

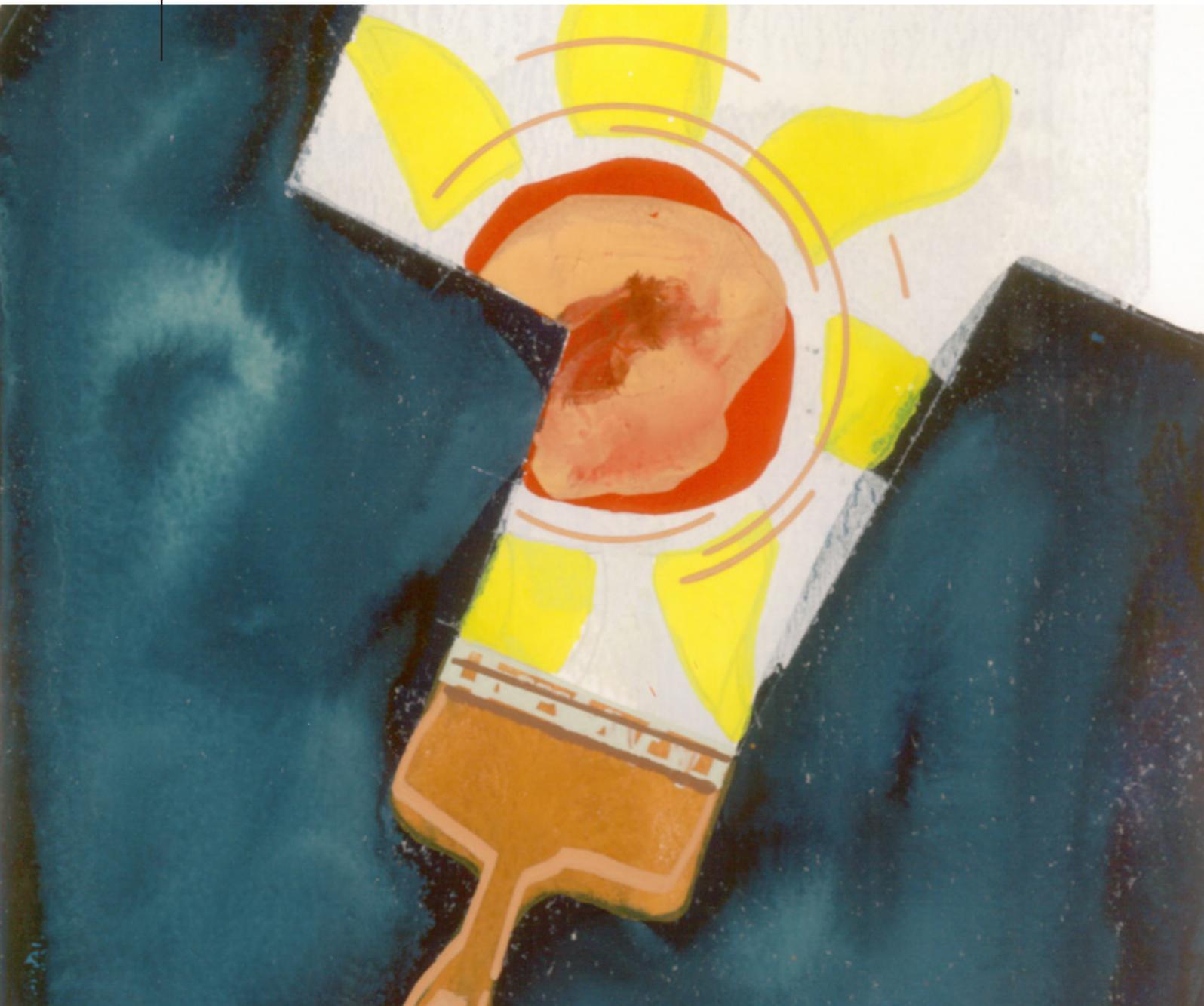


Ministry of Children  
and Families

Report

# Protection of children against sexual exploitation and abuse

Norway's reply to the Lanzarote Committee's General  
Overview Questionnaire



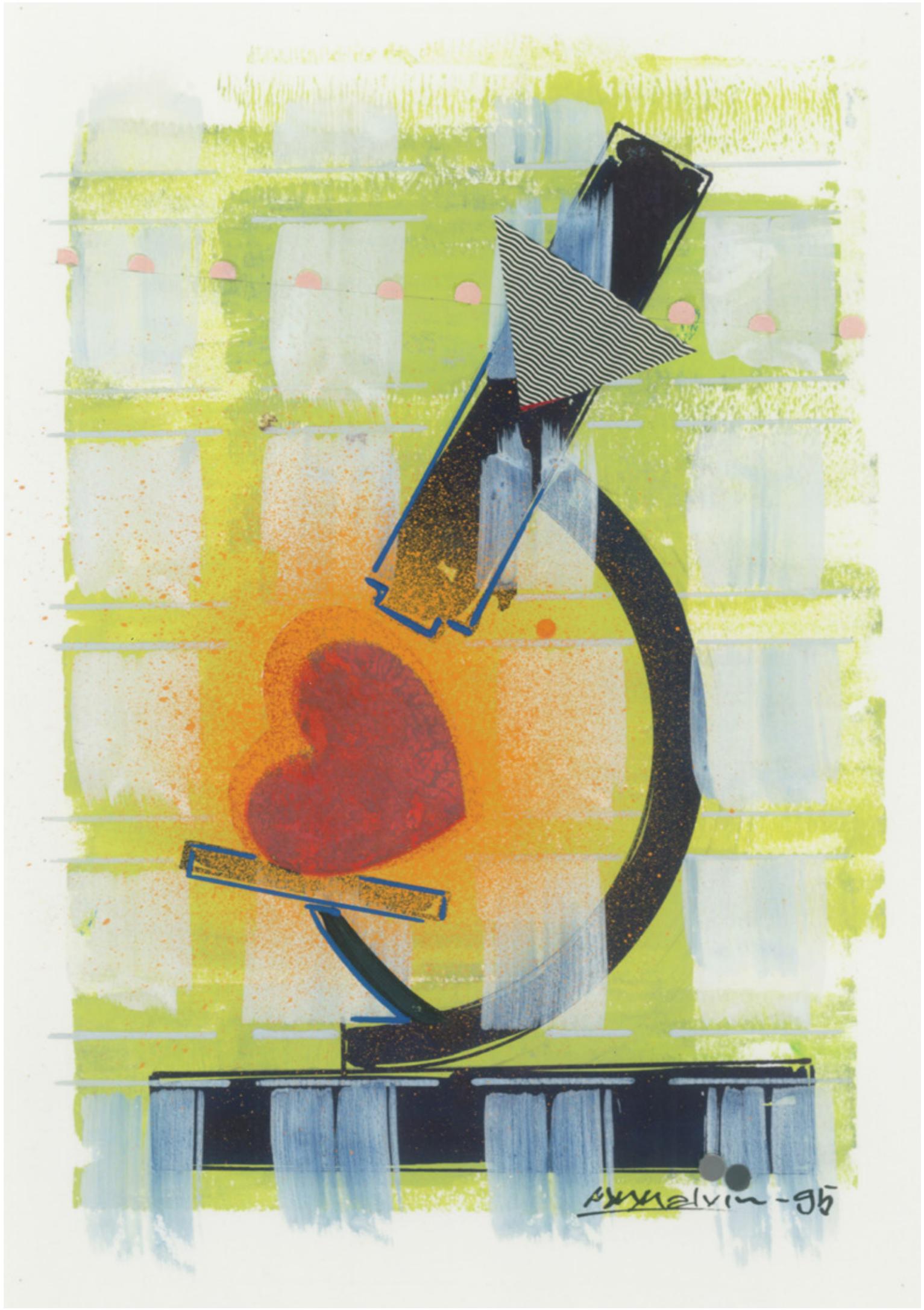
# Contents

<b>GENERAL FRAMEWORK</b>	<b>5</b>
Question 1: Definition of “child”	5
Question 2: Non-discrimination	6
Question 3: Overview of the implementation	6
Question 4: Child participation	11
Question 5: Specialised bodies/mechanisms	12
Question 6: National or local coordination, cooperation and partnerships	14
Question 7: International cooperation	16
<b>PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE</b>	<b>19</b>
Question 8: Education, awareness raising and training	19
Question 9: Recruitment and screening	23
Question 10: Preventive intervention programmes or measures	24
Question 11: Participation of the private sector, the media and civil society	26
Question 12: Effectiveness of preventive measures and programmes	28
<b>PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE</b>	<b>32</b>
Question 13: Reporting suspicion of sexual exploitation or sexual abuse	32
Question 14: Helplines	33
Question 15: Assistance to victims	35
<b>PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN</b>	<b>39</b>
Question 16: Criminal law offences	39
Question 17: Corporate liability	43
Question 18: Sanctions and measures	44
Question 19: Jurisdiction	45
Question 20: Aggravating circumstances	46
Question 21: Measures of protection for the child victim	47
Question 22: Investigations and criminal measures to protect the child victim	51
Question 23: Child friendly interviewing and proceedings	54

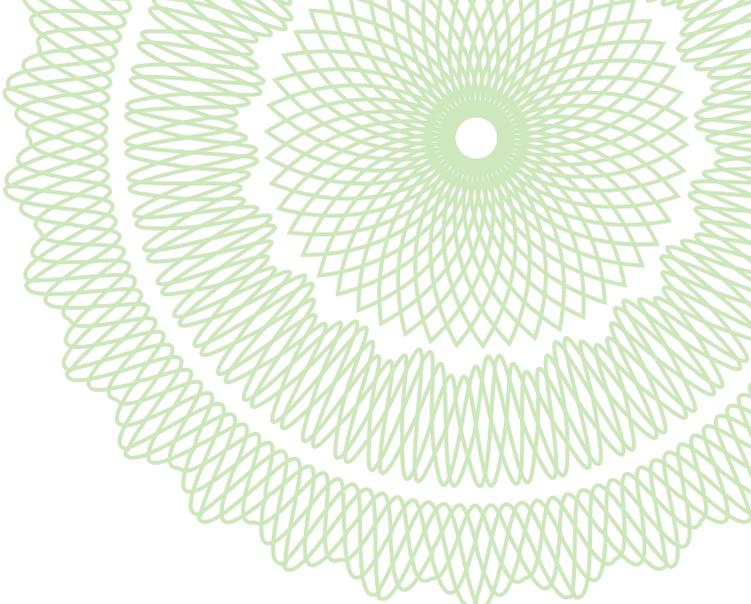


In 2018, Norway ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201). The Convention came into force in Norway on 1 October 2018.

