

NORWAY

Policy responses to gender-based violence in the context of migration



Country context

There is little public awareness of the challenges for abused mothers and for mothers of migrant background in particular. In contrast, there is a widespread public discourse on fathers' rights and on uncooperative, "alienating" and "sabotaging" mothers.

Often, violence is misrepresented as "parental conflict" and mothers who claim to have been abused tend to be disbelieved and seen as "difficult" or "mentally unstable". For migrant women, the negative attitude towards "uncooperative" mothers can be imbued with culturalist and racist connotations.

Migrant women's experiences

The Norwegian study focused on interviews with migrant mothers who had experienced intimate partner violence, mainly from men of Norwegian/European majority background.

The interviews revealed that mothers of migrant background share many experiences with mothers of Norwegian majority background who are victims of abuse. In particular, the legal and cultural expectation of shared parental responsibility, and the strong emphasis on post-separation contact with both parents, facilitates post-separation abuse. This is at odds with the security of mothers and children and can undermine their protection against further abuse.

Abused mothers fall between different and incompatible legal regimes, such as legislation regarding violence, including criminal law, child protection legislation and family legislation. For migrant mothers, migration law further adds to this legal/institutional complexity.

Recent years have seen new restrictions of rights for migrants, such as a prolonged period for migrants arriving through family unification before being provided with permanent residence permits. This increases the problems for women who are victims of abuse from their partner or family. Moreover, although victims of violence are entitled to special protection, this is not easy to obtain.

Policy deficits

The most important cause of the inadequate response to victims of violence stems from the operation of separate welfare and judicial systems and coordination problems. Despite bespoke policies against violence in intimate relations, in the interaction with the legal and/or welfare systems, there is a tendency for the violence to "disappear" and for victims of violence to be rendered invisible. This occurs both for victims from the Norwegian majority and migrants.

One reason for the inadequate response is the framing of the problem and the lack of a gendered understanding of violence. The use of gender-neutral language both in relation to violence and parenting in particular invisibilises mothers as victims of violence.

Interviews with asylum seekers often do not facilitate the revelation of sexual and gender-based violence due to street-level bureaucracy mechanisms.

The integration process places high demands of integration on refugees that may interfere with their own agency.

Despite special protections for trafficking victims, very few victims obtain such protection. This can be due to the process of categorization of different groups of migrants, internal logics, or the lack of coordination between separate welfare bureaucracies.

Good practices identified

The mandatory provision of shelter services is an example of a successful policy. The majority of shelter users are of migrant background.

The main factor that underpins the shelters as a successful policy is that they believe, accept and validate victims' experiences. However, the shelters are not adequately resourced and there are regional and local variations and gaps.

Recently, there has been some focus by women's organisations, such as legal aid for women, on the consequences for children of what can be understood as post-separation abuse. One of the most influential organisations for migrant women – the Mira Centre – has focused on the consequences for women of minority background of the restrictions in welfare state entitlements and citizen's rights for immigrant women.

The Norwegian asylum interview is also an example of a good practice insofar as it facilitates a free narrative and is conducted in a respectful manner (despite deficiencies in relation to the identification of Sexual and Gender-Based Violence (SGBV)).

Policy changes required

- Educate welfare and migration bureaucracies on Sexual and Gender-Based Violence (SGBV).
- Foster cooperation between special services for victims of SGBV, the general welfare services and the judiciary with the aim of detecting violence and protecting victims.
- Reverse restrictions in immigration law that negatively affect women migrants and increase their risk of experiencing SGBV.

Project Title: VIOLENCE AGAINST WOMEN MIGRANTS AND REFUGEES: ANALYZING CAUSES AND EFFECTIVE POLICY RESPONSE

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The State response

The state recognizes the need for coordination of policies and responses to violence in intimate relations in legal texts such as the Norwegian Shelter Act (2010) and the Istanbul Convention (2011), which are part of Norwegian Law.

There is also a national action plan: Freedom from Violence (2021-2024), the government's action plan to prevent and combat violence in close relationships. However, in practice, the deficits outlined here are not adequately addressed.

Strict immigration laws add to the ordeal of migrant women experiencing violence and may hamper their possibilities to leave a violent partner as well as their access to justice.

The Covid-19 crisis also revealed a lack of information to minority groups on the availability of shelter services during the pandemic.