there are many women from the target

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<sup>1</sup> The figures for the women from Thailand and the Philippines are presented together to protect the women's identities.

group, the picture is more uncertain. In the Northwest, where there also are many women in the target group, the number of users of the shelters is low compared to the population figures. We do not know whether this is a result of poor accessibility, whether or not men in the Northwest abuse women less than their brothers in the North of Norway, or if there maybe are other explanations. These results must be compared to other sources of data to be able to conclude further on these issues. Further research is therefore necessary.

## **6 Establishing contact**

In Finnmark, and especially East Finnmark, the road to Russia is a short one. Many Norwegian men and Russian women have gradually built a network. They invite each other to visit across the border, often with the intention of finding a future lover or spouse. Our respondents tell us that women who are given the opportunity to get to know their future husband over a longer period, are seen more seldom at the shelters.

On the other hand, it can seem as though a more aggressive marketing from the contact bureaus has to take the blame for the fact that foreign national women in Norwegian rural areas end up in a shelter to an ever-increasing extent. They use video-presentations and photo-catalogues so that the women can be chosen by their looks. Meetings and camps are organised for the partner seekers: "See our products and services", can often be found on the bureau's web pages.

We are aware of two new contact bureaus that have been established in rural areas the past few years, one on the West coast and one in the county of Troms.

### **6.1 The foreign national women**

The so-called mail-order brides most often come from Asia, Russia and other countries in Eastern Europe. The National Directorate of Immigration reports that countries such as Russia, Thailand and the Philippines are represented in the statistics for family reunion in an increasing degree the past few years. The reasons behind many of these reunions are Norwegian men who marry women from these countries (Klassekampen 25.02.2002).

In a few rural areas, most of the wives come from the same local community in their home country, and many of them are related to each other. This is, however, rare. Usually the women have no social network in Norway before they come here.

### 6.1.1 Women from Russia and Eastern Europe

Today, an increasing number of marriages in Finnmark are between Russian women and Norwegian men. This increase can be seen over the whole county.

Our data show that shelters all over Norway received 76 Russian women with 42 children in 2001. The Trondheim shelter is not included here as they lacked necessary figures. The shelter in Kirkenes in East Finnmark, housed fourteen foreign national women married to Norwegian men the actual year. All of these were originally from the former Soviet Union. The women came to the shelter from the whole of Finnmark. Every one of them had been abused psychologically and physically. Some of them had simply been thrown out of their homes.

We found some similarities between the East-European and the Russian women. On an average, they are older than the Asian women, they have often been married in their home countries and many of them bring their own children with them to Norway. They often have more resources, have higher education and learn the language fast. They find it easier to adjust, easier to cope alone and are often described as very determined. When these women break out of a relationship with a violent husband, they seem to cope better than women with other backgrounds.

### 6.1.2 Women from Thailand and the Philippines

There are two other countries besides Russia and Eastern Europe that especially calls for attention here: the Philippines and Thailand.

After the emergence of cheap charter tours to Thailand and the Philippines, many men have started to take an interest in women and children from these countries. As an example, we can mention that the leader of a shelter in Nordland tells us that a new culture is emerging amongst the men in this small township. Every year, groups of men leave on a charter holiday

to Thailand. They're back after a week or two, without a tan. After a short while, their newly wed wives arrive from Thailand. So-called contact bureaus often arrange these tours. In several cases the men involved have been violent in earlier relationships.

### 6.1.3 How are the women treated?

From the shelters in the West of Norway, we are told stories about Russian women who have been exposed to extreme violence, and who have been forced to have intercourse with their husband's male friends. One of the women was - during a period of 12 months - married and separated, received benefits from social services, lost several kilos and had severe health problems. Her child has now severe psychological problems. Today the woman is awaiting an answer to her application for a residence permit. The husband is now searching for a new wife. She will be his third.

The leader of a shelter in Finnmark tells us that Norwegian men are phoning the shelter because they are concerned for their neighbours' and friends' abuse of their Russian wives. Their stories are that their friends force the wives into prostitution so that they "earn the right" to live with their husband. Some of the Russian women also have to accept being lent out to their husband's buddies. Reports like this come from shelters all over the country.

The emergency hotline in Finnmark often receives phone calls from women who do not dare report their husbands to the police, despite severe violence against them. The women often excuse their husbands by explaining that it's only because he is sick and addicted to alcohol. Everything will change as soon as he gets help for his problem.

One of the shelters in Nordland report to us that mail-order brides from Thailand are looked upon as whores, and that even in broad daylight they are offered money for sex. One woman, who works as a masseuse, is often asked to perform sexual services. Amongst other people in the local community, and from their in-laws, the women from Southeast Asia are often confronted with attitudes such as: "How lucky she is to have been allowed to come to Norway. Since she has been so lucky, she has to put up with a little extra."

Most of the foreign national women living in this small community come from Thailand, but we are also told that several Russian women are being abused in the same district. They do not dare contact the police or the shelter.

### **6.2 *The husband takes control***

It seems as though many of the men that import women want to have full-time housewives, and the result is that the women are totally financially dependent on their husbands. Workers at the shelters also tell us of women who have to start working at once, and that the husband takes control over her income. There have also been examples where the women have to cover the whole family's expenses, both joint and personal expenses. This is often paid from child welfare benefits, income etc., in addition to whatever she may have saved up before arriving in the country. We were also told about women and children who did not receive food before they had proved they deserved it.

Unfortunately, there are quite a few examples of men who force/persuade their wives to sign papers where everything of value is signed over to him, and where they agree to obey him. The women are told that this is normal procedure in Norway.

Many of the shelters report that a number of men are large-scale consumers of mail-order brides. It is not unusual that the woman who comes to a shelter is wife number two, three or four. We have also been told that some men have brought home five wives from other countries.

### **6.3 *Mail-order families***

According to the Criminal Police, paedophile men are taking in use increasingly refined methods for getting in contact with small children. Head of the Criminal Police, Arne Huuse, confirms that this is a well-known problem and that they currently are investigating several such cases (Bergens Tidende 04.02.2002).

One such case is mentioned in the information we have gathered. The case concerns a man who has been sentenced as a paedophile twice, and who has now "placed an order" for a mother with small children, and been given the authorities "blessing" to do this. It is not

surprising to see these things happen now. Sex-travels to Thailand for example, have for a long time been common amongst men who wish sex with women, and in an increasingly degree children, without any obligations. As we see an increasing tendency towards a market that is changing in the direction where more women travel with western men to their home countries, we must also expect that the market of child sex will change in the same direction.

## **7 Women's legal rights in their meetings with relief services, police and immigration authorities**

### **7.1 The Police**

Violence against women are criminal actions, and are crimes against humanity. With the violence, women and children loose basic fundamental rights and human rights, and it is a violation of the basic rights of freedom to life, health and gender equality<sup>2</sup>

The Human Rights are meant to ensure every individual their most basic needs, and protect every human being against violence and injustice. Every person has a right to the same worth and dignity as a human being, and the state has committed itself to ensure every person these rights.

On several occasions, the Secretariat of the Shelter Movement have pointed out that the police and prosecution do not to a satisfactory degree pay enough attention to women exposed to violence. Built on the shelters' experiences, we have pointed out shortages when it comes to knowledge, competence, priorities, routines and cooperation between these services.

Several foreign national women report that they have called the police a number of times to report domestic violence. Despite this, no investigation took place. The women have not received information of their rights and possible actions that can be taken to stop the violence, and nobody was prosecuted. These problems are well-known to the shelters. Therefore, we raise the question as to whether or not the police register complaints of domestic violence, and

whether or not these complaints are shown in the system next time the same address pops up or the same person commits violence.

Many processes, measures and projects have been carried into effect the past year to improve the situation, both within the police, the Ministry of Justice and in the National Police Directorate. Amongst other measures, the Secretariat of the Shelter Movement have participated in a working party, together with representatives from the Ministry of Justice, the National Police Directorate and the Centre for Gender Equality, to formulate standardized instructions for the police in cases of women abuse. The working party has delivered their proposal to the director general of public prosecutions, who approved it last year. According to Minister of Justice, Odd Einar Dørum, a family violence-coordinator is to be established in all of the 27 police districts. At the same time the National Police Directorate are working with competence development within the police concerning violence against women.

It is of the highest importance that when the police receive information that a women or others within the household are exposed to violence, severe threats of violence or harassment, a qualified assessment of the violence or threats must be made, so that one can consider possible actions that can be taken to protect those exposed to the violence or threats. An investigation should also start immediately, in case of a possible prosecution.

At the same time, it is important that the police register *all* cases of domestic violence, without exceptions. This is important and necessary documentation, not only if the case should go to court or damages should be claimed, but also in view of a possible application for a residence permit based on the regulations of abuse or ill-treatment.

## **7.2 Interpreting Services**

We are familiar with the fact that there are many problems attached to public interpreting services, and that the service generally is not good enough (Asker and Bærum shelter 2002). These problems were confirmed through our work with this report.

When a women visits social- or health services for help in a case of abuse, the husband is sometimes asked to interpret. In addition to the fact that the husband is in some occasions the actual problem she wishes to address, he often doesn't speak her language very well. Another

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<sup>2</sup> The UN Convention of 18<sup>th</sup> December 1979, banning all forms of discrimination of women.



alternative is that the woman herself tries to explain the situation in her often very limited English or Norwegian. Whatever solution is chosen, it is clearly in violation of the information- and guidance duties of these services.

The shelters report that many lawyers fail to make an appointment with an interpreter, and let the woman's helper (neighbour, friend, child, shelter-worker) explain the case on behalf of the woman, alternatively that they themselves communicate with the woman in poor Norwegian, English or sign language. It seems as though many lawyers are not familiar with the fact that in many free legal aid-cases, the woman is entitled to interpretation, also during her sessions with her lawyer, and that the cost of these sessions are covered by the county governor.

Unfortunately, using public or authorized interpreters does not solve all of the problems concerning interpretation. In small communities, the interpreter often knows the person he or she is interpreting for, or her husband. In small language groups, there are also so few, or the ties are so close, that it is impossible to find an interpreter that doesn't know at least one of the parties. This can be experienced as an uncertain and threatening situation for the person who wishes to use the interpretation services. It is also not unusual that interpreters are exposed to threats or violence because the aggressor wishes to know exactly what has been said during the conversations. Rachel Paul (1998) also describes this (Jonassen and Eidheim 2001).

### 7.2.1 Use of interpreters at the shelters

See chapter 8.3

### 7.2.2 Telephone interpreters

In cases where there is need of an interpreter outside office hours, and where it is impossible to find an interpreter that does not know any of the parties, or also in cases where the interpreter's life can be in danger, it is possible to use a telephone interpreter. This is an arrangement that is not well known, but as in the above-mentioned cases, it can work just as well as the ordinary interpretation services.

### 7.2.3 Conclusion

Many foreign-speaking women experience a break up with an abuser without having had adequate help from an interpreter, neither at the shelter, at social services, her doctor or her lawyer. In our opinion, we therefore are within our rights to claim that there is a general problem concerning the legal protection of non-native speakers in Norway.

### 7.2.4 Proposals of action

An improvement of the routines for use of interpreter/telephone interpreter in the relief- and health services must be introduced. The employees must also receive organized training in these matters.

We recommend that the instructions in the circular from the Directorate of Immigration (UDI 12/94 - adjusted) should be implemented in the administrative law: “The importance of using professional interpreters is to be emphasized. Assistance from friends or relatives or from other companions does not count as an interpretation assignment. Necessary assistance for interpretation must never be replaced by letting a child assist in the conversation.”

## **7.3 Residence permit based on abuse**

### 7.3.1 The law in general. Guidelines

Women that arrive in the country as a part of a family reunification, are given a residence permit for three years, conditioned by marriage. A condition for renewal of the residence permit is that they still are married or cohabitants. For that reason, the foreign national women have to apply for a prolonged stay every year. After three years, the women have a right to stay in Norway permanently. If they wish to divorce before three years have passed, they have to be able to document abuse, or otherwise prove that they will meet difficulties in their home country due to social and cultural conditions, and then seek residency independently (see encl. 2).