This is Norway's initial report to the Lanzarote Committee. The report was coordinated by the Ministry of Children and Families. The Ministry of Justice and Public Security, the National Police Directorate, the Ministry of Education and Research, the Ministry of Health and Care Services, the Ministry of Foreign Affairs, and the Ministry of Culture have contributed to the report. The Sami Parliament of Norway contributed input to the report.



95-nivlaxka



# General framework

## Question 1: Definition of “child”

---

5

**a. Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?**

The Convention on the Rights of the Child defines a “child” as any person under the age of 18, if the child does not come of age earlier pursuant to the legislation that applies to the child. The age of majority in Norway is 18, which matches the Convention on the Rights of the Child's definition of who is considered a child. The Convention on the Rights of the Child applies as Norwegian law with priority over provisions in other legislation, see the Human Rights Act.

The legal age for sexual activities in Norway is 16, i.e. a child under 16 years of age cannot legally consent to having sexual relations with others. This is stipulated by sections 299-304 of the Penal Code, which make it an offence to engage in sexual activities with children under 16, irrespective of whether or not the sexual activities appear to be voluntary on the part of the child. Any sexual activity or aggravated sexual act with a child under 14 is characterised as *sexual assault of a child*, see section 299 of the Penal Code.

**b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?**

When there is reason to believe that the victim is under 18, the person concerned will receive the assistance to which children are entitled, until such a time as it is determined that the victim is not a child.

**c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.**

The legal age for sexual activities in Norway is 16 years old. Please see the answers to questions 1a and 16d.

## Question 2: Non-discrimination

---

**Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.**

A new chapter on human rights was incorporated into the Constitution<sup>1</sup> when it was revised in 2014. Article 98 states that “All people are equal under the law. No human being must be subject to unfair or disproportionate differential treatment.”

The Equality and Anti-Discrimination Act<sup>2</sup> prohibits discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age, or combinations of these grounds. Ethnicity means, among other things, national origin, descent, skin colour, and language.

6

## Question 3: Overview of the implementation

---

**Please indicate (without entering into details):**

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention.**

An account of the legal instruments is provided below. With regard to other measures, please see the answers to questions 8, 9, 10 and 11.

### *Family law*

Norwegian law includes a number of provisions that aim to protect children from injury, abuse and negligence. The Penal Code is important in this respect and includes several sections that prohibit acts of violence and abuse against children.

The Children Act has been amended several times in the last decade to strengthen children's legal protections against violence and abuse. The Children Act states the following:

- *“The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health.”*
- *“Use of violence and frightening or annoying behaviour or other inconsiderate conduct towards the child is prohibited.”*

These provisions regarding protection against violence also apply if the violence is carried out in connection with the child's upbringing.

---

<sup>1</sup> The English translation of the Constitution can be found here: <https://www.stortinget.no/globalassets/pdf/english/constitutionenglish.pdf>  
<sup>2</sup> The English translation of the Act can be found here: <https://lovdata.no/dokument/NLE/lov/2017-06-16-51>

Violence can be an issue in some parental dispute cases. The Children Act also states:

- *“Decisions on parental responsibility, international relocation, custody and access, and procedure in such matters, shall first and foremost have regard for the best interests of the child. When making such decisions, regard shall be paid to ensuring that the child is not subjected to violence or in any other way treated in such a manner as to impair or endanger his or her physical or mental health.”*

The Act thus instructs judges in their handling of parental disputes in court.

Various sections in the Children Act aim to secure the child's best interests in parental disputes where the child might be exposed to injury or abuse. The Act explicitly states that:

- *“Where allegations have been made concerning violence, abuse, drug or alcohol abuse or mental disorder and sufficient information concerning the case has not otherwise been provided, the court may appoint an expert.”*

This is usually an expert in psychology. Allegations of violence must be carefully examined before a court makes a decision. The court may also appoint a lawyer or another representative to safeguard the child's interests. This applies in parental disputes:

- *“...when there is reason to believe that the child has been subjected to violence or in any other way been treated in such a manner as to impair or endanger his or her physical or mental health.”*
- *“Following a request from one of the parties [the parents], the court shall in all cases make an interim decision if there is a risk that the child will be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health.”*

As far as access rights are concerned, the Act stipulates that:

- *“If such access is not in the best interests of the child, the court must decide that there shall be no access.”*
- *“Conditions for access may be imposed in agreements or in judgements.”*

If supervision is made a condition for access, the court may order so-called “protected supervision” or “supported supervision”. In these cases, the supervision is performed by a public authority.

Various new amendments to the Children Act and the Penal Code aimed at strengthening children's legal protections against violence and abuse entered into force from 2019.

One of the amendments applies to criminal proceedings concerning certain acts of violence and abuse. In these cases, judges are instructed to consider issuing a protection order to ensure the safety of children.

#### ***Health and care services legislation***

Pursuant to the provisions of the Health and Care Services Act, the Specialist Health Services Act, and the Dental Health Services Act, health and care services have a responsibility, at a system level, to prevent, detect and avert violence and sexual abuse.

Municipalities, regional health enterprises and dental health services must particularly bear in mind that patients may be victims, or at risk, of violence or sexual abuse, and must facilitate so that health and care services are capable of preventing, detecting, and averting violence and sexual abuse.

Furthermore, the Health Personnel Act says that in their work, health personnel must be alert to circumstances that might require measures on the part of the child welfare services. When there is reason to believe that a child will be, or is being, abused, that their day-to-day care is seriously inadequate, or that they are suffering some other form of serious neglect, health personnel have a duty to take the initiative and report their concerns to the child welfare services.

The Patient and User Rights Act stipulates exemptions from the duty to inform parents when it is clearly not in the interests of the child as a patient to inform the parents. Trust is vital if a child is going to dare tell someone about a serious situation in a treatment scenario. This means that sometimes it is necessary to assure them that the information will not automatically be passed on to the parents.

### ***Kindergarten and school***

The Framework Plan for Kindergartens requires staff to be conscious of the fact that children may be victims of neglect, violence and sexual abuse.

Children in school have the right to a good and safe school environment free from bullying, violence, discrimination and other harassment. This includes protection from sexual abuse. The rules are stipulated in chapter 9 A of the Education Act. Schools are responsible for preventing, detecting and dealing with cases of violence, bullying and other harassment of children. In addition to enforcing the regulations, a lot of work is being done to improve the competence of school staff.

Anyone who works in a school or kindergarten also has a duty to report their concerns to the child welfare services if they have reason to believe a child is being neglected or abused. The regulations are set out both in the Education Act and Kindergarten Act.

### ***The child welfare services***

The Convention on the Rights of the Child applies as law and takes precedence over other Norwegian legislation, ref. the Human Rights Act. The Child Welfare Act conforms to the Convention on the Rights of the Child.

The purpose of the Child Welfare Act is to ensure that children and young people who live in conditions that may be detrimental to their health and development receive the necessary assistance, care and protection at the right time. The Act is intended to help ensure that children and young people are met with security, love and understanding, and that all children and young people grow up in a good, secure environment. The child welfare services must review reports of concern they receive about a child and have a duty to initiate an investigation if there are reasonable grounds to believe that measures pursuant to the Child Welfare Act are required.

When necessary, the child welfare services must offer families voluntary assistance measures if the circumstances in the home, or other particular circumstances, indicate this is required. The county boards for child welfare and social affairs can order assistance measures in the home without the consent of the parents. If assistance measures are not enough and it would be in the best interests of the child, a county board can decide that the child welfare services shall take the child into care if the child is being mistreated or is the victim of other serious abuse in the home. The child will be placed in a foster home or an institution. The child may also be temporarily placed in an institution without consent if they are at risk of exploitation for human trafficking.

In emergency situations, the head of the child welfare services' administration or the prosecuting authority may decide to take the child into care without the consent of the parents if there is a risk that the child will suffer material harm by remaining in the home.

Please also see the answer to question 14 concerning other support services.

**b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation.**

Norway has presented a number of plans that include combating child sexual abuse. The plans were developed and followed up in close cooperation with the Ministry of Children and Families, the Ministry of Health and Care Services, the Ministry of Justice and Public Security, the Ministry of Education and Research, and their respective directorates.

***A Good Childhood Lasts a Lifetime (2014–2017)***

The action plan, *A Good Childhood Lasts a Lifetime (2014-2017)*, contained 43 measures for combating violence and sexual abuse perpetrated against children and young people. The primary goal of the plan is to prevent children and young people from being subjected to violence and sexual abuse in or outside the home. The plan primarily focused on prevention work and good parenting, the government's responsibilities, children and young people's own participation, interdisciplinary cooperation and the voluntary sector, the right help at the right time, research, and competence.

***Escalation Plan against Violence and Abuse (2017-2021)***

*The Escalation Plan against Violence and Abuse (2017-2021)* provides an overview of the current situation, measures for combating violence and abuse, and the main challenges associated with violence and abuse. The plan was presented by the Government in October 2016 and adopted by Parliament in April 2017. The plan contains 88 measures, and Parliament, in connection with its consideration of the document, passed 36 petition resolutions that the Government is following up.

The plan contains both short-term and long-term measures and strategies for meeting these challenges. The primary goal is to reduce the prevalence of violence in close relationships, with a particular emphasis on combating violence and abuse suffered by children and young people.

