

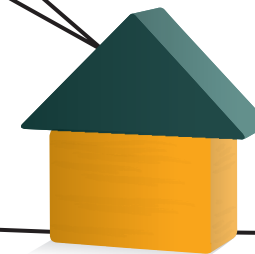


Legal rights and help for those who are subjected to criminal acts in Norway

If you have been subjected to criminal acts in the form of physical and/or psychological violence, sexual abuse, forced marriage, female genital mutilation or human trafficking, you are legally entitled to help and protection. This brochure provides you with information about what you are entitled to and where you can go for help.

"NOBODY KNOWS WHAT'S HAPPENING IN MY HOUSE.
I'M THE ONLY ONE WHO CAN FEEL MY PAIN"

(quotation from a Mazocruz woman from Puno, Peru)



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W: www.jurk.no

Storgata 11, 0155 Oslo
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1. VIOLENCE

1.1 You will have been subjected to a criminal act if someone:

- hits, kicks, tries to strangle you or injures you with a knife or any other type of object
- causes injury to you, e.g. serious cuts, bruises or broken bones
- forces you to engage in sexual acts against your will
- threatens you by saying that you will be killed or seriously injured as mentioned above
- gives you away in marriage against your will (forced marriage)
- subjects you to human trafficking (you can read more about human trafficking under Item 1.2)
- subjects you to female genital mutilation
- physically prevents your freedom of movement, e.g. locks you up

A criminal act has also been committed if your children are subjected to violence or sexual abuse.

Long-term terrorisation and abuse are also crimes, regardless

of the physical or psychological injuries you sustain as a result of such behaviour.

Such acts are crimes, even if the person concerned is:

- your current or previous husband or live-in partner/boyfriend/girlfriend
- your parents, stepparents
- your children
- someone in your household, i.e. someone you live with and with whom you share your household

Such acts are also crimes if those responsible were under the influence of alcohol or drugs at the time of committing the act.

1.2 When are you a victim of human trafficking?

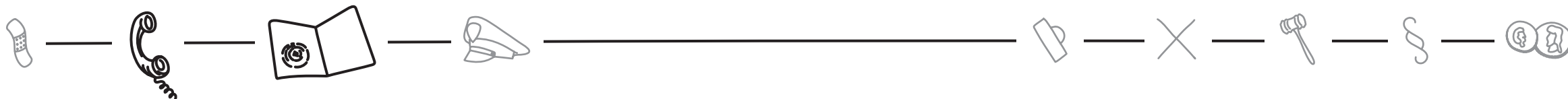
If someone engages in the following by resorting to violence, threats, exploitation of a vulnerable situation or inappropriate behaviour:

1. exploits you to engage in prostitution or for other sexual purposes
2. forces you to engage in begging or to take a different job
3. exploits you to engage in active military service in a foreign country
4. removes your organs against your will

1.3 You are being exploited if:

- you are not allowed to keep what you earn, or you are only allowed to keep a small amount
- you incur a debt that is not real, and which you must pay back
- you are unable to make your own choices about when and where you will earn money, and also if you are unable to stop working when you want to
- you are supplied with false identity and travel documents, if you are not in control of your own documents, or if you do not have any documents at all

EXPLOITATION OF A
VULNERABLE SITUATION IS
WHEN SOMEONE PERSUADES
YOU TO AGREE TO BEING
EXPLOITED IN A SITUATION
WHERE YOU FEEL THAT
YOU DO NOT ACTUALLY
HAVE ANY CHOICE.



2.) WHERE CAN YOU OBTAIN HELP?

If you are subjected to a criminal act, you can contact a crisis centre. You can call and obtain information and advice about your rights, or you can come for a chat and receive practical follow-up. Crisis centre phone numbers can be found on the following website: www.krisesenter.com. You and your children can also stay free of charge for a while if you need protection and assistance.

YOU CAN ALSO CONTACT THE FOLLOWING:

- The police – the number for your police district is 02800. Emergency no. 112
- Call free of charge for advice and guidance tel. 800 40 008
- ROSA (Re-establishment, Organising safe places to stay, Security, Assistance), guidance and information for those who are subjected to human trafficking tel. 22 33 11 60, www.rosa-help.no
- The Norwegian Red Cross's Forced Marriages helpline tel. 815 55 201
- The Specialist Forced Marriage Unit – tel. 47 80 90 50, kompetanseteamet@imdi.no
- Call free of charge to the National Incest and Sexual Abuse helpline tel. 800 57 000
- The Advisory Office for Victims of Crime tel. 815 20 077, www.kriminalitetsofre.no
- The Abuse Centre or A&E where you live or are staying
- Health centre or family advisory office where you live

3.) NORWEGIAN RESIDENCE PERMITS FOR ABUSED SPOUSES

If you have been granted residence in Norway due to a family reunion with your spouse, you may apply for a residence permit after three years. If you leave each other before you have been granted such a permit, you are basically no longer entitled to reside in Norway.