The decision is based upon discretion, and is also dependent on whether or not the immigration authorities believe the woman and her story.

What it actually takes for a woman to get a residence permit based on the regulations of ill-treatment (Immigration Regulations, cf. 37 sixth paragraph), is rather vaguely formulated. This vagueness has led to uncertainties as to what legal rights the women have after they have broken out of a marriage. Women who fall under the “three year rule”, choose therefore often to stay in the marriage, despite the violence they experience. Those who have to escape to a shelter so as to save their lives and health can expect an uncertain life situation and a very uncertain legal position.

Should these women be able to prove that they have been abused, their chance to stay in the country rises. All applications for residency in cases of abuse are supposed to be granted based solely on the woman’s statement “...unless there are clear reasons for assuming that this is not true”. For that reason, free legal aid is not provided to help write the application (circular G-9/00). It appears, however, that many of these applications are denied, and that police practice varies from district to district (Losjå 2001).

It takes courage for a woman to leave all that is known to her for an uncertain future in a foreign country, often with an unknown man. Very often the women also bring their children with them, which makes the decision to move even more serious.

Usually the women sell everything they own, quit their jobs and often defy their family and friends’ scepticism before they leave. There is no question that it is difficult to go back without a place to live, without work, and often without a family to help start anew. This is probably one of the reasons that these women are willing to put up with a lot to make their marriages work, also after they have received a permanent residence permit.

### 7.3.2 Proposals of action

A thorough discussion is needed as to whether or not the police and National Directorate of Immigration practice the Immigration Regulations, cf. 37 sixth paragraph, as intended, or if there is a need for this to be defined more precisely.

### 7.3.3 The abuser as witness in the woman's case of applying for a residence permit

Women who leave an abuser show great strength and courage, and according to the shelters' experience, this is a very difficult process.

Losjå (2001) found several cases where the National Directorate of Immigration had asked the police to take a statement from the abuser when his wife applied for a residence permit based on the regulations of ill-treatment. The women experienced that their husband was counted as a part in the case. The fact that the husband is to testify in what actually is a case between the woman and the immigration authorities, leads to fear that the police will give him sensitive information that can put the woman's life and health in danger. They are also afraid of the consequences should the husband deny the abuse.

It is of major importance that the police ask relevant questions, so that the women's statement is both concrete and thorough as to what she has been through in terms of violence, threats and sexual abuse. This documentation is crucial and can determine whether or not the National Directorate of Immigration grants a residence permit or not.

The guidelines for how to consider these cases (Circular UDI 99-44) ascertain that the immigration authorities are *not* to take a statement from the woman's husband or cohabitant, but that it *can* be done in certain cases. Further it is specified that one should only consider taking a statement if there are solid reasons for doubting that the abuse allegations are correct, in other words, only if one has received independent information that the woman has not been abused.

### 7.3.4 Proposals of action

When a woman has separated from her husband and is seeking residence in the country independently, this has to be a matter between the woman and the immigration authorities.

Should the husband admit that the abuse has taken place, he's at the same time pleading guilty to a criminal action. When one considers the violations and anguish that these women experience should their husband be questioned, it is in our opinion inappropriate to take these statements.

The National Directorate of Immigration must change the guidelines for case preparation for the police, so that abusers are not questioned in these cases.

#### **7.4 Divorce in one day**

The shelter workers tell us that the abusers both phone and write letters to the shelters to minimize the information of violence. They also claim that the women are lying only to get a residence permit in the country. Seen from the shelter's point of view, it seems as though the abuser acts in a way that shows that he wants the women and children out of the country as fast as possible. Some shelters have even experienced that the husband drove the woman and children to the doorstep, saying "get this woman back to her own country, I want a new and younger woman".

Several shelters inform us that while wife number one is recovering at the shelter, the husband has already left the country to marry again. Some of the shelters have told us that the men also threaten the women, and that in some cases the shelters have seen it as necessary to transfer the woman to a shelter in another county.

In many countries it is possible to get a divorce in one day if both parties wish to divorce. Should one of the parties come from a country where this is possible, and especially if the marriage took place in that same country, the couple can be divorced in one day at that country's embassy in Norway. This is a legal divorce in Norway, but should one of the parties wish to marry again, the county governor must approve the divorce. These divorces are to be approved as long as they don't offend Norwegian sense of justice, as for example the simplest form of a Muslim divorce. Following this, a man has plenty of time to both divorce his first abused wife, marry his second, acquire a visa, go on a honeymoon - all before wife number one has left the shelter.

##### **7.4.1 Proposals of action**

The county governor's rules for approving these foreign divorces should be reduced. We know that women are both being tempted with money, but also threatened by violence or that they will lose their children, so that they will accept divorce in only one day. The husband is then free to fetch a new wife immediately. Used in this way, these divorces are, in our

opinion, absolutely offensive to Norwegian sense of justice and should not be approved by the Norwegian authorities.

## **8 The shelters' role**

### ***8.1 A presentation of what the shelters offer***

The shelters are a supplement to the public services. In 2001 we had 50 shelters and five emergency hotlines in Norway - in some counties only one, in others up to eight (Nordland). On account of long distances and poor means of transport, it's obvious that it is difficult for women in sparsely populated areas to get away from the abuser and get help. We reckon there are many women that are not accounted for.

Many years with shelters in Norway have led to a situation where the police and public relief services today have a better knowledge of what the shelters have to offer in regard to support and help. The shelter workers tell us that the police, or someone in the public relief services, often refer abused women and children to the shelters.

After running shelters for over 20 years, the shelter movement has acquired a great amount of knowledge of this special kind of violence. The guidelines for the shelters spell out that the shelters are meant to be a place where women help women, and where they can receive support in a collective atmosphere. The woman can here experience that the violence she has been exposed to is not only her private business.

- All the workers at the shelters are bound by professional secrecy, so that all women who come there are guaranteed full confidentiality.
- The women can bring their children with them, and thereby ensure that they are not exposed to violence, and/or take over the abusers pattern of conflict and violence.
- The residents and day users can make an appointment for counselling and advice, and can also be accompanied to relief services during daytime
- Women exposed to violence can also phone the shelters for information and telephone guidance.
- The women are helped to help themselves.
- They are believed and listened to, and are allowed to stake out their own course.

- The women are given the possibility to regain control and responsibility for their own lives. The shelters help with practical problems and assist in contacting the public relief services.

## **8.2 Foreign national women at the shelters**

At many shelters we have observed that the number of women with a foreign background are increasingly becoming a larger number of the residents. Several of them are married to Norwegian men. These women arrive at the shelters with other, often more complex problems than the Norwegian women. Young women, sometimes minors, who run away from forced marriages, are a major challenge for the shelters.

Minority women exposed to violence have the same needs as Norwegian women exposed to violence, but at the same time they often lack the same network that the Norwegian women have. It is also a fact that the women's economy is far worse than in the case of Norwegian women, and so their possibilities of being able to support themselves alone is far worse. What *all* women need, whatever their cultural background, is not to be exposed to violence.

For many women, the shelter is the last alternative. If possible, they seek other ways out of their problems. One condition is economic freedom of action and a broad network of family and friends. Many minority women do not have the same access to these possibilities as the majority population have (Asker and Bærum shelter 2001).

It is easy to focus on the differences when meeting people whose origin is from other parts of the world. However, the most striking resemblance, are the similarities of the women's experiences of domestic violence. The patterns and the tendencies in the violence, and the women's reactions to their experiences, are strikingly alike, no matter where they come from in the world.

The collective way of organizing the shelters seems to be familiar to many foreign national women. This way of living gives the women the possibility to meet Norwegian women in the same situation. They experience that their situation is not unique, and they also gain insight into the fact that abuse of women is not socially accepted in the majority society.

On an everyday basis, the women accept each other and the community, seemingly without problems. They are considerate of each other's culture, needs and peculiarities. Conflicts are rare - should they arise, they are easily solved. At the same time, it seems as though these women are capable of engaging themselves and showing consideration for each other, even though they are living in the middle of a life crisis.

Many have formed close friendships while living in the shelters. This is important, especially for those who are later to build a life on their own. Being isolated with an abuser has made this impossible for many of them. A new world with new possibilities is opened for them at the shelter, which in many cases results in a new and independent basis for life.

### ***8.3 Use of interpreters at the shelters***

Generally the shelters do not have large budgets for interpretation, and often the awareness of the importance that *all* women need to communicate their experiences and pain, is low.

Therefore, an interpreter is mainly used for the woman's case of divorce, or for other "more important" cases. An interpreter is seldom used on a daily basis at the shelter.

We are aware of the fact that the practice of covering the shelters' expenses for interpretation varies from district to district. In some municipalities, the social services, immigration office or council governor cover the shelters' costs. This is either covered for the individual woman or is covered as a lump sum. (Asker and Bærum shelter 2001).

### ***8.4 Resources and establishing knowledge at the shelters***

The government's Plan of Action, "Violence against women" (2002), points out the need for more training and "input" for the workers at the shelters, so that they are able to meet the psychosocial problems that follow long-term abuse of women and children. To be able to do a good job in these cross-purposes between law, psychiatry, social work, childcare and health, there is a need for qualified personnel and a solid financial basis to be able to employ and keep qualified personnel.



The shelters use a lot of their time to inform the residents about Norwegian law. The abuser often knows the law better than the woman, or he is able to convince the woman that he does. The workers at the shelters generally use many hours just convincing the woman that a lot of what they have been told by their husband is not correct. Norwegian women, without contacts through a job or a network, also have little knowledge of the relief services or their own judicial rights (Asker and Bærum shelter 2001).

Women who don't speak Norwegian, or other languages required in the application forms, have problems with filling out a form without help. Some are illiterate. They also do not have knowledge as to how the process is, or the rules of the process. Many of the shelters therefore help the women fill out the forms, gather relevant information and confirmation from departments and witnesses.

In cases where the question of abuse is decisive for whether or not a woman can get a residence permit, it is therefore necessary that *all* relevant documentation and witness lists have been presented to the immigration authorities - both from public departments, doctors and shelters. This demands some judicial knowledge and an insight as to how the regulations function. The main rule is actually that all applications for residence permits based on abuse, are to be granted based solely on the woman's statement "...unless there is undoubtedly factual evidence suggesting otherwise". Meanwhile, many of these applications are denied (Ljoså 2001). We need a discussion as to how the police/the National Directorate of Immigration practice the law as it is intended. It is also necessary that the workers at the shelters receive training in preparing an application based on abuse.

#### 8.4.1 Personnel resources with foreign women

The shelters are considerably lower staffed than other comparable 24-hour run facilities. This causes large and negative effects that can be measured, both professionally, in terms of security and also when it comes to the work environment (NKF 1998, Jonassen and Eidheim 2001, Asker and Bærum shelter 2002). The women's sometimes poor knowledge of language, can therefore also be seen as a major challenge when it comes to resources. When it comes to women who are not able to communicate in either Norwegian or English, a modest estimation, in our opinion, is that there is a need for five times the resources compared to the other residents. The shelter workers have to be coordinators and catalysts for everything, in

other words make all the phone calls, make appointments, coordinate and make an appointment with the interpreter, and overall be part of all conversations in the beginning so as to be able to be in a coordinating role. The cases move slower because an interpreter is needed for all communication. The shelters have experienced that because the women do not speak Norwegian or English, their stay in the shelters are prolonged, sometimes 2 to 3 times longer than others (Asker and Bærum shelter 2002).

#### 8.4.2 Documentation

Most shelters in Norway do not keep any form of personal information about the woman after she has left the shelter. This can often become a problem in the cases where the woman wishes to report the abuser later, or apply independently for a residence permit based on abuse. The lack of the shelters' statistical fundament is also a problem in regard to further research.