The plan's overall goals are as follows:

- Responsibility for preventing and combating violence and abuse must be established, clear and supported by management at all levels of government
- Preventing violence and abuse must be prioritised and strengthened
- All relevant sectors must be highlighted as health-promoting arenas
- Good and proper expertise on violence and abuse is available in all sectors and services
- Violence and abuse must be detected early on, and victims of violence must receive individually adapted follow-up and treatment
- Perpetrators of violence and abuse must receive help to prevent new abuse
- Investigating cases of violence and abuse must be prioritised; capacity and quality must be improved
- Victims of violence must be afforded better protection
- The work on violence and abuse must be coordinated across services and sectors
- The work on violence and abuse must be knowledge-based and the effects of measures must be evaluated
- The general public's knowledge about, and understanding of, violence and abuse must be improved
- The participation of users and children must be safeguarded when developing policies and services

#### ***Strategy against internet-related abuse***

As part of the follow-up of the *Escalation Plan against Violence and Abuse*, a separate strategy is being drawn up to combat internet-related abuse. The work is based on the inter-ministerial collaboration on combating violence and abuse. The Ministry of Justice and Public Security is coordinating work on the strategy. Please refer also to Norway's response to the thematic questionnaire for the 2nd monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by ICT.

#### ***Action plan against rape***

An action plan against rape was presented in 2012 and ran until 2014. Important focus areas were prevention, assistance and medical help for victims, the quality of prosecution procedures in the police and courts system, cooperation and coordination, as well as knowledge and expertise.

A new action plan against rape was presented in March 2019. The action plan is intended to help ensure that measures are properly embedded, comprehensive, and coordinated in an area where many sectors have some responsibilities. The action plan targets both male and female victims of rape, who are 14 or older, and male and female perpetrators above the age of criminal responsibility.

#### ***Action Plan against Negative Social Control, Forced Marriage and Female Genital Mutilation (2017-2020)***

The *Action Plan against Negative Social Control, Forced Marriage and Female Genital Mutilation* includes 28 measures, and continues and develops the efforts being made to counter such forms of coercion and abuse. Norway's efforts have been organised via special action plans for 20 years.

- c. **whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.**

Norway has ratified the Convention on the Rights of the Child and is party to a number of other legal instruments that aim to strengthen children's legal protections.

Norway's laws provide good safeguards for children. In 2014, the protection of children's rights was further enhanced with the inclusion of a new provision on children's rights in the Norwegian Constitution. The Norwegian Constitution states that children have the right to respect for their human dignity, that they have the right to be heard in questions that concern them, and due weight shall be attached to their views in accordance with their age and development. The new constitutional provision also states that children have the right to protection of their personal integrity and that the child's best interests shall be a fundamental consideration in actions and decisions regarding children.

## Question 4: Child participation

---

- a. **Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1).**

During the preparation of the *Escalation Plan against Violence and Abuse (2017-2021)* the ministry asked the Ombudsman for Children for assistance in order to ensure the voices of children were heard in the plan. An expert group of children who have experienced violence in the family was established and contributed opinions and experiences.

The Government facilitates dialogue with children and young people. Violence and sexual abuse are among the topics discussed in the Government's regular dialogue meetings with child and youth organisations.

*The Action Plan against Negative Social Control, Forced Marriage and Female Genital Mutilation (2017-2020)* includes initiatives developed with the users in focus. Among other things, light has been shed on the experiences of child victims through research projects and meetings with politicians. These have been important sources in the development of measures. Thanks to the funding of non-governmental organisations, children and youth are both the target group and participants of various types of projects aimed at preventing these forms of violence and abuse. The previous action plan for this area (*Action Plan against Forced Marriage, Female Genital Mutilation and Severe Restrictions on Young People's Freedom (2013-2016)*), facilitated the arrangement of Nordic youth conferences, which helped to ensure that young people's input on the topics and policy development was obtained and communicated to the relevant Government politicians.

- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).**

#### *The child welfare services*

The child welfare services can only provide the appropriate, high standard services its users need if it listens to them. The Child Welfare Act was amended on 1 July 2018 to increase the legal protections of children and parents. The right of children to participate was strengthened. The Act now clearly states that children have an independent right to participate and that this applies to all situations concerning the child. Participation entails the child, among other things, receiving sufficient and suitable information, and having the right to freely express their opinions. The Act also makes it a legal requirement for decisions from the child welfare services and county boards to state the opinions of the child, the weight the child's opinions have been given, and how the best interests of the child have been assessed.

#### *Youth panel*

In its political platform, the Government announced that it would establish a youth panel that would advise the Government on relevant matters, such as integration, mental health, dropping out of upper secondary school, etc.

## Question 5: Specialised bodies/mechanisms

---

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a)).**

The Norwegian Ombudsman for Children is an independent body established by law in 1981. The Ombudsman is charged with promoting the interests of children in both the public and private spheres, and with paying close attention to changes in the conditions of childhood development. The office of the Ombudsman may initiate action on its own or respond to issues referred by others.

The duties of the Ombudsman are:

- to safeguard children's interests in connection with planning and development in all areas
- to monitor compliance with legislation aimed at protecting children's interests and whether Norwegian law and administrative practice comply with the Convention on the Rights of the Child
- to propose measures that can strengthen children's legal protections
- to propose measures that can resolve or prevent conflicts between children and the rest of society
- to monitor whether sufficient information is being provided about children's rights and whether the necessary measures are being taken

The Ombudsman is financed through annual appropriations from Parliament. In 2019, the grant amounted to NOK 22 million (approx. EUR 2.2 million).

**b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b)).**

In 2013/2014, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) conducted a national prevalence study of violence in a life cycle perspective.<sup>3</sup> The survey was conducted as a telephone interview survey of men and women aged 18 to 75. In the survey, the participants were asked about their exposure to both physical violence and sexual abuse in childhood and as adults. The plan is for this survey to be followed up on a regular basis, with the next one in around 2020.

In 2007 and 2015, the welfare research institute NOVA conducted surveys of the scope of violence and abuse perpetrated against children and young people.<sup>4</sup> The participants were pupils in the third year of upper secondary school, i.e. young people aged 18-19. One of the reasons why this age group was chosen was that at the time younger participants would have required the consent of their parents in order to participate. It was reasonable to assume that parents who are violent towards their children would be less likely to consent to their participation.

Obtaining information about children's experiences of violence has been particularly challenging. A Regulation concerning the right of children aged 12-16 to independently consent to taking part in medical and health research has therefore been drawn up. It gives young people aged 12 and above the right to independently consent to taking part in research into sensitive topics such as violence and abuse. The new Regulation will give the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) an opportunity to survey the prevalence of violence, sexual abuse, psychological violence, and neglect perpetrated against young people aged 12-16. This will be the first nationwide survey of violence and abuse in which young people can share their experiences without their parents' consent. The results will be published in 2019.

A study from 2015 indicates that the incidence of violence and sexual abuse in the Sami population is higher than that for the rest of the population in the same geographical area. Almost half of the Sami women reported experiencing emotional, physical or sexual violence in childhood.<sup>5</sup> In recent years, there have been a large number of abuse cases in Tysfjord, a municipality with around 2,000 inhabitants. A large majority of the abuse cases were committed against Lule Sami children. The police have opened 161 criminal cases in which 82 people have the status of victim. The victims range in age from 4 to 75 years old. Many of the cases occurred long ago and are statute-barred, but a number of cases have been prosecuted.

3 Thoresen, S., & Hjemdal, O.K. (eds.) (2014). Violence and Rape in Norway. A national prevalence study with a life course perspective. Oslo: Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS).

4 Mossige S. and Stefansen K. (2016) Violence and abuse against children and young people. Scope and trends 2007-2015. Oslo NOVA Report 5/16

5 Eriksen, A.M., Hansen, K.L., Javo, C. & Schei, B. (2015). Emotional, physical and sexual violence among Sami and non-Sami populations in Norway: The SAMINOR 2 questionnaire study. *Scandinavian Journal of Public Health* 43(6), 588-596.

- c. **Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).**

A DNA register is kept of people convicted of offences that can result in prison sentences. Everyone convicted of a sex offence must be registered. The police are responsible for the register, via the National Criminal Investigation Service. The register is regulated by the Police Register Act and associated Regulations, and further guidance on registration is issued by the Director of Public Prosecutions.

## **Question 6: National or local coordination, cooperation and partnerships**

---

14

- a. **Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1).**

The duty to cooperate and coordinate is stipulated in several pieces of legislation. For example, the Specialist Health Services Act and the Health and Care Services Act stipulate a duty to enter into cooperation agreements. The goal is to help ensure that patients and users receive comprehensive health and care services. The municipalities' responsibility for cooperation between services and/or the coordination of services also follows from the Child Welfare Act, the Crisis Centre Act, and the Public Health Act.

### ***State coordination and guidance***

The work on combating violence and abuse is discussed in the letters of allocation for relevant directorates, county governors, and various relevant resource centres.

The letters of allocation for the directorates for 2019 contain almost identical guidelines stating that the directorates must take part in, and contribute to, cooperation on a directorate level with respect to following up the *Escalation Plan against Violence and Abuse*. The guidelines are included in the letters of allocation for the Norwegian Directorate for Education and Training, the Directorate of Integration and Diversity, Skills Norway, the Norwegian Directorate of Immigration, the National Police Directorate, the Norwegian Directorate of Health, and the Norwegian Directorate for Children, Youth and Family Affairs.

The letters of allocation for county governors for 2019 state, among other things, that the offices must help to ensure that municipalities strengthen their efforts to combat violence and abuse against children. The offices must help to familiarise municipalities with the *Escalation Plan against Violence and Abuse* and the new provisions in health legislation that touch on such work. Furthermore, they must be a driving force behind municipalities drawing up municipal or intermunicipal action plans for combating violence in close relationships.

### ***Regional resource centres for violence, traumatic stress and suicide prevention***

Five regional resource centres for violence, traumatic stress and suicide prevention (RVTSS) have been established. The RVTSSs are responsible for teaching, guidance, information, and networking with respect to, for example, violence and abuse, forced marriage, and female genital mutilation. The centres play an important role in bringing together expert environments and initiating and promoting networking between all relevant stakeholders in a region. The centres do not treat individuals, instead they provide expert assistance to various stakeholders, such as refugee reception centres, child welfare services, family counselling services, the health sector, the police, or the voluntary sector.