However, you may apply for a residence permit if you or your children have been subjected to physical or psychological abuse while you were living together. It is not relevant if it was you or your spouse who terminated the relationship.

You must prove that you have been subjected to abuse. Ways of proving abuse include making your own statement or obtaining a statement from a doctor, crisis centre, psychologist, health centre, girlfriends or anyone else who has witnessed the abuse.

You do not need to report the circumstances, but you will need to talk to the police. They will then write a report based on your statement and documents which will be sent to the Norwegian Directorate of Immigration (UDI), accompanied by your application.

YOU WILL ONLY BE ENTITLED TO HELP FROM A LAWYER WHEN SUCH AN APPLICATION HAS BEEN REJECTED.



4. NOTIFYING THE POLICE

If you have been subjected to abuse or other criminal offences it is very important that you report these to the police. One reason for this is that such notification is necessary if you apply to the state for victim compensation. You can read more about this under Item 9.

4.1 How do I notify the police?

You should report to the police where you live or are staying. You are entitled to talk to the police without having to report anything/ anyone. The police has power to prosecute in very serious cases, e.g. the abuse of minors and rape cases. This means that the public authorities will continue to investigate the case without the abuse being reported by you or anyone else. You will always be able to be accompanied by a friend, or you can receive help from a lawyer before reporting a crime. You can read more about this under Item 7.

4.2 What happens at the police station?

- When you arrive at the police station, you will be able to speak to an investigator. Initially you will usually be able to talk freely about what has happened. The investigator will then ask questions in order to obtain facts to enable him/her to investigate your case. It is therefore important that you explain everything that has happened. Describe how you experienced the incident in as much detail as possible. For example, it might be a good idea to

write down what you have experienced and take this with you to the police. During the investigation the police will work to obtain evidence to enable them to press charges.

- If you have been subjected to violence and have visible injuries, these will be photographed. If you have been raped, the police will take you to an abuse centre so that a doctor can document your injuries and secure evidence by carrying out a gynaecological examination.
- The police will also ask you if you wish to seek compensation from your abuser if criminal proceedings are instituted. It is important to say if you would like this.
- You should sign your report. You will then be provided with written confirmation of the fact that you have reported the matter.
- The police may implement measures designed to protect you, e.g. protection in the form of a restraining order or you may be issued with a security alarm.

5. SECURITY ALARMS

If you are subjected to threats or violence, the police may provide you with a free security alarm. These alarms are connected directly to the police emergency centre so that you can make direct contact with the police if a threatening situation occurs.

5.1 How can I obtain a security alarm?

You do not need to report a criminal offence, but either you or someone acting on your behalf will need to apply for a security alarm. The police will help you to do this.

5.2 How long can I keep my security alarm for?

If you are allocated a security alarm, you will be able to keep it for three months. The police will then decide if you can keep it for longer by undertaking an assessment of your safety situation.

6. RESTRAINING ORDERS

6.1 What is a restraining order

A restraining order means that whoever it has been imposed on will not be permitted to stay in a particular place, visit or in any other way contact you. This could, for example, occur in the form of phone calls, e-mails, letters or text messages. Restraining orders are imposed in order to prevent you from being subjected to threats or violence.

If there is a high risk of a criminal offence being committed against you, the person concerned may be banned from staying in your joint home

6.2 Who decides if a restraining order can be imposed on someone?

The prosecuting authorities (the police) decide whether or not a restraining order should be imposed on whoever is threatening you with violence. Such a restraining order will subsequently be examined by the court. Both you and the person against whom the order has been imposed will be summoned to appear at a court hearing, although in your capacity as the victim you will not be obliged to attend. You do not need to report a crime in order to have a restraining order imposed. A restraining order may mean that you will feel safer and could thus make it easier for you to report your circumstances.



7. LEGAL AID LAWYER

A legal aid lawyer is a lawyer who will provide you with advice and assistance prior to reporting your circumstances, when and if you report such circumstances, during police questioning and during any court cases.

7.1 When are you entitled to a legal aid lawyer?

You will be entitled to a legal aid lawyer if you have been subjected to one or more of the following acts:

- rape
- if you have been married against your will (forced marriage)
- when someone in your close family or household has subjected you to serious acts of violence or abuse
- human trafficking
- female genital mutilation
- if someone breaks a restraining order that has been imposed on them by you
- any other incidents where you have sustained physical or psychological injuries as a result of such acts

Your children will also be entitled to a legal aid lawyer if they have been subjected to sexual abuse.