In order to collect and store sensitive information, one has to apply to the Norwegian Data Inspectorate for a special licence. If the information is only gathered manually, the only requirement is that this is reported to the Inspectorate (no licence is required).

*Permission to keep sensitive information on record does not change any shelters' rules of professional secrecy or duty of informing.*

The main criteria's for gathering and storing information are:

- Only information of clear necessity is to be stored
- The information is to be stored in a locked place where only authorised staff have access
- There are to be clear routines for storage, accessibility and deletion of the data
- The information is to be stored only as long as this is absolutely necessary.

The Data Inspectorate supervises and ensures that the guidelines are followed. All necessary forms and information are available from the Data Inspectorate, or on their web pages: <http://www.datatilsynet.no>.

### **8.5 Proposals of action**

- The shelters must receive sufficient resources and means to be able to handle the increasing number of foreign-speaking residents. Shelters in pressure zones need more personnel and education in multicultural understanding, and also guidance in the use of interpreters/telephone interpreters.
- The shelter workers are also in need of instructions as to how they can help applying for a residence permit based on abuse and case preparation.
- There are also other needs for measures at the shelters so that the quality of their work is ensured. Amongst other things the shelters have to report or apply for a licence from the Data Inspectorate, so as to work out systems for internal control.

## **9 Proposals of new measures and changes of law**

### **9.1 The “three year rule” must be changed**

We are convinced that some men speculate in women’s lack of legal rights, and that they with the “three-year rule” have complete power and control over the women. If she does not comply with him, he threatens her with governmental deportation. In several occasions, it is also clear to us that the government does exactly this. In our opinion, it is important and correct that the “quarantine” that is imposed upon families who are reunited, should be changed to one year. In this way the Norwegian society will be more capable of taking responsibility for the abuse that Norwegian citizens inflict on foreign women and children.

We are also of the opinion that the decisions in the Regulations, cf. 37 sixth paragraph, concerning residence permit due to unreasonable difficulties in a home country, should be changed to a “shall”-rule: If, as a result of the breakdown in the marriage or cohabitation, she will have unreasonable difficulties in her country of origin on account of the social and cultural conditions there, she **shall** be granted a permit...” (see encl. 2, p. 2).

## **9.2 Foreign speaking women must receive information in their own language**

The foreign national women must have access to correct information of their rights and as to how the public relief services function in Norway. Information brochures in relevant languages must therefore be made available and distributed in places where women are; the library, public offices who are in contact with immigrants, social and health services (nurses, doctors), language courses etc.

## **9.3 Improve the routines for use of interpreters**

- The routines for using interpreters/telephone interpreters in the relief and health services must be improved, and the employees in the services must receive organised training.
- Integrate and adapt the instructions in the circular UDI 23/94 in the administrative law: “The importance of using professional interpreters is to be emphasized. Assistance from friends or relatives or from other companions does not count as an interpretation assignment. Necessary assistance for interpretation must never be replaced by letting a child assist in the conversation.”

## **9.4 More resources to the shelters**

- The shelters must receive sufficient resources and means to be able to handle the increasing number of foreign-speaking residents. Shelters in pressure zones need more personnel and education in multicultural understanding, and also guidance in the use of interpreters/telephone interpreters. There are also other needs for measures at the shelters so that the quality of their work is ensured. Amongst other things, the shelters have to report or apply for a licence from the Data Inspectorate so as to work out systems for internal control.

## **9.5 The police must improve their routines**

When taking statements, the police must gain more expertise and routines. All episodes of violence and threats must be registered at all times. This will also help the woman to be able to document the violence and threats in case of a later application for a residence permit.

When the police receive a report or are otherwise notified that a woman is subjected to violence or threats of violence, they must make an assessment of which measures of protection that should be taken.

The police and prosecution must ensure that the woman exposed to the violence or threats of violence, receives all relevant information, and that she is put in contact with other organisations such as a shelter, health- and social services, childcare or other relevant services.

### ***9.6 Access to the Criminal Records for The National Directorate of Immigration***

It is desirable to stop a known abuser or person sentenced for paedophilia from applying for family reunification. The exceptions in the administration law only allow the National Directorate of Immigration to refuse reunification if granting this permit can lead to severe danger of life and health. This rule is generally enforced strictly, and to our knowledge the National Directorate of Immigration have never used it. The legislature who are revising the immigration laws in the National Directorate of Immigration are given the mandate to consider these problems, and are to deliver their recommendation 31<sup>st</sup> of December 2003. We request that adequate laws are proposed to stop violence- and sex abusers from importing women and children.

### ***9.7A thorough discussion of the use of the Immigration Regulations, cf. 37 sixth paragraph***

There is a need for a thorough discussion as to whether or not the police/the National Directorate of Immigration practice the Immigration Regulations, cf. 37 sixth paragraph, according to the intention. The use of the law may have to be further emphasized.

### ***9.8 No statement from the abuser when the woman applies for permit based on ill-treatment***

When a woman has separated from her husband and is seeking residence in the country independently, this must be a matter solely between the woman and the immigration authorities.

Should the husband admit that the abuse has taken place, he's at the same time pleading guilty to a criminal action. When one considers the violations and anguish that these women experience should their husband be questioned, it is in our opinion inappropriate to take these statements.

The National Directorate of Immigration must change the guidelines for case preparation for the police, so that abusers are not questioned in these cases

### ***9.9 Divorce in one day should not be approved***

The county governor's rules for approving these foreign divorces should be reduced. We know that women are both being tempted with money, but also threatened by violence or that they will lose their children, so that they will accept divorce in only one day. The husband is then free to fetch a new wife immediately. Used in this way, these divorces are, in our opinion, absolutely offensive to Norwegian sense of justice and should not be approved by the Norwegian authorities.

- Measures must be initiated to stop all forms of trading of women and children.
- Give foreign national women who wish to find a partner in Norway the opportunity to do so without having to have to do it through marriage bureaus or prostitution. For example by letting young Russians who wish to come to Norway and earn some money for a period in a legal and safe way, do so (the Centre of Gender Equality have made this proposal, and the network supports the suggestion).
- Courses in multicultural understanding for governmental and municipal services in Norway.

## **10 Proposals for further research**

- Prepare further research based upon this report.
- Long-term research on societal changes and social conditions with special focus on men who misuse the marital institution as a post of recruitment for prostitution, and also for serial marriages.
- Research on the children who arrive in the country, with special focus on integration and their need to deal with having been a witness or exposed to violence.

## 11 Conclusion

The Human Rights are meant to ensure every individual their most basic needs, and protect every human being against violence and injustice. Every person has a right to the same worth and dignity as a human being, and the state has committed itself to ensure *every person* these rights.

With this report, it has been our wish to show that the Norwegian authorities do not ensure foreign national women, married to Norwegian men, these rights well enough.

Women who do not speak Norwegian, and who do not have their own network, do not know the law or their judicial rights - who is to take care of their human rights? The state has a special responsibility, both as legislator and organizer.

This report shows that there is no doubt that the time is ripe to change the “three year rule”. It turns out that the rule gives Norwegian men enormous power over the women. At the same time the Secretariat of the Shelter Movement ask that knowledge is established and that routines are strengthened, both within the police and immigration authorities. The shelters must be given more resources so as to be able to meet these new challenges. The authorities must face the fact that Norway has become a multicultural society, and make sure that information is gathered and given in a language that the users of the services understand.

We want more research around what happens to these women before, during and after marriage, not to speak of what happens to their children. And we call for a humane Plan of Action with explicit goals and guidelines.

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## [ENCLOSURE 1]

### 1.2 A presentation of the Secretariat of the Shelter Movement and the Tana Project Network

The first contact between the head of the Tana Project, Helene Rød Hernes, and the leader of the Secretariat of the Shelter Movement, Tove Smaadahl, was established during a meeting with the Norwegian government's Forum on Violence against Women. The forum was established in 2001 and is an arena in which the government can exchange experiences and ideas with representatives from organizations and individuals that are concerned with questions of violence against women.

Part of the forum's foremost goal in the work with governmental and specialized groups, is to present new initiatives and additional measures. We wish to develop, strengthen and discuss these issues, as well as stimulate and encourage participation, communicate and inform. The forum is meant to be a motivating force in the work of exposing violence against women, and stimulate the debates about how the extent of the violence can be reduced.

The head of the Tana Project wanted to know more about how many requests the shelters get from foreign national women married to Norwegian men. Due to the shelters' organization and lack of joint registrations and statistics, this was a question that could not be answered. We agreed that this was something we in general know far too little about. The idea of the project was thereby born.

**The Secretariat of the Shelter Movement** is an organization of 32 shelters/emergency hotlines, and works to address the problems of the abused and raped women and place them on the agenda. The Secretariat of the Shelter Movement was established in 1994 and is financed by a membership fee that is based on a small part of the shelters'/hotlines' total budgets.

The reason for establishing the Secretariat was based upon a common wish to be gathered in an organization that is to help strengthen the external work of the shelters. Joined in one organization, the shelters become a stronger pressure group in contact with the authorities and

legislative assemblies. The Secretariat bases its work upon the Shelter Movement's platform approved at the annual conference in 1982:

**“Violence and abuse of women is part of the oppression of women. The oppression of women is determined by society.**

It is therefore our wish to fight against any conditions in the society that legitimises, support and maintain violence against women. In this work we are politically neutral and are not part of any organization or religious community.

*Women are united in the struggle against the oppression of women – both in the private and societal sphere.*

Besides running each shelter/emergency hotline, we aim to influence the society to change their views of violence against women through the distribution of information, systematic registration of violence against women, following up debates in the media and through changing the general attitudes. Another important goal is to demand full public financing of the shelters/emergency hotlines based on their needs, as they define them. As a main principal, the work done there should be paid. We are to maintain contact between the shelters/emergency hotlines and as far as possible support each other in matters of common interest.”

Violence against women is not an individual problem, but a collective problem in society. The Secretariat wish to influence the society to change their view of violence against women by following up on laws and guidelines that are meant to ensure women's legal rights, pressure authorities through direct contact, lobby activities and cooperation with other women's organizations.

Through giving factual information, and a systematic registration of the women that contact the shelters, the Secretariat is working towards a change of attitude in society. We wish to influence the authorities to carry out relief measures within the public health services that will raise the attention to women that have been exposed to abuse and sexual violence. The Secretariat is the connecting link between the shelters and the public authorities, researchers, women's organizations both in Norway and abroad and the society at large.

The Secretariat writes commentaries on proposals from the departments in addition to coordinating and passing on the many reactions from the local, regional, national and

international levels. The Secretariat also writes press releases, formulates information material and participates in profiling the shelters' work. At the same time it continues to create a network covering a wide range of fields that in the long term will help formulate the terms, and give a new and broader insight of these problems.

International cooperation is seen as an important issue for the Secretariat. With funding from the Norwegian Peace Corps and FOKUS, we are supporting shelter projects in South Africa and Jamaica. In addition, we participate at international conferences where we can share the experiences and the competence each country has built up. Cooperation with other countries is also important in the work to fight against sexual violence against women worldwide.

There is a greater openness around these issues and a wider range of possibilities to receive help. Initiated from Norway, the first shelter in Murmansk, Russia, was officially opened the 20<sup>th</sup> of April 1997. During their first three years, the shelter was contacted by 7 190 persons. Following the opening in Murmansk, two new shelters were opened, in Poliarnie Zory and Apatity. The Shelter Movement in Russia is growing rapidly, and shelters in Arkhangelsk, Petrozavodsk and St. Petersburg have opened. The Norwegian/Russian project, The Shelter for women in Murmansk, was formally ended in 1999.

**The Tana Project against Prostitution and Violence against Women** is a three-year project that started on the 1<sup>st</sup> of October 2001. The Ministry of Justice and the Police are financing the project as part of the government's Plan of Action "Violence against women". The head of the project works for the local council in Tana. The project aims at developing models as to how the local authorities can strengthen their efforts to combat violence and prostitution, prevent negative effects of the prostitution traffic, as well as helping the victims of the violence and a continuous follow-up of the perpetrators. From 1999 to 2000, the reported violence in Tana escalated with 93 percent. We have reasons to believe that part of the violence that year was aimed at women and that some of it is connected to prostitution. Violence in these circles has been documented in earlier years.