### ***Consultation teams***

A number of multidisciplinary consultation teams have been established to provide advice and guidance to services in cases where acts of violence or sexual abuse against children are suspected or have been detected. The consultation teams are an offer that professionals (e.g. employees in schools, the pedagogical-psychological services, kindergartens, mental health and drug and alcohol teams, mental health services, family counselling services, child health centres, refugee reception centres, minority advisers, etc.) can contact, often anonymously, when they are concerned that a child is being subjected to violence or abuse. A consultation team consists of a multidisciplinary and inter-agency group of professionals with expertise in such issues. Consultation teams will be evaluated in 2018-2019.

### ***Expert Team and Coordination Unit***

The Expert Team against Forced Marriage, Female Genital Mutilation, and Negative Social Control provides advice and guidance in many cases where children, usually within the framework of marriage/child marriage, are victims of rape. The Coordination Unit for Victims of Human Trafficking (KOM) is one of the measures in the Government's work on combating human trafficking. KOM is tasked with assisting government agencies, municipal and regional support systems, and organisations that provide assistance and protection to victims of human trafficking with methods for identifying and mobilising adequate assistance and protection for victims. KOM is also tasked with facilitating better coordination between the authorities and organisations, and contributing to interdisciplinary information sharing and better competence in the area of human trafficking.

### ***National guidelines for cooperation between the police and child welfare services when violence and sexual abuse is suspected in close relationships***

The police and the child welfare services are responsible for different functions when there are concerns that a child is being subjected to violence or sexual abuse. Cooperating enables them to protect the child better, strengthen the legal protection of the child and family, and ensure that both agencies' areas of responsibility are addressed. The National Police Directorate and the Norwegian Directorate for Children, Youth and Family Affairs are currently drawing up guidelines that will provide the police and the municipal child welfare services with a tool that lowers the threshold for contact and improves cooperation. In addition to general clarifications concerning the division of responsibilities, duty of confidentiality, criminal complaints, etc., the guidelines suggest how cooperation between the agencies should be established in advance, that cooperation agreements should be drawn up, and that local coordination meetings should be held, with a fixed point of contact in the police. Weight is given to ensuring that Children's Houses also play a key role, in addition to ensuring that consultation teams, and other expert environments are included in the cooperation.

- b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how.**

Several state grant schemes support the voluntary sector's work on preventing violence and sexual abuse (see discussion under 11c).

There are collaborations between public and voluntary sector stakeholders, especially in the teaching in kindergartens and schools, on sexual abuse. This applies, for example, to incest and sexual abuse centres (see the discussion under 11c) and other voluntary sector stakeholders that are invited by kindergartens and schools to talk about violence prevention topics with children and young people.

16

- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?**

The Norwegian Correctional Service and the specialist health services generally cooperate, especially with respect to recipients of intervention programmes and measures for people convicted of some of the offences established pursuant to the Lanzarote Convention. The intervention programmes are voluntary and have previously only been offered to prisoners with a high risk of reoffending.

In 2015, a project was started aimed at surveying and treating people convicted of abuse/sex offences in a collaboration between the Correctional Service and health care services. The goal of the project is to prevent new acts of abuse and contribute to lower recidivism by developing a new, holistic, and coherent treatment offer for people convicted of sex offences. The project also aims to contribute to greater knowledge about sex offenders by systematically analysing known statistical risk factors and disseminating experiences from the treatment approach to relevant stakeholders and partners (i.e. the Correctional Service and health care services). The knowledge gained from the project will be important in refining the treatment offer for people who have committed sexual abuse. It has been proposed that the project be developed into a nationwide treatment offer and funds have been appropriated for this in 2019.

## **Question 7: International cooperation**

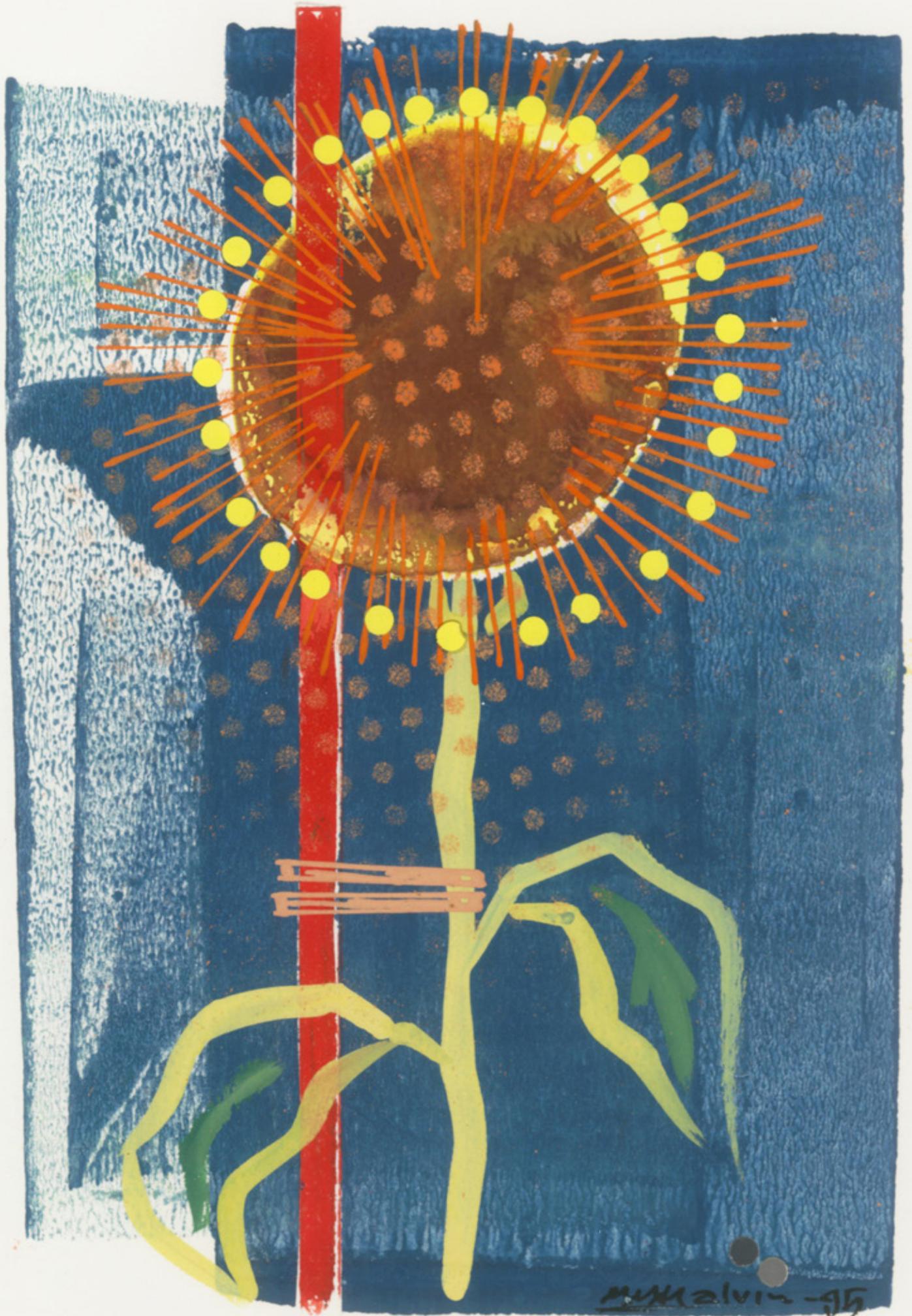
---

**Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.**

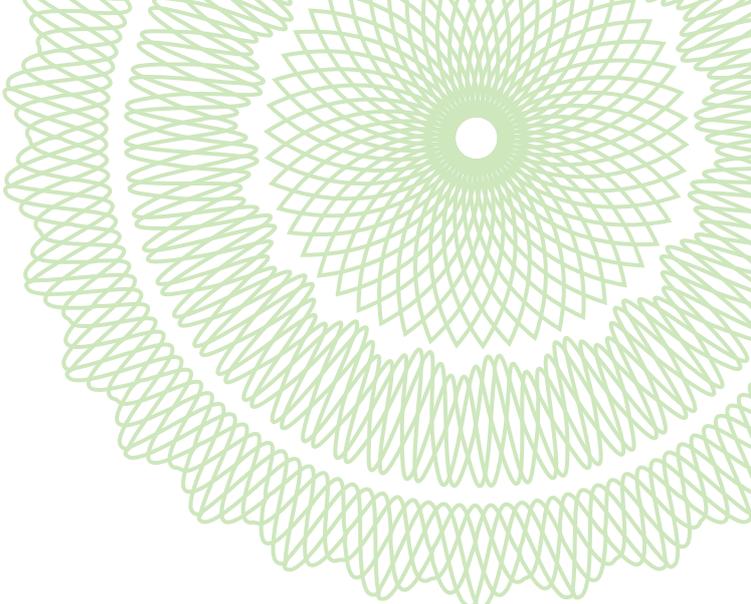
The Norwegian Agency for Development Cooperation (Norad), which reports to the Ministry of Foreign Affairs, stipulates that civil society organisations in receipt of grants must have a code of conduct. Recipients must comply with a guide that sets out the requirements for organisations' guidelines in this area. The guidelines must include "strict

[provisions] with respect to sexual abuse, sexual exploitation, and harassment. "This often involves providing material goods or other privileges in return for sexual favours. There must be no sexual activity with children (people younger than 18), irrespective of the local legal age for sexual activities and/or the local age for giving legal consent. Ignorance or misconceptions of a child's age shall not exempt people from responsibility. The same applies to the dissemination or use of materials that exploit children. Recipients should consider obtaining criminal record certificates for staff who are in direct contact with children in connection with work."

Norway supports, via Norad, Save the Children Norway and others who have integrated prevention and the fight against sexual exploitation and sexual abuse of children in their assistance programmes. These are not separate programmes, rather they are an integral part of, among other things, their education work. They are also part of the organisations' wider child rights work. Plan International Norway, which also receives Norwegian support, performs similar work.