7.2 What can a legal aid lawyer help you with?

A legal aid lawyer will assist you when you are thinking about whether or not you should report your circumstances. He or she will accompany you to the police and can help you to write down what has happened. He or she can also ask for a restraining order and a security alarm.

Your lawyer will also be able to help you if your case goes to court. He or she will explain what happens during the court case, including any questions that you will be asked. Your lawyer will be entitled to be present throughout your court case. If you are interested, your lawyer will also be able to help you to claim compensation from whoever you have reported.

If you are entitled to have a legal aid lawyer appointed, this assistance will be free and you will not have to pay a portion.

7.3 What should you do if you are not entitled to a legal aid lawyer and you are afraid to appear as a witness during your court case?

You may contact the Advisory Office for Victims of Crime. These can be found in most large towns. You can obtain information about what occurs during your court case by calling or visiting this office.

Victim support officers also work at some courts. These officers can help you before you give evidence, and they will also be allowed to accompany you into the courtroom while you are giving evidence. The Advisory Office for Victims of Crime can help you to make contact with a witness support officer.

EVEN IF YOU DO NOT HAVE A LEGAL AID LAWYER, IT IS IMPORTANT THAT YOU, IN YOUR CAPACITY AS A VICTIM OF VIOLENCE, ARE WELL LOOKED AFTER BEFORE, DURING AND AFTER YOUR COURT CASE.



8.) VICTIM OF HUMAN TRAFFICKING – WHAT ARE YOUR RIGHTS?

If you are a victim of human trafficking and you have broken away from or are considering breaking away from this environment, you can apply for a temporary residence and work permit for up to 6 months. This is called a reflection period. You are not required to produce evidence to show that you are a victim of human trafficking. The idea is that you should spend these 6 months on returning to a safe living situation and reflecting on whether or not you wish to report the case to the police.

You can apply for a reflection period from the Immigration Section at your local police station. They will ask you some questions, take some photographs and fingerprints, and register and forward your application to the UDI. You may be accompanied by your legal aid lawyer and anyone else you trust when you go to the police in order to apply for reflection.

If you report the matter, you can apply to the UDI for a further 1-year temporary work and residence permit. This permit can be

renewed, provided that you comply with the stipulated requirements which specify that documentation must be available from the police showing that you are cooperating with them in respect of criminal proceedings against the people behind such trafficking and that the police consider your presence in Norway to be necessary for carrying out their investigations and conducting the case. It is also stipulated that you must have broken away from those circles responsible for human trafficking.

With effect from 1 November 2008 the general rule is that all victims of human trafficking who have given evidence in criminal proceedings instigated against those responsible, shall be granted a residence permit that will serve as a basis for a permanent residence and work permit in Norway. This applies to all nationalities. This means that once the police have concluded their investigation of the case which you have been helping them with in your capacity as a witness/aggrieved party, you can apply for permanent residence in Norway.

9.) COMPENSATION FOR VICTIMS OF VIOLENCE

If you have been subjected to criminal acts as mentioned under Item 1.1, you may apply for compensation for victims of violence from the Norwegian state. Before you can apply, you must have reported the act in question. If you are entitled to a legal aid lawyer, he/she will help you to apply for such compensation.

If anyone loses their life as a result of a criminal act of violence, compensation may be awarded to the surviving spouse, partner, children or parents.

If the matter has been reported, but the police have dropped the case, you may sometimes receive compensation regardless.

If you have an income of NOK 246,000 or less per year and do not have substantial assets, you can receive help in applying for compensation for victims of violence from your lawyer. You can

also obtain legal aid if you wish to appeal against the outcome of an application for compensation for victims of violence. In such cases you will have to pay a portion of the fee amounting to NOK 890, unless you have a very low income.

If you are not entitled to legal aid, you may contact Legal Advice for Women (JURK) on tel. 22 84 29 50 in order to obtain help in applying for compensation for victims of violence.

Applications for compensation for the victims of violence should be sent to:
Kontoret for voldoffererstatning (the Office for Compensation for Victims of Violence), Postboks 253, 9951 Vardø, Norway.
For further information please visit the following website: www.voldsoffererstatning.no

IF YOUR CHILDREN HAVE WITNESSED THE FACT THAT YOU HAVE BEEN SUBJECTED TO VIOLENCE, THEY MAY ALSO BE ENTITLED TO COMPENSATION FOR VICTIMS OF VIOLENCE.