The sex trade is becoming an increasing problem both regionally and globally. The problem is especially noticeable in border districts with great economical and social imbalance. In Norway, the prostitution traffic in Finmark is well known through the media, especially the traffic in Tana.

The Tana project focuses especially on Russian women. An increasing number of the marriages in Finmark are between Russian women and Norwegian men. Many of these women live in well-functioning marriages. There are, however, indications that there is an increase in the number of those who experience both psychological and physical violence.

Based upon the description of the project, a project team, reference group and working group have been established to formulate initiatives in regard to different target groups. Issues that have been focused upon are amongst others, attitudes and human values in the local community, young people's relationship to alcohol, drugs and sex, strengthening the conditions in which Norwegian and Russian children grow up, integration of Russian women living in the local community, strengthening the contact between local authorities and women's network in Russia, health and dissemination of diseases, men's attitudes, multicultural measures etc.

The main goals in the project are: coordinating the work against prostitution and violence, preparing for research on prostitution and violence in Tana, formulating measures to be taken against prostitution and violence parallel with- and after research, implementing the work into existing plans and with the leaders in the various departments, increasing the knowledge of prostitution and violence in the various departments, a yearly evaluation of the working- and project model.

*The Project Team:* The head of the project team is the deputy chairman of the County Council in Tana, Magne Ballovara. The other members are: Chief of the local police, Helge Samuelsen and Anne Marit Pedersen, who is a representative from the local council. The project team's main responsibility is to supervise the project and discuss the main guidelines for the project.

*The Reference Group:* The members of the reference group are: Head of the Help Service in Tana, Inger Anne Kristoffersen, chief municipal medical officer, Sigrun Winterfeldt, construction manager, Odd Einar Utsi, headmaster Dag Broch and technician Sinaida Saa. The reference group's main responsibility is to be an advisory organ for the groups, among these the project team and the head of the project.

*Head of the project:* The head of the project is a member of the project team and acts as secretary for both the project team and the reference group. Administratively, the head of the project is placed under the chief officer in Tana.

The issues of violence and prostitution will to some degree overlap each other. Further, many of the same groups will be involved in the work against both violence and prostitution. For that reason, a natural consequence has been to bring together the different participants in groups (the project team and reference group) so as to coordinate the efforts against violence and prostitution. Through teamwork, the efforts will be more purposeful and effective.

**[ENCLOSURE 2]**

**CIRCULAR UDI 99-44 JURA**  
**Case number: 97-3860**

**Lysaker, 5 October 1999**  
**Oslo, 24 July 2001, revised number VII**

TO: Chiefs of Police  
 Foreign Service Missions

**GUIDELINES FOR PROCESSING CASES CONCERNING A NEW  
 RESIDENCE PERMIT FOR FOREIGN NATIONAL WOMEN AFTER A  
 BREAKDOWN OF THE MARRIAGE OR COHABITATION – SECTION  
 21 THIRD PARAGRAPH OF THE IMMIGRATION REGULATIONS, CF  
 SECTION 37 SIXTH PARAGRAPH**

<b><i>I. INTRODUCTION</i></b> .....	<b>38</b>
<b><i>A. Social and cultural conditions in the country of origin</i></b> .....	<b>39</b>
<b><i>B. Ill-treatment in the marriage or cohabitation</i></b> .....	<b>40</b>
1. Proving ill-treatment .....	40
2. Preparation of the case by the police.....	40
<b><i>III. CONSIDERATION OF ACCOMPANYING CHILD OF THE ONE SPOUSE</i></b> .....	<b>41</b>
<b><i>IV. FOREIGN NATIONAL WOMEN ABANDONED IN THE COUNTRY OF ORIGIN  OR SENT BACK THERE BY THE SPOUSE</i></b> .....	<b>41</b>
<b><i>V. OTHER SITUATIONS WHERE PERMITS CAN BE GRANTED PURSUANT TO  SECTION 8 SECOND PARAGRAPH OF THE IMMIGRATION ACT, CF.  SECTION 21 THIRD PARAGRAPH OF THE IMMIGRATION REGULATIONS,  STRONG HUMANITARIAN CONSIDERATIONS/PARTICULAR CONNECTION</i></b>	<b>42</b>
<b><i>VI. SUBSISTENCE AND HOUSING</i></b> .....	<b>42</b>
<b><i>VII. FREE LEGAL AID</i></b> .....	<b>42</b>
<b><i>VIII. TIME LIMIT FOR DEPARTURE</i></b> .....	<b>42</b>

**I. INTRODUCTION**

The guidelines have been drawn up in conjunction with the Ministry of Justice, and replace the guidelines pursuant to the letter dated 30 July 1998 from the Ministry of Justice to the Directorate of Immigration.

## II. SECTION 37 SIXTH PARAGRAPH OF THE IMMIGRATION REGULATIONS

Section 37 sixth paragraph of the Immigration Regulations states "A woman who does not satisfy the conditions of the third, fourth or fifth paragraphs may be granted a permit pursuant to the provisions of Section 21 third paragraph if as a result of the breakdown of the marriage or cohabitation she will have unreasonable difficulties in her country of origin on account of the social and cultural conditions there. Even if such grounds do not so indicate, a permit pursuant to Section 21 third paragraph shall be granted if the woman or any children have been ill-treated while the partners were living together."

The guidelines under Section 37 sixth paragraph of the Regulations refer to women who hold or have held a permit for the purpose of family reunification pursuant to Sections 22 and 24 of the Regulations. There is no prerequisite that the person with whom the woman has the permit under reunification has a permit without restrictions. It is a prerequisite that there is a breakdown in the marriage or cohabitation.

The provision opens for the possibility of granting a permit to the woman pursuant to Section 21 third paragraph and allows two alternative grounds:

If as a result of the breakdown in the marriage or cohabitation she will have unreasonable difficulties in her country of origin on account of the social and cultural conditions there, she **may** be granted a permit (hereinafter referred to as Alternative 1).

If she or any child/children has/have been ill-treated in the marriage or cohabitation, she **shall** be granted a permit (hereinafter referred to as Alternative 2).

### ***A. Social and cultural conditions in the country of origin***

The difficulties which the woman encounters in her country of origin on account of social and cultural conditions must result from the breakdown in the marriage or cohabitation. The woman's status as divorced/separated constitutes the grounds for the granting of a permit. General social and cultural problems in the applicant's country of origin do not come under the provision in Section 37 sixth paragraph, Alternative 1 of the Regulations.

The fact that the woman will encounter difficulties as a result of the breakdown in the marriage or cohabitation is not sufficient. The difficulties must be of such an oppressive nature that it would be unreasonable to demand that the woman should return to her country of origin. In most cases we may find that women from Western Europe, the former Eastern Europe, the USA, Canada and Australia will not encounter unreasonable difficulties after a breakdown in the marriage or cohabitation on account of social and cultural conditions there.

In the discretionary assessment to be made, both general and individual conditions may come into consideration.

General conditions may be:

- family legislation in the country of origin (marriage, divorce, children)
- practice in relation to the legislation's provisions
- the opportunities a divorced woman has to remarry
- the dowry practice when entering into a marriage
- the opportunities a divorced woman has to establish herself in working life

Individual conditions may be:

- the woman's ethnic, religious or tribal connections
- the woman's level of education
- the woman's place of abode in the country of origin - urban or rural
- the status of the family (class, caste, level of education)

If any children are involved, the woman's chances of providing real care for or of having access rights with the child in the country of origin must be assessed.

In countries which have a dowry practice, in countries where the family's honour and status are associated with the woman's reputation or chastity, and in countries where the husband's rights after a divorce are greater than the woman's, the woman's situation will generally be difficult after a breakdown in the marriage or cohabitation.

Nevertheless, consideration must always be given to the significance such conditions will have in each individual case.

## **B. *Ill-treatment in the marriage or cohabitation***

The aim of Section 37 sixth paragraph, Alternative 2 of the Regulations is that a foreign national woman with a residence permit for the purpose of family reunification shall not feel forced to stay in a marriage/cohabitation where she or any children is/are ill-treated because she fears she will lose her residence permit in Norway.

No requirement is made to prove a connection between the ill-treatment and the breakdown in the marriage or cohabitation. Whether the husband or the wife has taken the initiative in breaking off the marriage or cohabitation is immaterial.

What is mentioned below about ill-treatment of women also applies, to the extent it is appropriate, to the ill-treatment of any children.

What can be considered to be ill-treatment depends on an assessment of all relevant factors. Ill-treatment could be physical, e.g. use of violence or other actual bodily harm, or of a psychological nature, e.g. the threat of the use of violence. The events must have led to a reduction in the quality of life of the woman. The injury may be of a physical or psychological nature or a combination of both.

When assessing whether there has been ill-treatment, the events described must be considered, along with the seriousness of the ill-treatment, the circumstances under which it occurred, and whether they are a part of a pattern of behaviour or merely a single episode. An act which on its own cannot be considered ill-treatment could, nevertheless, be found to be so if the act is repeated over time.

General dissatisfaction in the marriage/cohabitation, disagreements or differences of opinion in respect of roles due to cultural differences are not in themselves sufficient to establish that ill-treatment has taken place.

### **1. Proving ill-treatment**

If a permit is to be granted pursuant to Section 37 sixth paragraph, Alternative 2, the ill-treatment must be proven. The requirements for proof are not strict. The woman's statement on the ill-treatment shall be the basis, unless there are clear reasons for assuming that this is not true. The woman's own statement will thus serve as the basis of the assessment. As a general rule it is not required that the woman must document that the ill-treatment has occurred. Nor is there any requirement that charges have been preferred against the spouse/cohabitant or that he has been convicted for the offence. Basically, the immigration authorities shall not take a statement from the woman's spouse or cohabitant, but this may be done after a specific assessment, see the second last paragraph in this item.

### **2. Preparation of the case by the police**

In cases where a woman applies for extension of a residence/work permit with reference to the fact that she has been ill-treated, the police, as they are the one's to prepare the case, must write a report on the case. In this connection the woman shall be summoned to appear in person at a meeting to provide information which may have significance for the decision, cf. Section 44 of the Immigration Act. The police report should include, among other things, the following information:

- the woman's description of the ill-treatment, injury and extent
- when and where the ill-treatment has taken place
- whether the woman has gone to a refuge centre or another place of shelter
- whether the woman has been treated by a doctor or psychologist
- other questions, including follow-up questions on the above points which the police feel may have significance in the case



If any children are involved, it must be stated whether the child/children has/have been ill-treated. If the woman states that there has been ill-treatment of the child/children, this should be described as shown above. It should also be stated whether or not the child welfare authorities have been contacted and if charges have been preferred.

The report must be signed by the woman.

The police must inform the person in question that it is possible to submit various forms of documentation which supplement the above-mentioned statement. Such documentation may be a formal complaint filed with the police, medical certificates or statements from a psychologist or a refuge centre. There is no requirement stating that such documentation must be submitted beyond what follows from the next paragraph. If there are any documents, they must be enclosed with the report.

If there is reason to doubt that the information in the statement is true, for example the information which has been provided is contradictory or if there is information from others which points in another direction, this may constitute the ground for asking the woman to submit documentation which supports her statement. In such cases of doubt it should also be assessed whether a statement from the husband/cohabitant could contribute to establishing whether the claim of ill-treatment is true or not.

The application for a new permit together with the above-mentioned report and any other documentation is to be sent to the Directorate of Immigration for processing.

### **III. CONSIDERATION OF ACCOMPANYING CHILD OF THE ONE SPOUSE**

If a breakdown in the marriage or cohabitation means that a woman no longer has any grounds for residence in Norway, it shall especially be assessed if, in consideration of her child/children, a new permit should be granted, cf. Section 21 third paragraph of the Regulations.