56 - 1/2 - 1/2



# Prevention of sexual exploitation and sexual abuse

## Question 8: Education, awareness raising and training

---

19

a. Which legislative or other measures have been taken to:

- **ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59–62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63).**

The current curricula in primary and lower secondary education include competence aims linked to sexuality and setting boundaries, respect, how sexuality is represented in various media, gender roles in portrayals of sexuality, and the difference between consensual sexual contact and sexual abuse. The curricula also include competence aims linked to basic internet skills concerning digital interaction, knowledge about the protection of personal information in digital media, and the consequences of publishing something online. The Norwegian Directorate for Education and Training has started an extensive subject revision process in primary and lower secondary education. This should be completed in 2020 and the broad topic of public health and life skills includes similar subjects.

[“JEG VET”](#) (“I KNOW”) is a learning resource for violence prevention and life skills in kindergarten and school that was launched in 2018. “JEG VET” provides simple, clear information about how teachers can provide teaching on violence and sexual abuse perpetrated against children from the first year of upper secondary school. “JEG VET” is intended to provide information about the various forms of violence, bullying, and sexual abuse, as well as about how violence and abuse causes harm and to whom one should speak. “JEG VET” will be translated into the Sami languages and particular attention will be paid to ensuring that the resource is perceived as relevant in the Sami areas. During the development of this resource, there was a heavy focus on the particular challenges children with disabilities and children with immigrant backgrounds face with respect to violence and abuse.

- **encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1).**

### *Sport*

Norway has implemented the Council of Europe's Start to Talk campaign, which aims to combat child sexual abuse in sport. The video clip was translated into Norwegian and launched in social media. The Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF) has developed its own [website](#) for the campaign, with information and guidelines on sexual harassment and abuse.

### *Health and care services*

Please see the discussion on health legislation under question 3a and on the regional resource centres for violence, traumatic stress and suicide prevention (RVTSS) under 6a. The RVTSSs have received earmarked funds for improving health personnel's competence with respect to violence perpetrated against children. In 2018, the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) produced a guide on the health service's work on violence and abuse aimed at contributing to the service's competence.

### *Kindergarten and school*

Section 22 of the Kindergarten Act deals with the duty of kindergarten staff to report concerns to the child welfare services. The new Framework Plan for Kindergartens is a Regulation associated with the Act and entered into force on 1 August 2017. It is now clearer than before that personnel must be conscious of the fact that children may be victims of neglect, violence, and sexual abuse, and know how this can be prevented and detected.

Section 15-3 of the Education Act similarly deals with the duty of school staff to report concerns to the child welfare services.

### *Religious communities*

In connection with an announced review of the entire policy on religion and beliefs in Norway, the Ministry of Culture published a new draft Act relating to religious communities for consultation purposes in autumn 2017. The plan is to send a bill to Parliament in spring 2019.

The draft legislation from 2017 emphasises the independent right of children to participate in matters concerning their religion and beliefs, cf. Article 12 of the Convention on the Rights of the Child concerning the right to express their views, Article 14 concerning freedom of thought, conscience and religion, Article 104<sup>6</sup> of the Norwegian Constitution concerning a child's right to participation, personal integrity, and consideration of their best interests. The draft legislation also proposed clearer requirements for religious and belief communities that receive grants from the state, including that violations of children's rights may provide grounds for communities being refused grants. The Ministry of Culture also proposed that checks and inspections should be carried out to ensure that religious and belief communities are fulfilling their obligations.

The Ministry of Children and Families provides grants for the “Being a Religious Leader in Norwegian Society” course offered by the Faculty of Theology at the University of Oslo. The course is targeted at religious leaders in Norway with foreign backgrounds and deals with, among other things, legislation and human rights, including the obligations religious communities have in relation to the rest of society. Children's rights are an important part of this.

### **Media**

The Norwegian Government and key stakeholders from the Norwegian Media Authority, law enforcement, NGOs and content/service providers have increasingly promoted information and awareness related to online risks, including the creation and sharing of sexual content. A number of organisations and resources are available to address the current challenges faced by children and young people, such as Ung.no and Norway's online police patrol (please see the answers to question 12b).

The Norwegian Media Authority receives funding from the European Connecting Europe Facility Programme to coordinate the Norwegian Safer Internet Centre (NSIC). One important aim is to help children and young people stay safe online and promote media literacy. NSIC coordinates initiatives and collaboration for children and media at a national level, cooperating with ministries, NGOs, businesses and industry organisations. NSIC invites these to take part in their network activities, including several meetings every year and events on Safer Internet Day.

- **ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).**

The teaching aid “[SNAKKE](#)” (“TALK”) was launched in April 2018. “SNAKKE” is a digital learning platform intended to make adults more confident about talking to children they are worried about. The core content of “SNAKKE” is a simulation game that provides practical training and help when it comes to broaching difficult subjects with children and young people. The platform also contains films of a child in conversation with an adult, for teaching and inspiration, and articles so one can learn more about the topic. “SNAKKE” can be used by any adult who is in contact with children in their daily work. “SNAKKE” has been launched as a pilot programme in several kindergartens around the country.

The national curricula for teacher educations, including kindergarten teachers, were changed on 1 August 2016. The changes clarified that candidates must possess knowledge about bullying, violence and sexual abuse, and be able to implement the necessary measures quickly. This has also been clarified in the national curricula for the new five-year primary and lower secondary school teacher educations that were implemented from and including the autumn admissions in 2017.

On 6 September 2017, a Regulation was issued concerning a common national curriculum for the 19 educations within health and social sciences. Section 2 of the *Regulation concerning common learning outcomes* states that candidates must possess knowledge of social and health problems, including neglect, violence, abuse, drugs and alcohol, and socio-economic problems, and be able to identify and follow up people facing such challenges. The candidates must also be able to implement the necessary measures and/or treatment, or refer people when necessary.

In 2017, the Ministry of Education and Research took the initiative to ensure cooperation in the area of violence and abuse between the first degrees in higher education in health sciences, social sciences, the police, teaching, and special needs teaching. The students should gain a better insight into their own roles and areas of responsibility and those of other professions such that they are better equipped for multidisciplinary cooperation. The work is being continued by the University of South-Eastern Norway. A website has been established that contains resources that can be used by all institutions of higher education.

- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/ programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1).**

Ung.no is Norway's official information channel for young people. In 2018, the website had more than 34 million page views and around 17 million visitors. This is outstanding in a country with 5.3 million inhabitants. The target group is young people aged 13-20 and the information on the portal is categorised into more than 80 different topics, from adoption and driving licences, to crime, health, and living together. The website also contains information about health, violence, sexual abuse, etc. Ung.no has, for many years, run the *"#ikke greit"* ("Not cool") campaign concept which targets abuse and violations among young people. In 2018, the campaign focused on the sharing of nude photos.

The police's *"Kjernekar"* ("Great guy") campaign communicates facts about party-related rapes and links for rape victims. The campaign uses animated films, posters, cinema adverts, and stickers for the taxi industry. The campaign has been conducted during periods when young people are celebrating finishing upper secondary school, during the music festival season, and at the start of term.

In its August/September 2016 social media campaign, *"Ikke alle hemmeligheter skal holdes"* ("Not all secrets should be kept"), the National Criminal Investigation Service (NCIS) asked children to report sexual abuse they or their friends experience. The goal was to stop abuse and for child victims to get help as quickly as possible. The NCIS particularly wanted to reach children aged 10-14, but also adults in children's arenas. The campaign reached around 300,000 boys and girls under 17 and many children contacted the police during and after the campaign.

Please also see the discussion of the police's *"Delbart?"* campaign under question 11a.

- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).**

Section 311 of the Penal Code criminalises various forms of disseminating material that depicts the sexual abuse of children. Publishing, offering, selling, supplying to another person, making available or otherwise seeking to disseminate depictions of the sexual

abuse of children or depictions that sexualise children is a criminal offence. It is also a criminal offence to give a public presentation or arrange a public performance or exhibition of depictions of the sexual abuse of children or a performance that sexualises children. Contribution to, and attempts to commit violations of section 311 of the Penal Code are also criminal offences.

The English translation of the Penal Code can be found [here](#).

## Question 9: Recruitment and screening

---

- a. **Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3)? Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country.**

23

### *Criminal record certificates*

Authority has also been introduced to obtain criminal record certificates from the police for people who will have responsibility for, or perform functions or tasks involving minors.

The purpose of having to obtain criminal record certificates is to prevent people who are charged, prosecuted, fined, or convicted for the abuse of minors gaining posts, positions of trust or similar, or other positions in which they can commit new abuse. These groups of people are required to present a childcare certificate.

A childcare certificate will contain information concerning whether a person has been charged, prosecuted, or convicted, or has accepted a fine, for violations of specified penal provisions, which particularly include sex offences, serious drugs offences, and aggravated robbery and violent offences. Homicide and most sex offences are recorded without time limits, while recording of other offences are subject to time limits. Information about a person's criminal record is stored by the police for up to five years after a person dies.

Criminal record certificates can only be obtained from the police if this is authorised by an Act or a Regulation pursuant to an Act. A requirement for a criminal record certificate has been introduced for, among others, people appointed to full-time or temporary positions in kindergartens, primary and lower secondary schools, after school schemes, homework help schemes, music and culture schools, upper secondary schools, or school-like activities. Similar rules apply to those who are applying for a full-time or temporary job in a private school. A requirement for a criminal record certificate has been introduced for people who are going to provide health services to minors, as well as people who will perform functions for the child welfare services, in incest centres, etc. A criminal record certificate can also be obtained in the case of people who shall perform functions or tasks involving minors in public and private cultural institutions, non-governmental organisations, youth clubs or holiday camps for children and young people, and the Church of Norway. Criminal record certificates can also be obtained for people who run organised training activities for children in cooperation with the public sector.

