

Submission of Comments to the Draft update of General Recommendation No. 19 on Violence Against Women by Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

By Juridisk rådgivning for kvinner (JURK)¹, 30th September 2016

Legal Advice for Women (Juridisk Rådgivning For Kvinner – JURK), hereinafter referred to as JURK, is a student run legal aid office, that provides free legal aid and legal advice for women and others that define themselves as women. JURK is a non-governmental, non-profit, politically independent organization working to improve the rights of women.

JURK was founded in 1974 by women studying law at the University of Oslo. At that time women were a minority at the faculty and women and men did not have equal rights. There was a pressing need for change and information directed at women having insufficient knowledge about their legal rights. From the beginning in 1974 up until today, JURK has given free legal aid to more than 50 000 women.

Violence against women is one of JURKs main areas of focus. In 2015 JURK treated 377 cases regarding violence against women. We assist these women by giving them information about their legal rights and if needed, we help them apply for monetary compensation from the state. In collaboration with seven other organizations JURK has created a campaign addressing the issue of violence against women called the red button campaign. The symbol of the campaign is a red button with four holes representing the four main challenges the Norwegian Government need to address to eliminate violence against women.

Based on our work with violence against women, JURK will in the following comment on some of the sections in the Draft update GR No. 19.

Regarding “economic harm or suffering to women”

As the committee explains throughout the Draft update GR No.19 violence against women may take multiple forms. Violence is not only physical, psychological or sexual; it may also be inflicting “*economic harm or suffering*” to women².

Through JURKs work, giving legal advice to women, we see many cases where women have been exploited economically by their husband or partner.³ The most common way to exploit the

¹ Written by Mari Møllerhagen, Jenny Osnes Græsholt and Hanna Rummelhoff

² Draft update GR No. 19, page 4.

³ JURKs Annual report 2015, s.25

women economically is by taking out loans and credit card debt in her name, sometimes without her knowing it, sometimes by force or threats. In Norway we refer to this as “economical violence”. A challenge is the easy access to loans using digital signatures through a digital code chip. Several banks and financial institutions don’t require personal attendance or documentation on the existing debt before granting new, high interest, loans. Some of our clients end up with debt so excessive that it is far beyond what they’re capable of repaying. In this way economic harm or suffering can be extremely harmful. We find this to be an issue of great importance that should be addressed in the Draft update GR No. 19.

JURK note that the concept of “economic harm and suffering” is not explained in the draft. We see a need to clarify the term and express the seriousness of this type of violation.

In relation to the situations of economic harm portrayed above, JURK wish to emphasize the importance of assigning responsibility to the private sector to prevent this kind of violence. We refer to the draft GR 19, para 15 e) where the committee encourages the State Parties to engage the private sector through incentives and corporate responsibility models.

Comments to recommendations on (15) “Prevention”

Section d)

In section d) the committee states that it should be mandatory for law enforcement officers and social personnel to receive training on how to address victims of gender based violence. JURK wish to emphasize the importance of such training. According to women we meet through our work, relevant professionals often lack proper knowledge and training in how to address victims of gender based violence in an expedient manner. This is a great burden for women in great need of assistance.

Many of our clients also experience the support system as fragmented and overwhelming. JURK would like the GR No. 19 to enhance the importance of an interdisciplinary collaboration within the support system. In relation to this JURK would like to draw attention to a pilot project implemented in Stovner police station in Oslo called "Project November". It is an interdisciplinary collaboration with employees from different professional backgrounds. The victims are given comprehensive services in one place, by having police, psychologists and social workers at the same place.⁴ Measures like these are much needed to make the support system more accessible and holistic for women victims of violence.

Comments to recommendations on (15) “Protection and redress”

Section a) ii.

JURK believe it to be crucial that the States Parties of the convention provide appropriate protection to prevent further or potential violence against women. JURK work with women experiencing violence from their husband or partner, and a main concern for these women is to

⁴ https://www.politi.no/nyhet_15522.xml

keep safe from the perpetrator. In Norway there are several measures the police or the judicial system can use to help these women keep safe.⁵ Common to most of the measures is that the women are required to; move, live on secret addresses, constantly fear that the perpetrator will discover their hiding spot etc., and therefor are inflicted a burden. In addition JURK experience that the use of restraining order and security alarm often fail to provide sufficient protection to women subject to domestic violence.

JURK enhance the importance of limiting the burden on women exposed to violence, especially when it comes to protecting them and preventing further or potential violence, referring to Draft update GR No. 19 “protection and redress” a) ii. We would like to draw the committee’s attention to the possibility for States Parties to implement measures placing the burden on the perpetrator. Since 2013 the police in Norway have been given an additional tool: a ban on contact can be reinforced through electronic monitoring (reverse assault alarm).⁶ In JURKs opinion the introduction of this measure is a step in the right direction when it comes to the redistribution of burdens.

Section d)

JURKs clients experience challenges related to language barriers. From 2012 until 2015 we find an increasing level of women with immigrant background among our clients.⁷ These clients are often the ones who have the most pressing need for assistance and information concerning their legal rights.

In section d) the committee states that the State Parties should disseminate information aimed at women through diverse and accessible media. JURK would like to emphasize the importance of addressing this issue. To disseminate information about legal and social resources it is important to ensure that victims of gender based violence know where to seek help if needed. The recommendation could however be more specific and guide the States Parties on how to reach women who have limited or no knowledge of the official languages of the country in a more efficient manner.

In JURKs experience it is crucial that the information is accessible to these women, bearing in mind that they could have lack of resources and social network. In addition to information through diverse and accessible media, JURK see the need to address these women more directly. One possibility is to disseminate information about legal and social resources available to women through adult education programs for immigrants. This kind of measure could include information brochures in different languages and lectures with available interpreters.⁸

⁵ This includes mobile violence alarm, bans on visits or contact, address shielding etc.

⁶ https://www.politi.no/politidirektoratet/aktuelt/nyhetsarkiv/2013_02/Nyhet_12186.xml

⁷ JURKs statistics from the period 2013-2015.

⁸ Taking into account the States Parties human right obligations regarding information to minority women c.f. Tina Nordstrøm, «Miniortietkvinneres rett til rettighetsinformasjon».

The structure and language in the draft GR 19

Even though GR 19 is considered “soft law”, the recommendations from the CEDAW-Committee have proven to be important guidelines for the States Parties practice. JURK wish to emphasize the importance of creating clear and unequivocally guidelines for States Parties to follow.

Reading the Draft update GR No. 19 in comparison to the old GR 19 from 1992, JURK notes that the structure of the draft is improved compared to the previous GR 19, and that the content in this way is made more accessible to the States Parties. However, the draft is also more extensive both in form and content which makes the message to the States Parties at times more implicit than in the previous GR No. 19. JURK want to enhance the importance of the language used in the Committees GR to encourage the States Parties to comply with the guidelines set forth.