Minors who have travelled to Norway with their mother and settled here together with their mother and her husband/cohabitant may have established a connection with Norway which indicates that the mother and child/children should be allowed to stay in Norway after the breakdown in the marriage or cohabitation.

The period of residence in Norway, considered in conjunction with the age of the child, will be the important assessment criteria in addition to a general assessment of the child's situation. Consideration must also be given to the conditions the child would encounter on returning to the country of origin. As a general rule, residence time under two years in Norway will not be adequate. A child who goes to school in Norway would have a stronger connection than a child under school age. If the child is very young, it will not have any strong connections yet. If the child is older and has mostly grown up and attended school abroad, the connection with Norway will also be relatively weak.

Connection can also be established through other family members in Norway.

Regardless the question concerning particular connection, there may be strong humanitarian considerations which indicate that a residence permit should be granted in consideration of the child, for example in consideration of the child's health situation.

### **IV. FOREIGN NATIONAL WOMEN ABANDONED IN THE COUNTRY OF ORIGIN OR SENT BACK THERE BY THE SPOUSE**

The typical case will be when the husband "sends" the woman to the country of origin, claiming that the intended purpose of the trip is a family visit. While the woman is abroad, her residence permit expires and the spouse in Norway breaks all contact with her or states that he wants a divorce.

The woman may be granted a permit pursuant to Section 8 second paragraph of the Immigration Act, cf. Section 21 third paragraph of the Regulations if:

- she is staying in the country of origin or a third country, and against her will is not allowed to return to Norway before the permit expires. It is not required that she has been restrained physically. She may, for example, have been tricked, pressured or have had her passport taken away.
- the spouse/former spouse is Norwegian or a Nordic national, or a foreign national with a permit which may constitute the grounds for a settlement permit
- the husband has broken off the marriage or cohabitation
- she would have been granted a permit pursuant to Section 21 third paragraph of the Regulations, cf. Section 37 sixth paragraph, if she still had been staying in Norway
- she has applied for a new permit as soon as she became aware of the situation and it was practically possible for her to contact the Norwegian authorities

## **V. OTHER SITUATIONS WHERE PERMITS CAN BE GRANTED PURSUANT TO SECTION 8 SECOND PARAGRAPH OF THE IMMIGRATION ACT, CF. SECTION 21 THIRD PARAGRAPH OF THE IMMIGRATION REGULATIONS, STRONG HUMANITARIAN CONSIDERATIONS/PARTICULAR CONNECTION**

If the above-mentioned conditions are not satisfied, an assessment must be made as to whether there are other grounds which indicate that the woman may be granted a residence permit pursuant to Section 21 third paragraph of the Regulations.

## **VI. SUBSISTENCE AND HOUSING**

In order to be granted a permit pursuant to Section 21 third paragraph of the Regulations, as a general rule the foreign national must be ensured subsistence and housing. In cases such as those mentioned above, exemptions shall as a general rule be made from the subsistence requirement in consideration of the nature of the cases. No requirement is to be made that subsistence and housing be ensured if the conditions in Section 21 third paragraph of the Regulations, cf. 37 sixth paragraph, are satisfied. The same applies when a permit may be granted as mentioned under item III above.

## **VII. FREE LEGAL AID**

The Ministry of Justice has drawn up new guidelines for addressing the issue of free legal aid for foreign national women who apply for a renewal of a residence permit after a breakdown in the marriage or cohabitation. Such applications will be the subject of a liberal practice pursuant to Section 13 third paragraph of the Legal Aid Act, see enclosure.

## **VIII. TIME LIMIT FOR DEPARTURE**

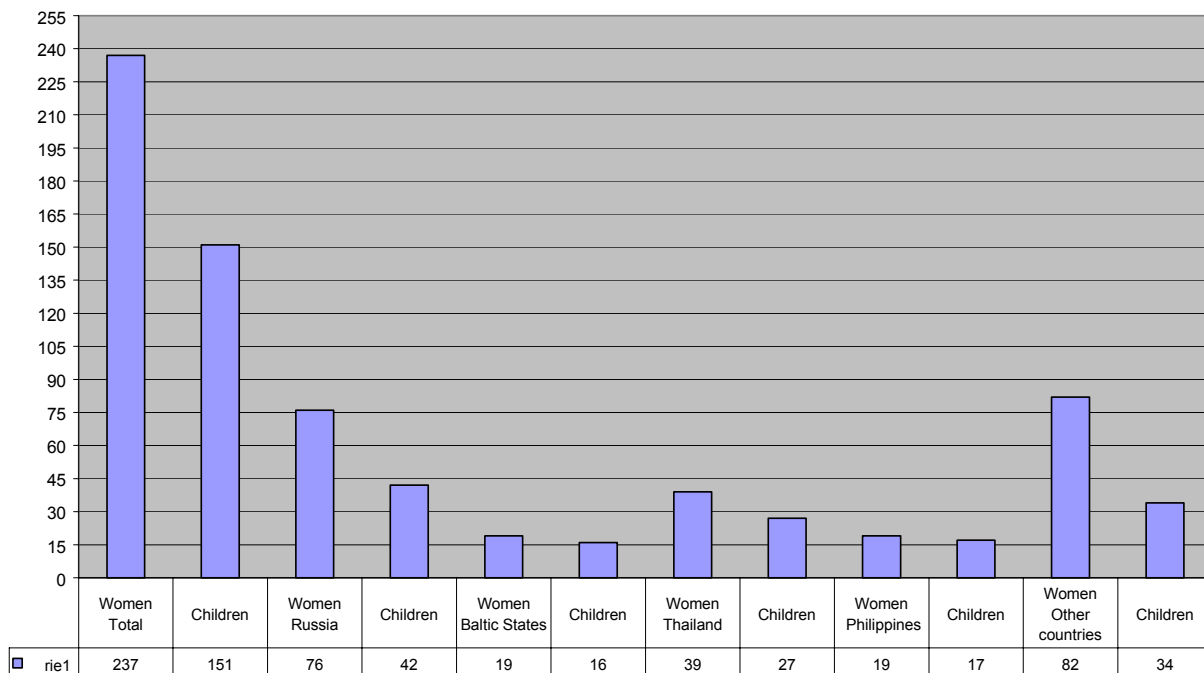
If an application as mentioned above is rejected, it shall be assessed whether a longer departure time limit should be granted.

Petter J. Drefvelin  
Director General

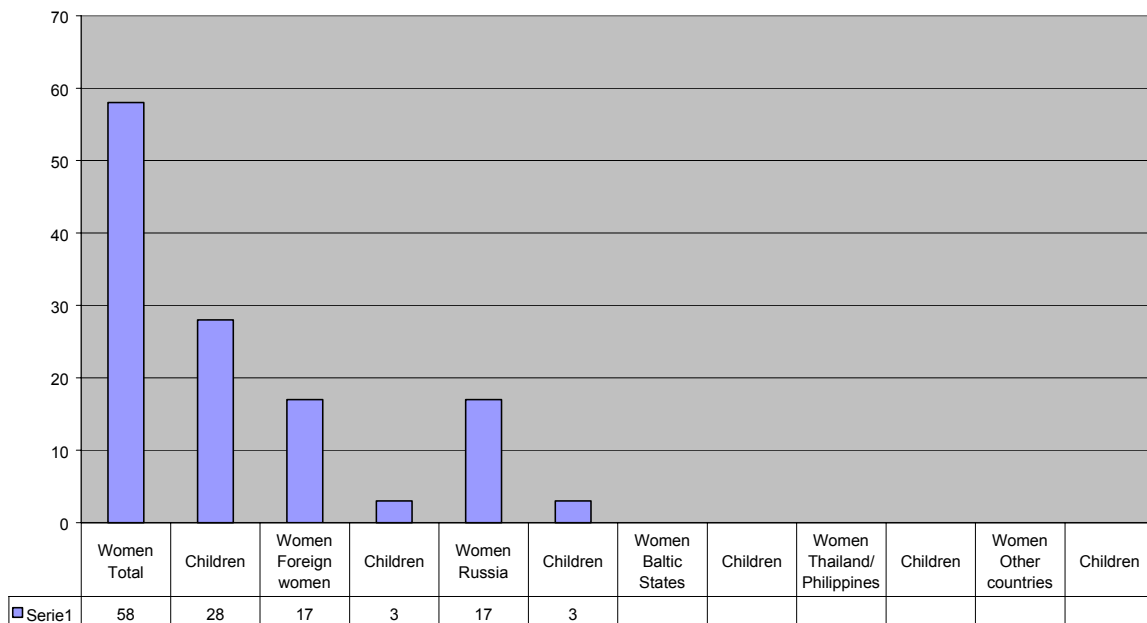
Henriette Munkebye  
Deputy Director General

Contact:  
Legal Department, D-section/D-1

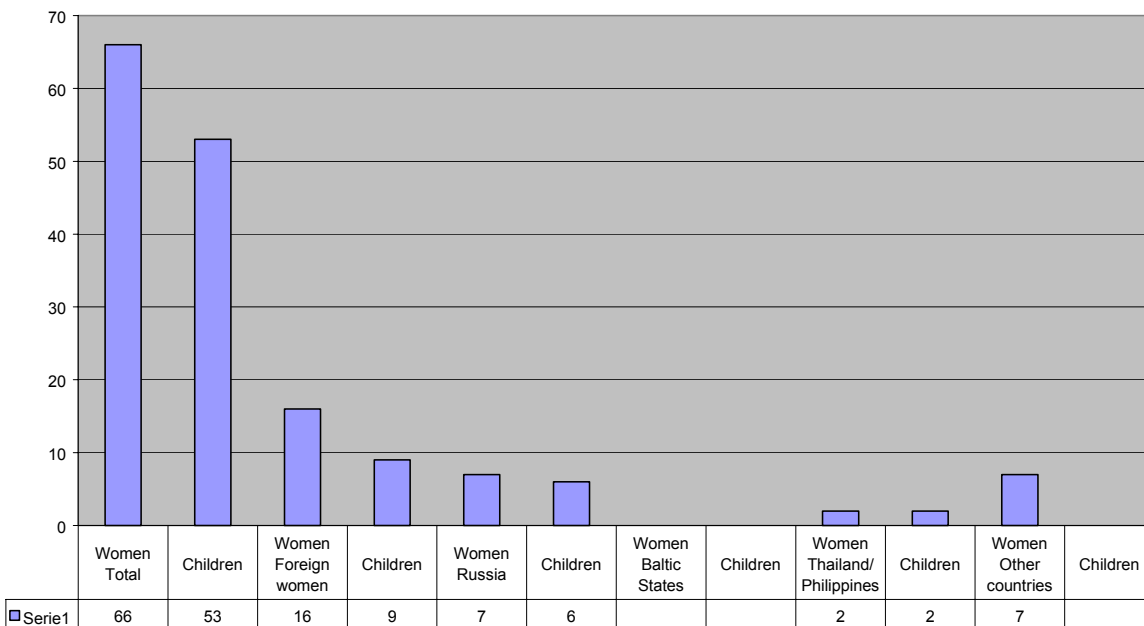
NORWAY 2001



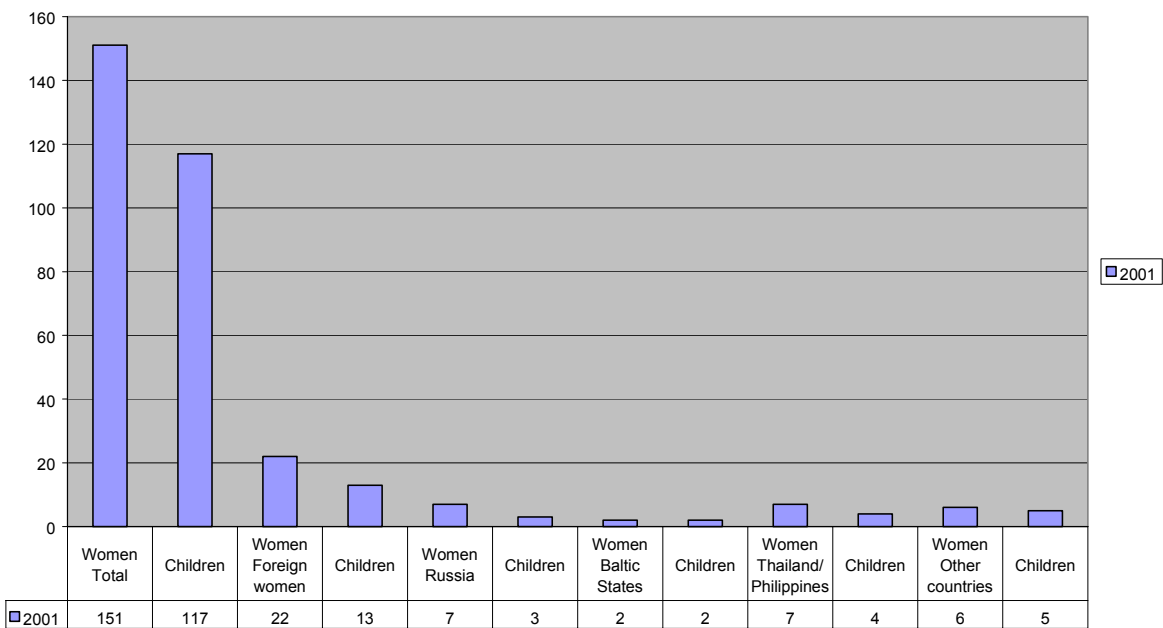
Finnmark - population 2001 - 74 087 persons (SSB)