In kindergartens and schools, there is an absolute prohibition against employing people convicted of the sexual abuse of minors. In upper secondary education an individual assessment must be made of the consequences it may have with respect to their employment if a person offered a position has a conviction for the sexual abuse of minors recorded on their criminal record certificate. In winter 2018-2019, the Ministry of Education conducted a public consultation process for a proposed legislative amendment that would prohibit people whose criminal record certificate includes a conviction for the sexual abuse of minors being employed in upper secondary schools as well. In April 2019, the Government submitted a proposed amendment to Parliament, which is scheduled for consideration in June 2019.

Anyone who has accepted a fine for, or has been convicted of, violating the Penal Code's provisions concerning sex offences are excluded from providing health and care services to children. The provision covers all types of health personnel who are authorised pursuant to the Health Personnel Act, including assistants.

The Ministry of Culture has in a new draft Act relating to religious communities (see the discussion under 8a included a provision concerning a right to obtain criminal record certificates when engaging people who (paid or unpaid) will perform functions or tasks involving children in a religious or belief community. The purpose of the authority is to prevent the abuse of, or other adverse influence on, minors and contribute to parents being able to be confident that their children are being left in the charge of suitable people.

The Government is currently assessing whether there is a need for further authorities to require criminal record certificates for people who are in contact with minors.

**b. Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?**

Yes, authority has been introduced to obtain criminal record certificates for people who perform functions within the voluntary sector in Norway. Among other things, such authority has been introduced for people who will perform functions or tasks involving minors in non-governmental organisations, cultural institutions, and the Church of Norway. Authority has also been introduced to require criminal record certificates for people who run organised training activities for minors in cooperation with the public sector. The authority to obtain a criminal record certificate also applies to people who will perform functions or tasks without payment.

## **Question 10: Preventive intervention programmes or measures**

---

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64).**

In 2018, the Norwegian Directorate of Health was tasked with studying the professional, legal, and organisational issues surrounding the establishment of a low threshold service/helpline for paedophiles/people with harmful sexual behaviour and/or concerns about their own sexuality. The study will be carried out in cooperation with Save the Children Norway and other relevant stakeholders.

**b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:**

- **who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);**
- **how the appropriate programme or measure is determined for each person;**
- **whether there are specific programmes for young offenders;**
- **whether persons have a right to refuse the proposed programme/measures.**

25

Please see the discussion on the project for surveying and treating people who are convicted of abuse/sex offences under question 6c.

Two special youth units for remand/serving sentences have been established for people under 18; one in the west (Bjørgvin) and one in Eidsvoll. Each unit has four spaces. Both places employ health personnel (psychologists) who work in a multidisciplinary team together with, among others, pedagogical personnel. The teams are there to help the Correctional Service meet the young people's need for help from the specialist health services. When more medical help than the team/psychologist can provide is required, the ordinary specialist health services are brought in.

The Western Norway RHA<sup>7</sup> has been tasked with leading the work on improving competence and establishing treatment services in all health regions for children and young people who display problematic or harmful sexual behaviour, irrespective of where in the country they live. The Western Norway Regional Health Authority will cooperate with the other regional health authorities on the project. The project must be seen in the context of the 2017 mission of the regional health authorities to establish a national clinical network to build up knowledge-based examination and treatment competence in the specialist health services for children and young people who have displayed problematic or harmful sexual behaviour. The network has been established and is led by Betanien Hospital on behalf of the Western Norway RHA.

The Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS) will continue the work in 2019 with measures aimed at strengthening the work targeted at offenders, including in cooperation with the regional resource centres for violence, traumatic stress

---

<sup>7</sup> RHA: Regional Health Authority. Norway is divided into four health authorities: South-Eastern Norway RHA, Western Norway RHA, Central Norway RHA, and Northern Norway RHA. In each of these, a regional health authority is responsible for ensuring that the population of that region is offered specialised health services. The state owns the regional health authorities.

and suicide prevention (RVTSSs), the national clinical network for the treatment of children and young people who display harmful sexual behaviour, the Western Norway Regional Health Authority, and Save the Children Norway.

Please also see the discussion under 6c.

## Question 11: Participation of the private sector, the media and civil society

---

**What steps have been taken to encourage:**

- a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, para. 68–73).**

26

The Norwegian police have a good working relationship with internet service providers (ISPs) in Norway. A voluntary blocking system aimed at combating child sexual abuse material online has been in place for 15 years. The police provide the web addresses that contain such material, seize and secure the material as evidence, and the ISPs redirect traffic away from these addresses to an ISP operated server that displays a “stop page”. Internet users’ access is removed until the host can physically delete the content and data from its servers. The use of a “stop page” containing the police’s logo and information about legislation, how to make a complaint, etc. provides a police presence on the internet in relation to child sexual abuse. This presence also increases the perceived sense of potential detection, although it is purely preventive, and is believed to have reduced the use of the internet as a means of obtaining child sexual abuse material in Norway. ISPs do not have a statutory duty to block such content, but the system is based on written contracts between ISPs and the National Criminal Investigation Service (NCIS).

The “*Don’t Look Away*” campaign was launched in Norway in 2018 by ECPAT Norway. The campaign is being conducted by seven European ECPAT organisations. The aim is to turn it into a campaign global. The campaign is oriented at travellers, including tourists, volunteers, and business travellers, and aims to improve awareness of sexual exploitation of children in travel and tourism. The campaign promotes each home country’s reporting mechanisms and encourages travellers to report it if they see something suspicious. ECPAT Norway mainly targets Norwegian tourists abroad. The goal is to ensure that they do not look away, but instead report directly or anonymously to the police’s tips service if they witness an assault. The campaign is based on the idea of a multi-party collaboration between governments, the police, tourism companies, and civil society in each country. The sexual exploitation of children will only stop when the whole of society joins in the fight to protect children. The Ministry of Justice and Public Security also provided financial support to ECPAT Norway in 2018 and 2019.

Support is provided for non-government organisations' prevention work and awareness campaigns aimed at combating negative social control, forced marriage, and female genital mutilation. This support amounted to almost NOK 20 million in 2019 (approx. EUR 2 million). The grant scheme supports several different awareness campaigns that have been conducted in collaborations between non-governmental, public, and private stakeholders. Young victims have also taken part in shaping the message. In 2016, the Norwegian Red Cross Helpline for Forced marriage and Female Genital Mutilation received funding for their “#stoppekstremkontroll” (“#stopextremecontrol”) campaign. This awareness campaign also received support in 2017 and 2018. Several information videos have been made, and support has been provided for a dedicated website: [www.rodekorstelefonen.no](http://www.rodekorstelefonen.no). The public sector has also collaborated with private stakeholders on the development of the Directorate of Integration and Diversity's campaign videos: [www.imdi.no/dittegetvalg](http://www.imdi.no/dittegetvalg). Established social media channels have been used to get the information out to young people. The initiatives have had an effect in that very many people have watched the videos and shared them on social media, many have contacted the Norwegian Red Cross's helpline following the campaigns, and many help organisations have asked for various types of information materials.

**b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74).**

See discussion of the Norwegian Media Authority's “Safe Use” campaign under 8a.

**c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).**

The voluntary sector plays an important role in preventing violence and sexual abuse. Non-governmental organisations can help to improve the general public's knowledge about violence and abuse in general and among children and young people in particular. Several grant schemes support the voluntary sector's work on preventing violence and sexual abuse.

**Grant schemes**

- *Operating and project grants for anti-violence and abuse initiatives*  
The aim of the grant scheme is to help prevent violence and abuse in close relationships and to improve the life skills and quality of life of children and young people that are, or have been, victims of violence and sexual abuse. Non-profit organisations and/or voluntary sector stakeholders can apply for funds. The total funds available in 2019 amount to NOK 8.85 million (approx. EUR 885,000).
- *The grant scheme for initiatives to prevent and combat violence in close relationships*  
The aim of the grant scheme is to prevent violence and abuse in close relationships. Voluntary and other non-profit organisations can apply for funds. The scheme's primary target groups for the initiatives are children and adults who are victims or perpetrators of violence in close relationships, or who are at risk of becoming victims

or perpetrators of violence in close relationships. This includes sexual abuse. The total funds available in 2019 amount to approx. NOK 14 million (approx. EUR 1.4 million).

- *Government grants for incest and sexual abuse centres and rape resource centres*  
Incest and sexual abuse centres receive operating grants from the Ministry of Children and Families. The centres are a nationwide low-threshold service for victims of abuse. The centres' primary target group is adult women and men, although some centres also provide services for young people. The centres are run on the principle of help with self-help aimed at processing experiences, incidents, and trauma. They do not offer treatment and are a supplement to, and not a substitute for, public services. Many centres also have outreach activities and offer teaching on sexual abuse to various target groups, including children in kindergartens.

#### *The Stine Sofie Centre*

The Stine Sofie Centre is a private centre for life skills and enjoyment for children who have experienced violence or sexual abuse, their trusted caregivers, and siblings. NOK 31.1 million (approx. EUR 311,000) was earmarked for the centre in the National Budget 2019.

28

#### *The Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF)*

The voluntary sector, which includes recreational and sports organisations, is autonomous and independent. The Ministry of Culture also gives NIF an annual grant. This is core funding and the grant letter contains no special guidelines concerning efforts to combat sexual exploitation and abuse. Nonetheless, NIF carries out a significant amount of work in this area and briefs the Ministry of Culture on it. Norwegian sport practises zero tolerance for any form of discrimination and harassment (Sports policy document (IPD), page 11). This means that such acts must always be reacted to and that NIF has its own guidelines on sexual harassment and abuse. A dedicated resource in NIF's national organisation works on this and provides guidance to teams, districts, and others. NIF has its own [topic page](#) on sexual abuse and harassment. This page includes a guide that is intended to make it easier to report sexual harassment and abuse in sport. Please also see the discussion of the Start to Talk campaign under 8a.

#### *Proceeds of crime*

Norwegian law does not permit using the proceeds of crime to fund projects and programmes.

## **Question 12: Effectiveness of preventive measures and programmes**

---

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out.**

The joint project on treating people convicted of sex offences (see the responses to questions 6c and 10b) has a secondary goal of helping to increase knowledge about sex offenders by systematically analysing known statistical risk factors and disseminating experiences from the treatment approach. An evaluation of the project is planned.

