

**VIOLENCE AND ABUSE
YOUR RIGHTS – PRACTICAL ADVICE**

WHAT IS VIOLENCE

It can sometimes be difficult to know what the legal term violence means.

Physical violence is a type of violence that shows. Physical violence can lead to bruises and damages and physically hurts. Examples of physical violence are hitting, kicking, shoving, pulling of hair and stabbing.

Mental violence is a type of violence that hurts inside. Mental violence is violence that lead to you feel upset, scared and angry. Examples of mental violence are isolation, threats, controlling behaviour, violation and forced marriage.

Sexual violence is when someone forces you to have sex with them. It counts as sexual violence even when it is your husband that forces you to have sex against your will. Sexual violence is called rape.

Economical violence can be controlling your finances. Examples are withholding your money and personal documents.

Material violence can be breaking objects, for example kicking furniture, where the intention is to threaten, control or scare you.

All these forms of violence are illegal. Violence can be caused by a partner, in laws, children or siblings. We will explain what your rights are when you are exposed to violence on the following pages.

YOUR RIGHTS

The police can help you with

- **Violence alarm:** the police are notified that you are in need of help when you press the button.
- **Restraint order:** the person abusing you is not allowed to contact you.



The crisis centre/womens shelter can help you with

- **Day centre:** the day centre offers counselling, courses and therapy groups. The day centre can also offer legal aid and social activities. Children who have been abused, or who have witnessed abuse, are also offered counselling. These programs are cost free.
- **Shelter:** the shelter offers a place to sleep if you do not feel safe at home. Children can also stay at the shelter. Staying at the shelter is cost free.

OPPHOLD PÅ SELVSTEDING GRUNNLAG (INDEPENDENT RESIDENCE PERMIT)



If you are married and your husband/wife is violent towards you or your children, you and your children can apply for “opphold på selvstendig grunnlag”. This residence permit is an *exception* to the rule that an immigrant who has been given a temporary residence permit based on family reunion, must leave Norway if the spouses separate before three years have passed and before the spouse in question has been granted a permanent residence permit.

If you wish to apply for “opphold på selvstendig grunnlag” you will have to give a statement to the police. It is very important that you give details on what you have been exposed to. When, how and how often you have been exposed to violence will be important factors when the police consider your application.

It can benefit your application if you can prove that you have been exposed to violence. This can for example be statements from a doctor, therapist, teacher or crisis centre/women's shelter employee. Statements from witnesses can also be used as evidence in a trial.

It is not necessary to file a report to the police in order to apply for “opphold på selvstendig grunnlag”.

An applicant can also be granted “opphold på selvstendig grunnlag” due to special humanitarian circumstances. Contact JURK for more information if you want to know more about “opphold på selvstendig grunnlag”

VOLDSOFFERERSTATNING (CRIMINAL INJURIES COMPENSATION)

If you have experienced violence, you can apply for “voldsoffererstatning” from the office of Voldsoffererstatning (Criminal Injuries Compensation). You can apply for “voldsoffererstatning” if anyone has been violent towards you or your children, or if your children have witnessed a family member being violent. You *must* file a report at your local police station in order to apply for “voldsoffererstatning”. You must also notify the police that you wish to make a financial claim when you file the report.

Contact JURK for more information if you want to know more about “voldsoffererstatning”.



BISTANDSADVOKAT (COUNSEL FOR THE AGGREIVED PARTY)

You have the right to a “bistandsadvokat” if you have experienced sexual or domestic violence. You can also be appointed this based on the severity of your case. It is the courts that finances a “bistandsadvokat”.

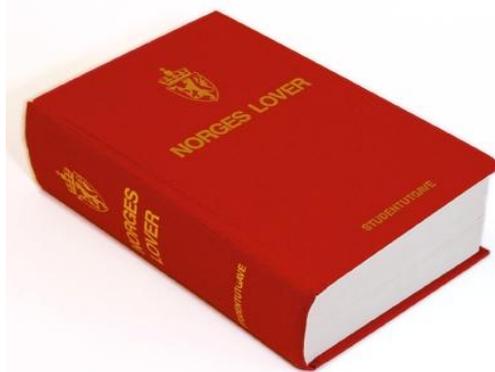
The court primarily finances three hours with a “bistandsadvokat” to help you decide whether or not to file a report.