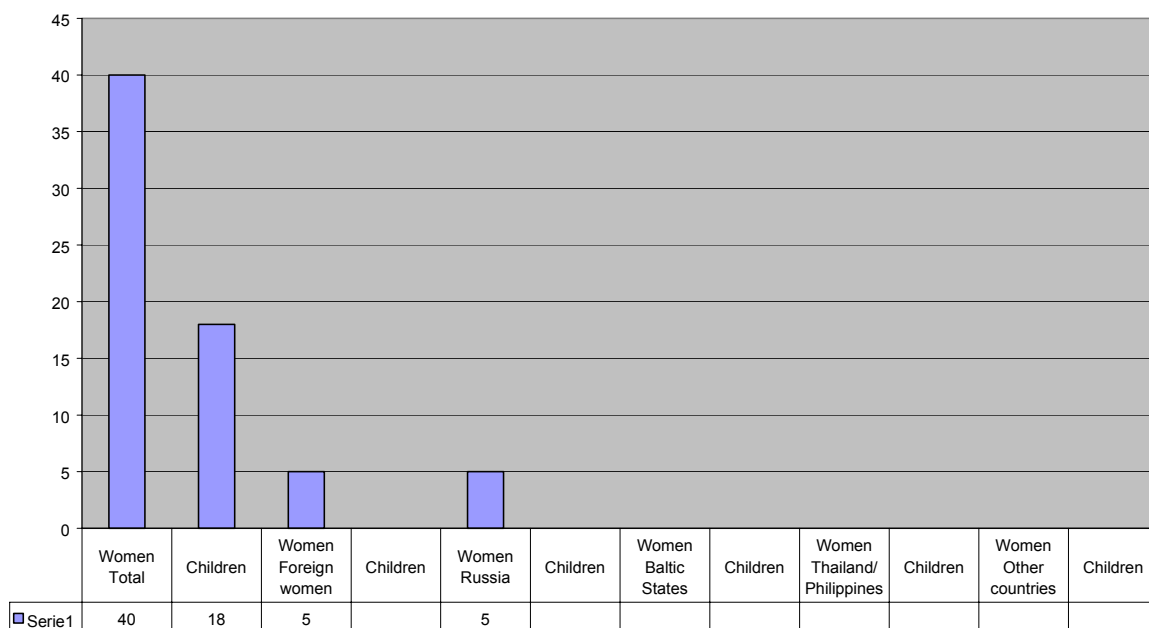
**Troms - population 2001 - 151 777 persons (SSB)**



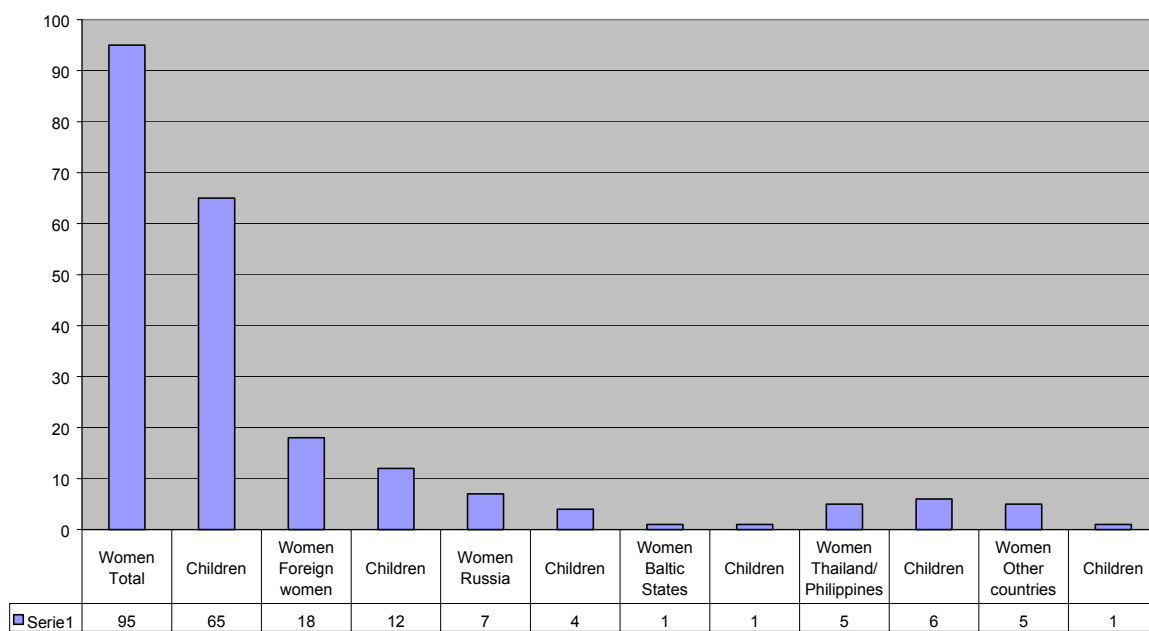
**Nordland - population 2001 - 238 295 persons (SSB)**



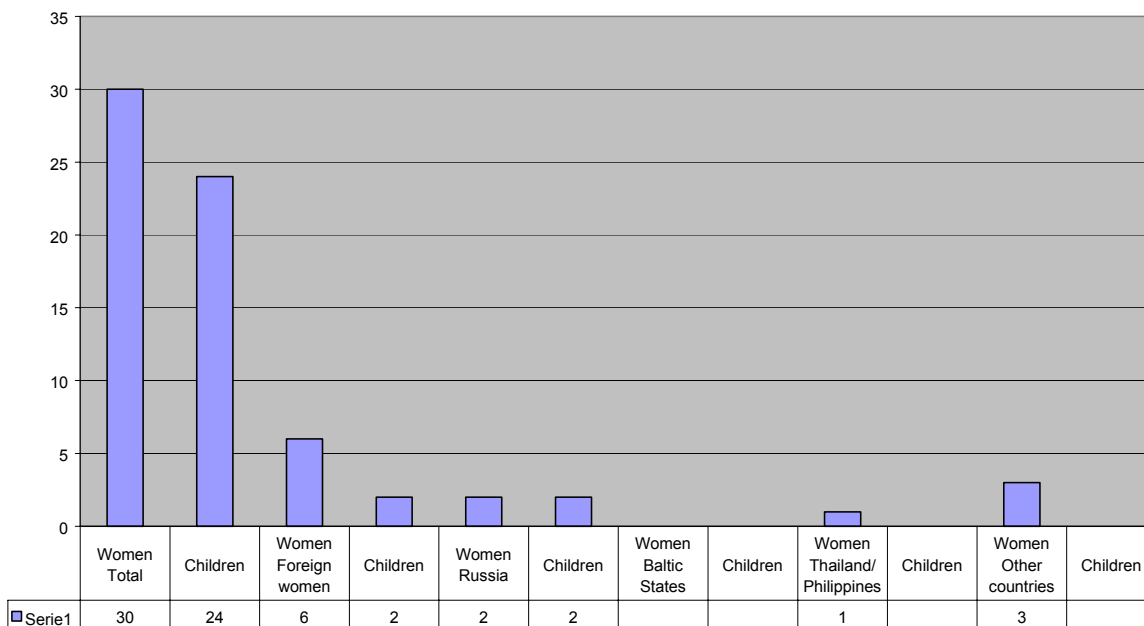
### Nord-Trøndelag - population 2001 - 127 261 persons(SSB)



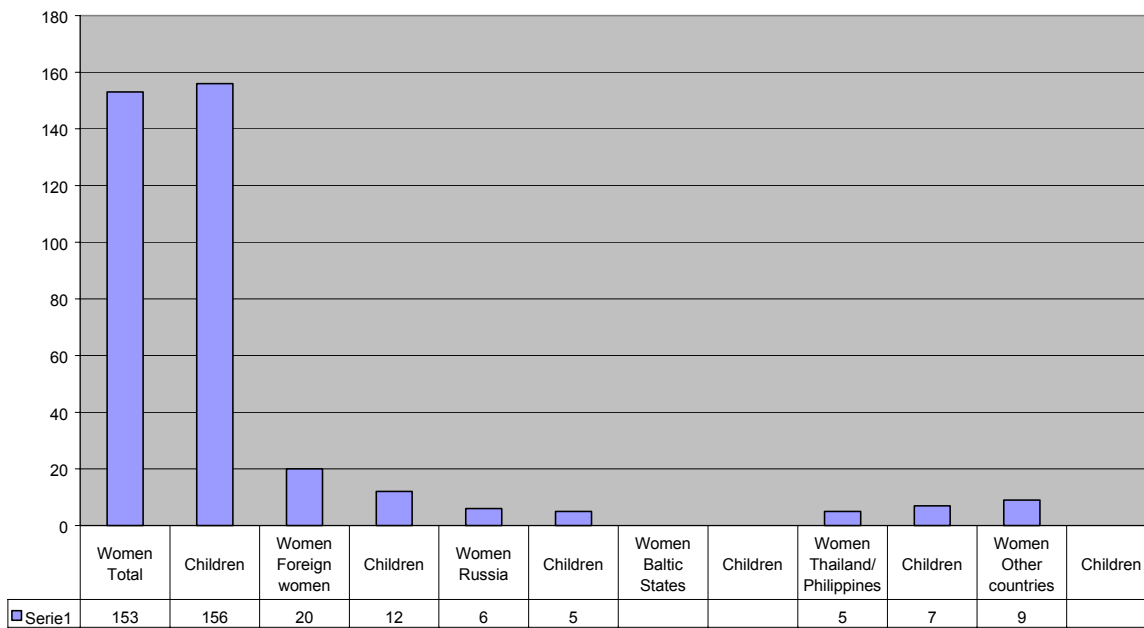
### Møre og Romsdal - population 2001 - 243 810 persons (SSB)