Grants for non-government organisations' prevention work and awareness campaigns aimed at combating negative social control, forced marriage, and female genital mutilation have

been included in the evaluation of the *Action Plan against Forced Marriage, Female Genital Mutilation and Severe Restrictions on Young People's Freedom (2013–2016)*. These grants have also been evaluated in a special grant evaluation process for the area of integration for 2017-2018. Government grants are subject to evaluation, but not annually. The Ministry of Education and Research believes that the initiatives have had an effect in that very many people have watched the videos and shared them on social media. Many have contacted the Norwegian Red Cross Helpline for Forced marriage and Female Genital Mutilation following the campaigns, and many help organisations have asked for various types of information materials. The effect of the measures has been assessed in the Directorate of Integration and Diversity's reporting on the Action Plan.

**b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.**

***Internet-related abuse***

The Norwegian police are developing their presence online, in line with their strategy and as part of police reforms.

Nettpatroljer (online police patrols) provide crime prevention advice, offer guidance on particular issues, and foster dialogue. All 12 police districts will have an online presence in 2019. The National Criminal Investigation Service (NCIS) has had a presence online since 2015.

The Norwegian police have their own educational programme for young people aged 13-16. It focuses on topics such as sharing sexually explicit images, videos or content and sexual coercion and extortion. It is called *Delbart?* ("delbart" means shareable). *Delbart?* is a new initiative from the National Criminal Investigation Service (NCIS) and was launched on 28 January 2019. The goal is to teach young people more about the legal and personal consequences of sharing sexually explicit images, videos or content, so that they are able to make better choices for themselves and others. Part of *Delbart?* is designed for the parents of young people. The aim here is to encourage them to talk with their children about the risks they face if they create and/or share sexually explicit images, videos or content, and to provide them with guidance on how to help in difficult situations.

***E-learning course on youth and sexuality***

Reform - Resource Centre for Men, has received funds from the Directorate of Health to develop and offer a skills development e-learning course on young people and sexuality for priests and those who teach religion in the Church of Norway. The aim of the course is to improve the employees' knowledge and awareness of the sexual development of children and young people, and help enable them to talk about, teach and provide advice on these topics. The main goal of the course is to help ensure that young people have the best possible starting point for a good, safe sex life by involving staff who are responsible for the confirmation teaching in the Church of Norway as active conversation partners and supporters.

***Stop partner violence course***

Reform - Resource Centre for Men has run the "Stopp kjærestevolden" ("Stop partner violence") course for many years. The goal is to prevent violence against partners through information and discussions on violence, values, and boundaries related to sexuality.

Please also see the discussion of "JEG VET" and Ung.no under 8b.

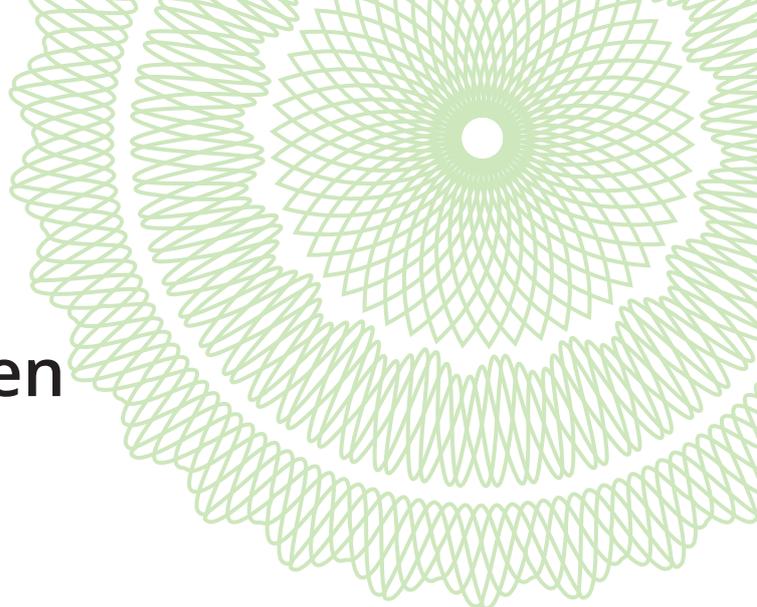
***Negative social control, forced marriage, and female genital mutilation***

Several information videos have been made, and support has been provided for a dedicated website: <https://rodekorstelefonen.no/>. The public sector has also collaborated with private stakeholders on the development of the Directorate of Integration and Diversity's campaign videos: <https://www.imdi.no/dittegetvalg/>.



5B - Wittmann - 95

# Protection and promotion of the rights of children victims of sexual exploitation and sexual abuse



## Question 13: Reporting suspicion of sexual exploitation or sexual abuse

---

- a. **Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89).**

According to section 13 of the Public Administration Act, anyone who performs work or services for a government agency has a duty to prevent others from gaining access to, or obtaining knowledge of, any matter disclosed to them in the course of their duties concerning “an individual's private affairs”. The duty of confidentiality is clarified in a number of other Acts, e.g. the Health Personnel Act, the Education Act, the Kindergarten Act, and the Child Welfare Act.

### *The child welfare services*

The child welfare services' access to provide information to others, unhindered by the duty of confidentiality, is legally regulated by the Public Administration Act and the Child Welfare Act. Information can be provided to government agencies when this is necessary to fulfil the functions of the child welfare services. The child welfare services can also share information to prevent significant risk to life or serious harm to someone's health.

The child welfare services can give the police information about violence and abuse perpetrated against children without being hindered by the duty of confidentiality. If it is suspected that a child is being subjected to violence or abuse by his or her parents, the information given to the police could help to clarify what the child has actually experienced and thus fulfil the functions of the child welfare services. The child welfare services must always assess what is in the best interests of the child when considering whether or not information should be shared.

### *Duty to inform the child welfare services*

All public authorities have a duty to take the initiative and inform the child welfare services when there is reason to believe that a child is being mistreated in the home or exposed

to other forms of serious neglect. The duty is authorised in the Child Welfare Act and a number of other Acts that apply to individual services. This also applies to a series of other professionals, irrespective of whether they work in the private or public sectors. The duty is an independent and individual responsibility and can only be fulfilled by reporting to municipal child welfare services. The duty to inform also applies in the event of instructions from the child welfare services or other child protection authorities.

#### *Duty to avert*

One limit to the rules concerning the duty of confidentiality follows from the duty to avert specified criminal acts, including various forms of child sexual exploitation and abuse, or the consequences thereof, in section 196 of the Penal Code. Pursuant to the provision, those who fail to report or seek to avert one of the specified criminal acts can be penalised by a fine or imprisonment for a term not exceeding one year. The duty to avert applies to the extent that it remains possible to avert the act, or the consequences thereof, and that it appears certain or most likely that the act has been, or will be, committed. The Penal Code explicitly states that the duty to avert applies regardless of any duty of confidentiality.

- b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.**

Please see the discussion of section 196 of the Penal Code under question 13a.

All public employees have a statutory duty to provide information to the child welfare services when, among other things, there is reason to believe that a child is being, or will be, subjected to other serious neglect. In addition, several groups of professionals have a corresponding duty to inform, such as all groups of health professionals, staff of family counselling services, and mediators in matrimonial proceedings. The duty to inform is limited to the more serious cases, including when there is reason to believe that a child is being abused in the home or other forms of serious neglect exist. Otherwise, anyone at all can report their concerns regarding a child to the child welfare services, e.g. parents and neighbours.

## Question 14: Helplines

---

**Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (Article 13, Explanatory Report, para. 92)**

#### *Dinutvei*

[Dinutvei.no](http://Dinutvei.no) ("Your way out") is a web portal for violence in close relationships and rape that contains up-to-date, quality-assured information for victims, next of kin, perpetrators, and the support systems for violence in close relationships and rape. The web portal is run by the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS). Dinutvei.no is funded by the Ministry of Justice and Public Security.

***Alarmtelefonen***

“Alarmtelefonen” for children and young people is a free emergency helpline that is answered by the child welfare services and funded by the Ministry of Children and Families. The target group for the service is primarily child victims of neglect, violence, abuse, or exploitation. The nationwide service is open outside the municipal child welfare services’ ordinary working hours. “Alarmtelefonen” will assess whether there is a need for emergency assistance, to send a report of concern to the child welfare services, or to contact other support services.

***Nationwide helpline for victims of incest and sexual abuse***

Incestsenteret i Vestfold operates and answers a nationwide helpline for both male and female victims of incest and sexual abuse. The main goals of the nationwide helpline is to help those who have been sexually abused achieve a better quality of life and to help reduce the sexual abuse of children and young people. The helpline receives operating support from the Ministry of Children and Families.

***Kors på halsen***

“Kors på halsen” (the Norwegian term that is equivalent to “cross my heart”) is the Norwegian Red Cross's chat service for anyone up to 18 years old. Both male and female children and young people can call, email or chat and discuss issues that are important to them. This is a free, anonymous service that is open Monday to Friday, between 14:00-22:00, throughout the year. Around 200 Red Cross volunteers with thorough training respond to emails, chat requests, and calls. The website also hosts a forum in which young people can support each other. “Kors på halsen” is not a crisis service. It is a low-threshold service that children can contact to discuss what is on their mind. “Kors på halsen” is part of the Norwegian Safer Internet Centre (NSIC).

***Ung.no***

Please see the discussion of Ung.no under 8b.

Ung.no also has articles on various topics and a service where young people can get answers to anonymous questions. The questions are answered by a response panel consisting of public health nurses, psychologists, midwives, teachers, sexologists, physiotherapists, dieticians, doctors, dentists, exercise consultants, and education advisers. Ung.no also works with the police. Ung.no answered around 52,500 questions in 2018. 220,000 questions that have already been answered can also be searched.

***Forced marriage and female genital mutilation***

The Norwegian Red Cross helpline provides advice and guidance to child, youth and adult victims of negative social control, forced marriage and female genital mutilation, share information and work on other preventive measures.