If you decide to file a report, the “bistandsadvokat” will accompany you to the police. The “bistandsadvokat” will also assist you throughout the investigation. Some of the things the “bistandsadvokat” should do is update you on your case, read through police documents and ask the police to interrogate witnesses and secure evidence. The court will pay for all of the hours the “bistandsadvokat” spends on your case that are necessary and reasonable. The “bistandsadvokat” can help you apply for compensation and help you with a formal complaint to the District Attorney, should your case be dropped.

The “bistandsadvokat” will accompany you in a trial.

FREE LEGAL AID

Free legal aid means that you don’t have to finance a lawyer. You must apply for free legal aid. Contact JURK for more information if you want to know more about free legal aid.



NAV

You can be entitled to various benefits from Nav if you are not working due to illness or injury. Such benefits are “sykepenger” (sick pay) or “arbeidsavklaringspenger” (temporary benefit for persons who are temporary unable to work due to illness or injury). The benefits should cover the loss of income you might suffer while you are off work.

You can also be entitled to other means of social services such as a temporary residence, financial residenciary support and financial aid.

If you are considering contacting Nav, you should have important documents, for example medical charts, with you. For more information, contact your local Nav office.

INSURANCES

If you are being exposed to violence you should check with your insurance company if you have any insurances that cover medical expenses or legal aid. Insurances such as home insurance, accident insurance and travel insurance may be relevant.

WHAT THE CONSEQUENCES OF FILING A REPORT ARE

Filing a report means notifying to the police that a crime has been committed.

The police has duty of confidentiality. This means that what you tell the police is secret between you and the police. At the police station, you and the officer will sit in a separate room where he or she writes down your statement. The police will record the meeting.

If you file a report, the police may start an investigation. The abuser can be sentenced to pay a fine or to spend time in prison.

The police can give you a violence alarm. They can also give the offender a restraint order, which means that the person who has exposed you to violence is not allowed to go near you.

The crisis centre/womens shelter can give you advice and guidance if you wish to file a report.

You can apply for ciminal injuries compensation if you file a report.

GUIDE TO FILING A REPORT – PRACTICAL ADVICE

Try to secure evidence. Take pictures of your injuries. Keep evidence such as text messages, e mails and letters.

If you have been exposed to sexual violence, do not shower before you have had a medical examination and do not throw away the clothes you were wearing at the time.

Write down information on how the violence occurred. What, when and how. It might help you remember the details when you are explaining the assault to the police.

Let someone that you trust know what is happening to you, for example a teacher, counsellor or friend. This person can later function as a witness.

Contact a doctor and/or a therapist. Their statements can prove that you have been exposed to violence and the effects the assaults have had on you.

Tell the police. It is important that you explain everything to the police. Give the police details on where, how and then the violence occurred.

WHERE CAN YOU SEEK HELP?

Doctor or local health centre

Emergency room

“Voldtekstmottaket” (The centre for victims of sexual assaults)

“Sosialvaktjeneste”

Local crisis centre/womenc shelter, www.krisesenter.no

The police: tlf: 02800

The alarm phone for children and youths tlf: 116 111

NAV, www.nav.no

Your municipality

Protection for the elderly tlf: 800 30 196

Support phone for victims of crime tlf: 800 40 008

”Rådgivningskontoret for kriminalitetsofre” tlf: 815 20 077

JURK, www.jurk.no tlf: 228 42 950

Red Cross, www.rødekors.no tlf: 05003

DIXI, www.dixi.no tlf: 224 44 050

”Mira senteret”, www.mirasenteret.no tlf:221 16 920

Support centre against incest, www.sentermotincest.no tlf:233 14 650

Counsel for the aggrieved party: Contact ”tingretten”. They keep lists on good attorneys. Centres like the crisis centre/womens shelter and DIXI have their own lists of attorneys. Your local police station also has lists on attorneys who can function as counsel for the aggrieved party in your district. You can also have a look online on www.advokatenhjelperdeg.no.