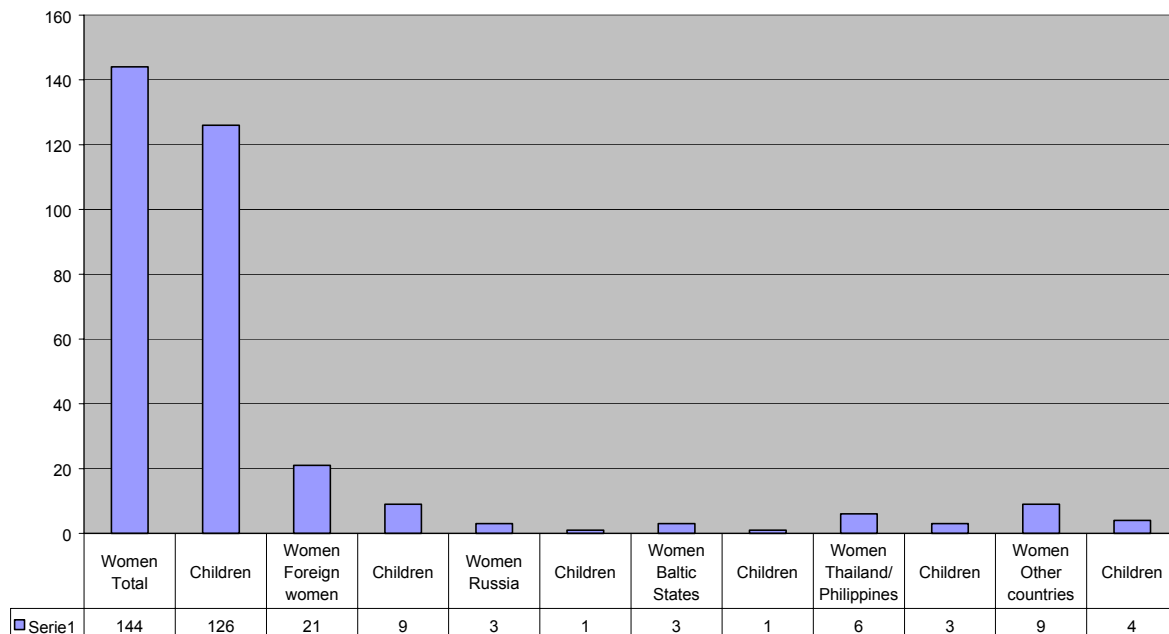
### Sogn og Fjordane - population 2001 - 107 590 persons (SSB)



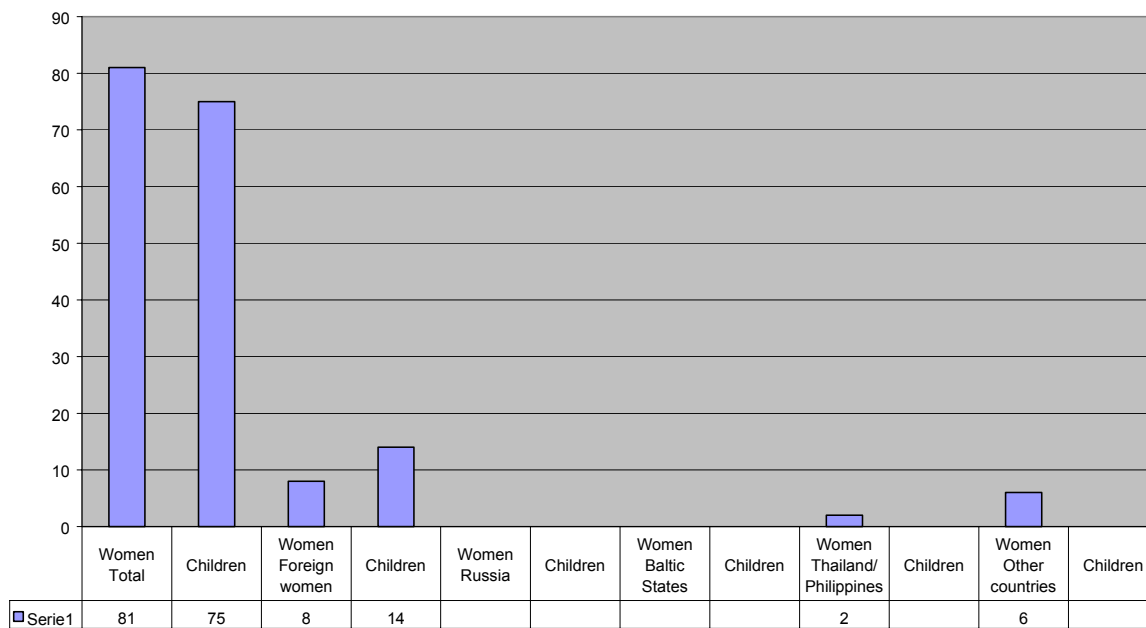
### Hordaland og Bergen - population 2001 - 438 312 persons (SSB)



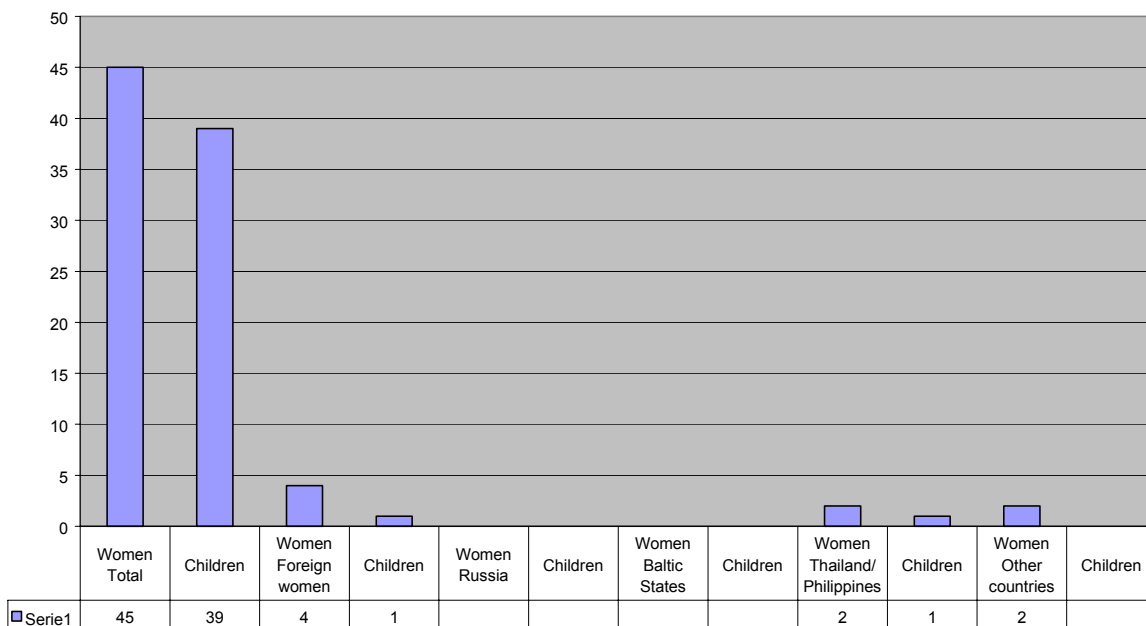
**Rogaland - population 2001 - 375 225 persons (SSB)**



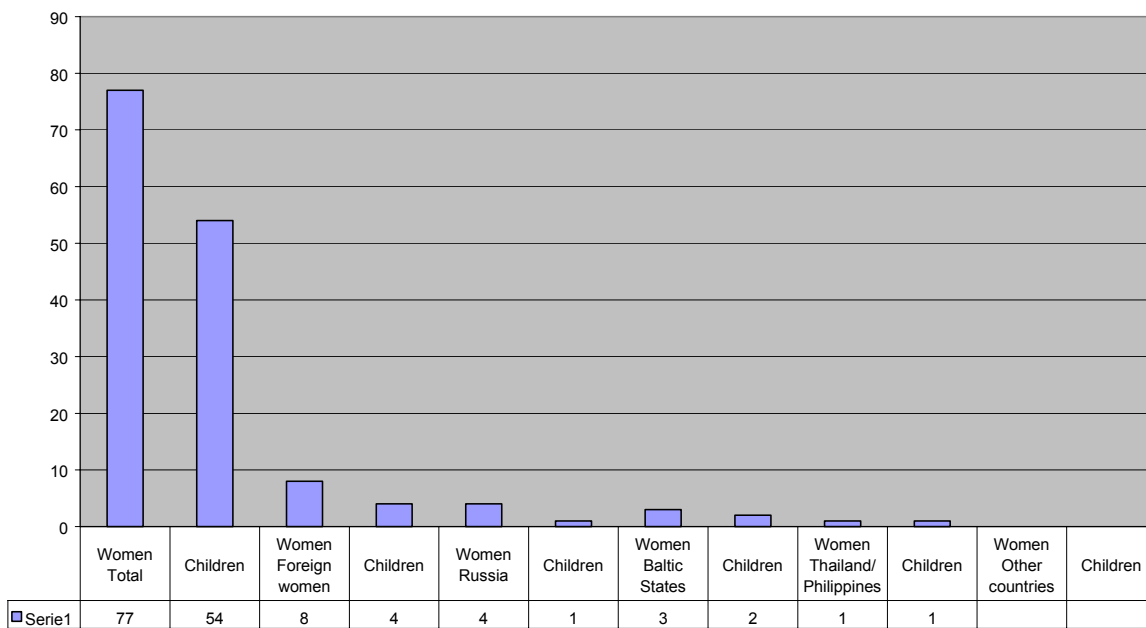
**Vest-Agder - population 2001 - 156 878 persons (SSB)**



**Aust-Agder - population 2001 - 102 714 persons(SSB)**

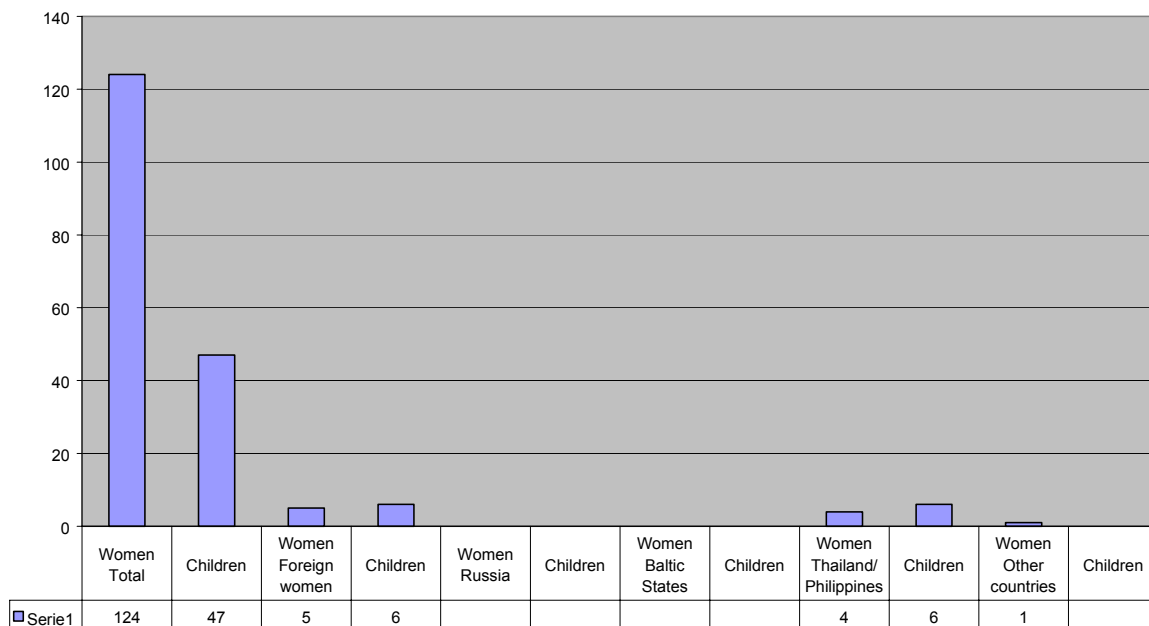


**Telemark - population 2001 - 165 594 persons(SSB)**

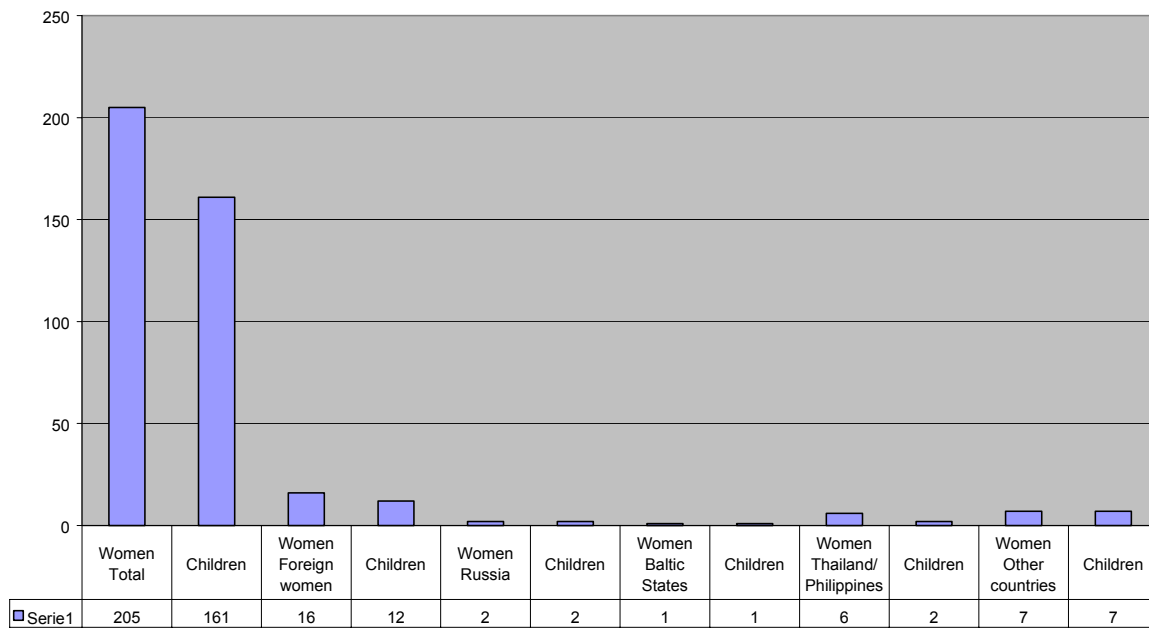




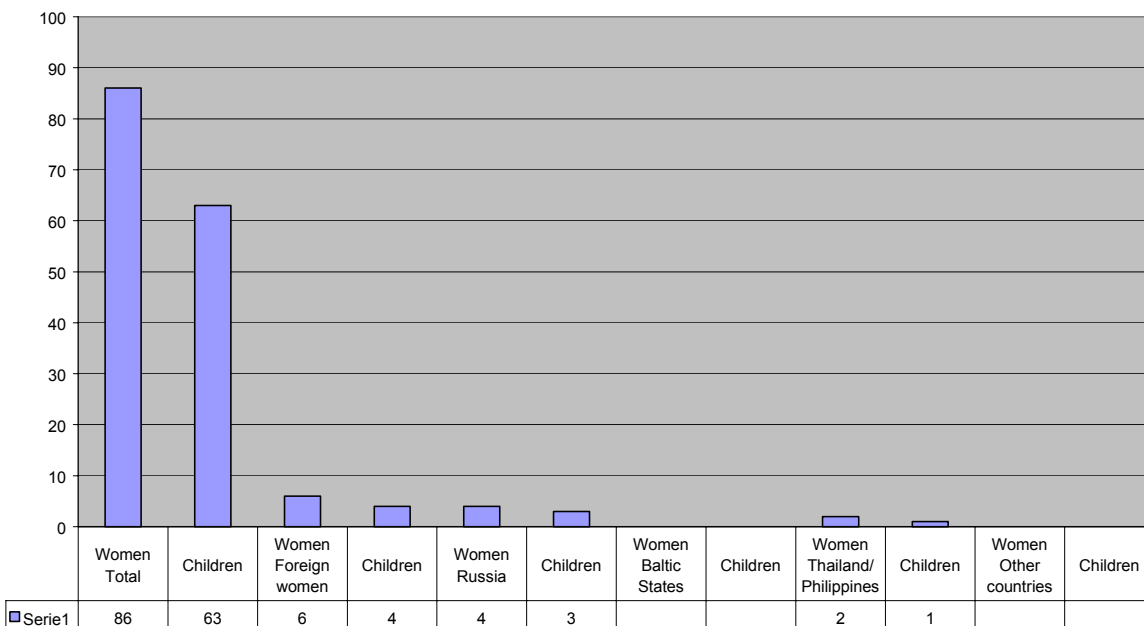
**Vestfold - population 2001 - 215 030 persons (SSB)**



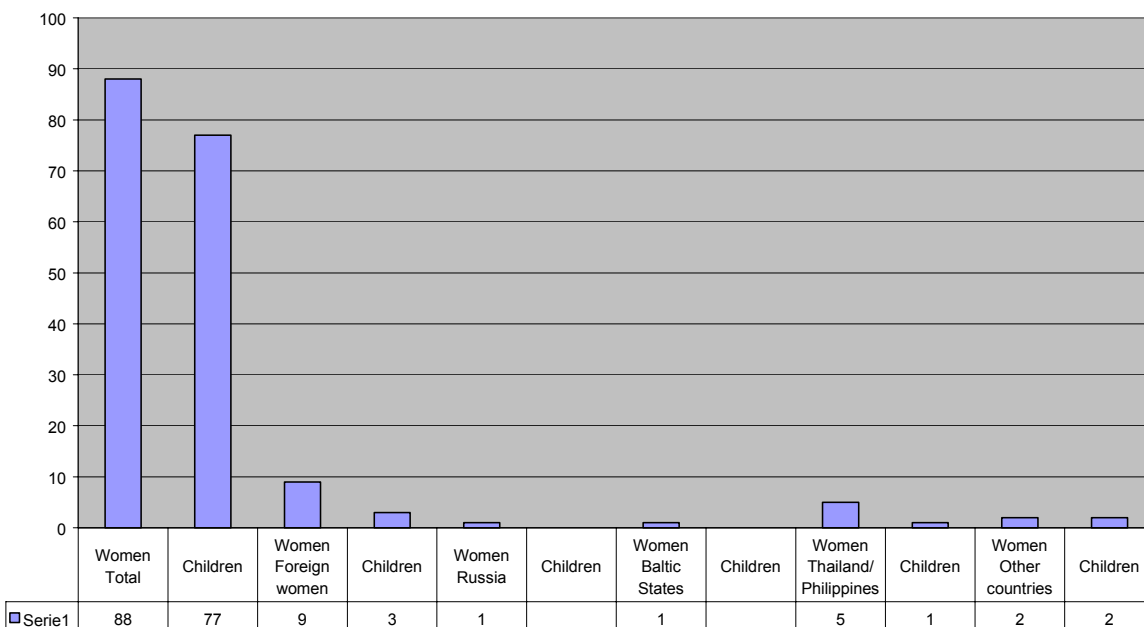
**Buskerud - population 2001 - 238 833 persons (SSB)**



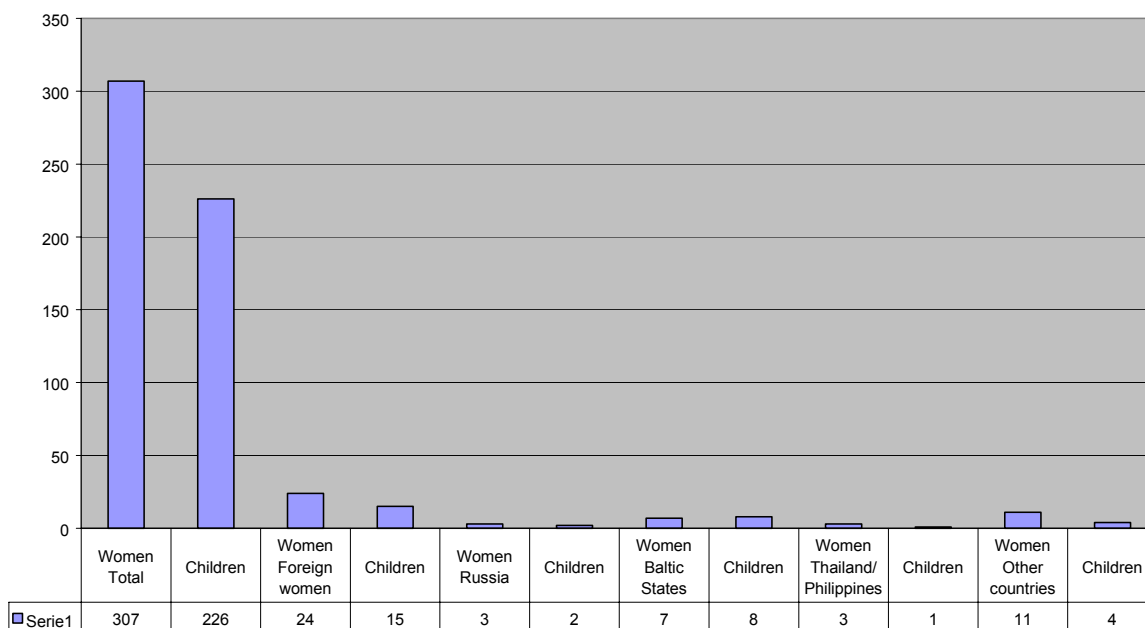
**Oppland - population 2001 - 183 419 persons(SSB)**



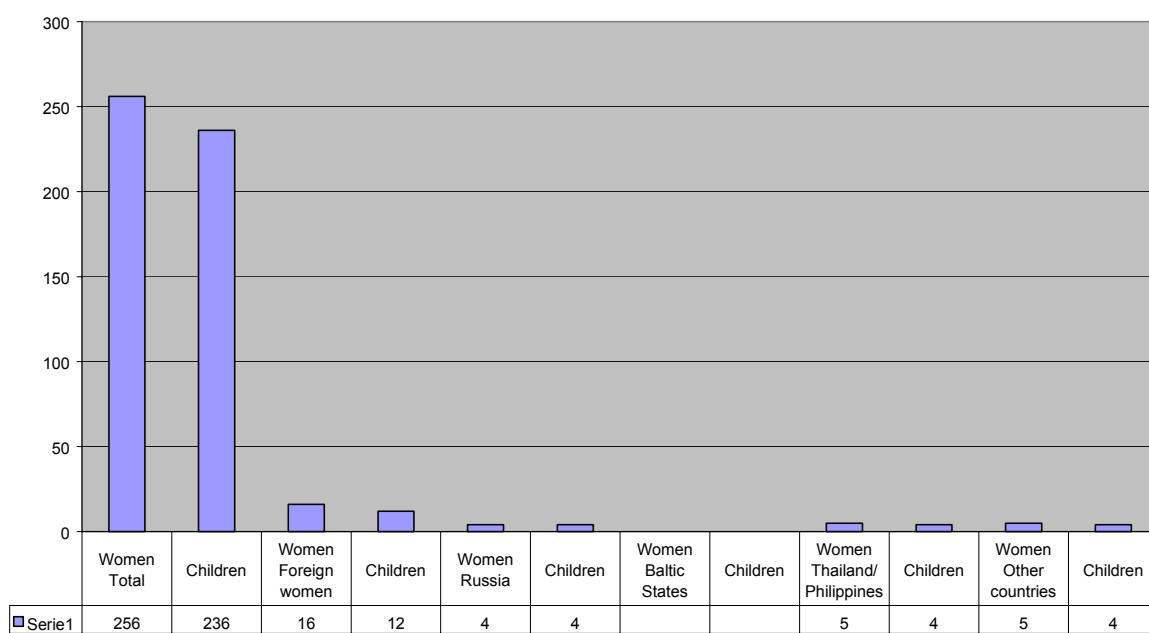
**Hedemark - population 2001 - 187 999 (SSB)**



## Oslo - population 2001 - 508 726 persons (SSB)



## Akershus - population 2001 - 471 988 persons (SSB)



Østfold - population 2001 - 251 032 persons (SSB)