The Expert Team is a national, multi-agency, specialist team that assist the support services in specific cases of forced marriage, female genital mutilation, honour-related violence and negative social control. The Expert Team advises both front and second line services, such as the police, kindergartens, schools, refugee reception centres, child health centres, child welfare services, crisis centres, Norwegian foreign service stations, and the Norwegian Directorate of Immigration. The team consists of representatives of the Norwegian Directorate for Children, Youth and Family Affairs, the Directorate of Integration and Diversity, the Norwegian Directorate of Immigration, the National Police Directorate, the Directorate of Labour and Welfare, and the Norwegian Directorate of Health.

## Question 15: Assistance to victims

---

- a. **Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100). Please specify:**
- **how the assistance is adapted to the victims' age and maturity;**
  - **how due account is taken of the child's views, needs and concerns;**
  - **if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.**

### *Health and care services*

When it is discovered that a child has been sexually abused, the requirements for proper and responsible services, both from the health personnel and the various health and care services, will constitute the framework for the provision of help and treatment. The work of health personnel must comply with the requirements for professional thoroughness and caring help that can be expected based on the health personnel's qualifications, the nature of the work, and the situation as a whole.

The Patient and User Rights Act states that when children receive any medical help, the patient has a right to participate and that the form of participation must be tailored to the individual's ability to provide and receive information. It also states that children that are capable of forming their own opinions must be provided with information and listened to. The weight given to the views of children shall be appropriate based on their age and maturity.

In most places, children younger than 16 who are victims of violence and abuse are followed up by the children's ward in hospitals. Children and young people are often referred by child health centres, school health services, or family doctors to children's wards in the specialist health services for examination and treatment. In recent years, there has been an increase in the number of paediatricians and nurses with social-paediatric competence in children's wards and extra funds have been appropriated for this since 2017.

Reception centres for victims of abuse have been established nationwide and offer medical help and advice. The reception centres for victims of abuse are a health care service for victims of violence and abuse older than 16. The service consists of conversations in safe environments, medical examinations to detect, treat, and prevent injury and infection, pregnancy tests, forensic medicine examinations to secure evidence, help with contacting the police, help even if the abuse occurred sometime in the past, help to contact a lawyer to assist them, and information about follow-up services, crisis centres, and other support bodies. The centres are staffed by doctors, nurses, and social workers. In many places, cooperation has been established between centres for victims of abuse and children's wards in local health enterprises.

In order to improve the health care provision for child victims of violence and sexual abuse, the Ministry of Health and Care Services has asked the Directorate of Health to conduct a survey of children and young people and to present proposals for improvement. Based on this, concrete advice will be drawn up for health personnel.

No special measures have been established for the next of kin of children and young people who have been subjected to sexual abuse.

### *Children's Houses*

Children's Houses are a nationwide service established to ensure that children and other particularly vulnerable groups that may have been victims of violence and sexual abuse, and where the matter has been reported to the police, can receive good, coordinated follow-up. Children's Houses are tasked with facilitating interviews and medical examinations, offering treatment and follow-up, and ensuring multidisciplinary and inter-agency interaction is coordinated. In Children's Houses, victims, witnesses, and their caregivers should be met with a high standard of professional competence in safe surroundings designed for the purpose. Children's Houses bring together the professionals in one place. The goals are to ensure that the agencies can clarify and coordinate their functions and cooperate based on their remits and legislation. A total of eleven Children's Houses have been established in Norway, as well as three subunits of Children's Houses. Since 2012, the Children's House in Tromsø has had national responsibility for Sami-speaking child victims of violence or sexual abuse, and has received funding to employ a Sami-speaking staff member. The Children's House provides Sami children with the same quality of assessments, follow-up and treatments as Norwegian-speaking children.

36

### *The child welfare services*

If a child needs measures pursuant to the Child Welfare Act, the child welfare services' most important task is to find measures that are in the best interests of the child, and the child's age and maturity can be taken into account. The child has a right to participate in all matters concerning the child. The child welfare services must offer the family voluntary assistance measures if conditions in the home or other special circumstances indicate that this is necessary. The child welfare services also have a duty to follow the family up and assess how the child and family are doing after the measures have been implemented. The child welfare services' duty to monitor the development of children and parents applies both when assistance is provided and when a care order is made.

**b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3 , Explanatory Report, para. 99):**

- **the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.**

Please see the discussion of restraining orders under question 21e.

- **the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.**

If a child is subjected to violence and abuse, a decision may be taken to place the child in the care of the child welfare services. The county boards for child welfare and social affairs assess whether a child is being mistreated or subjected to other serious abuse in the home. Children can only be taken into care if the assistance is not enough and it is in the best interests of the child. The child will be placed in a foster home or an institution.

**c. If internal law does provide for this:**

- **are the conditions and duration of such removal to be determined in accordance with the best interests of the child?**

All measures pursuant to the Child Welfare Act must be assessed on the basis of the best interests of the child. For information about the child welfare services' duty to follow up children and parents after measures have been implemented, please see the discussion under question 15b.

- **are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87–88)**

No special statutory structures have been established in the health and care services in municipalities for children and young people who are victims of violence and abuse. Actions plans and the *Escalation Plan against Violence and Abuse* discuss the need for various cooperative models in municipalities and the testing of these, e.g. consultation teams (please see the discussion under 6a).

In line with *Mastering your whole life. The Government's strategy for good mental health (2017–2022)*, which was presented in August 2017, the legal measures that should contribute to more comprehensive and better coordinated services are currently being studied:

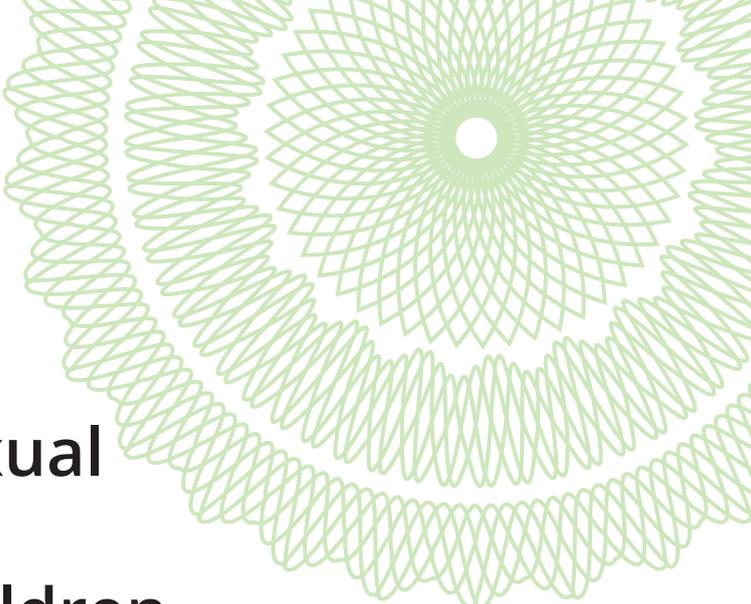
- Study how various services for children and young people can be coordinated better, including when it comes to coordinating individual plans within the various sectors
- Study giving municipalities a statutory duty to nominate an agency or establish a special function that will be responsible for coordinating support services for children and young people
- Study the inclusion of a provision concerning cooperating on services for children and young people in statutory cooperation agreements between municipal health and care services and the specialist health services.

Please refer also the discussion of Children's Houses under 15a.

**d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258–259)**

People who are resident in Norway and are subjected to criminal acts while abroad can lodge a criminal complaint concerning the matter in Norway. Please also see the answer to question 19 concerning the application of criminal legislation in relation to acts committed abroad.





# Prosecution of perpetrators of sexual exploitation and sexual abuse of children

## Question 16: Criminal law offences

---

39

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law.

### **Sexual Abuse (Article 18)**

1. **Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities.**
2. **Engaging in sexual activities with a child where:**
  1. use is made of coercion, force or threats
  2. abuse is made of a recognised position of trust, authority or influence over the child, including within the family
  3. abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence

### **Child Prostitution (Article 19)**

1. Recruiting a child into prostitution or causing a child to participate in prostitution
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes
3. Having recourse to child prostitution

**Child Pornography (Article 20)**

1. Producing child pornography
2. Offering or making available child pornography
3. Distributing or transmitting child pornography
4. Procuring child pornography for oneself or for another person
5. Possessing child pornography
6. Knowingly obtaining access, through information and communication technologies, to child pornography

**Participation of a Child in Pornographic Performances (Article 21)**

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children

**Corruption of Children (Article 22)**

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

**Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)**

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

**Aiding or abetting and attempt (Article 24)**

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Intentional conduct involving sexual abuse as described in Article 18 is a criminal offence pursuant to the Act of 20 May 2005 No. 28 concerning penalties (Penal Code), sections 291, 295, 299, 302 and sections 312 to 314.

Intentional conduct involving the exploitation of children for prostitution as described in Article 19 is a criminal offence pursuant to the Penal Code, sections 257 and 309.

Intentional conduct involving depictions of the sexual abuse of children or depictions that sexualise children (that are equivalent to “child pornography” as described in Article 20) is a criminal offence pursuant to the Penal Code, section 311. The term “child pornography” is not used in Norway since the term is regarded as unclear, imprecise, and misleading. Norway is an international advocate for the improved use of terms and terminology in line with “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse” (Luxembourg Guidelines). Interpol emphasises the importance of appropriate terminology use, both to signal that this is abuse and serious criminality and to facilitate easier data collection and cooperation in the area based on the uniform use of terms.

Intentional conduct involving the participation of children in pornographic performances as described in Article 21 is a criminal offence pursuant to the Penal Code, sections 257, 305, and 310.

Intentional conduct involving the corruption of children as described in Article 22 is a criminal offence pursuant to the Penal Code, section 305.

Intentional conduct involving the solicitation of children for sexual purposes (“grooming”) as described in Article 23 is a criminal offence pursuant to the Penal Code, section 306.

Intentional conduct involving aiding and abetting, and attempts to commit, such acts as described above, ref. Article 24, is a criminal offence pursuant to the Penal Code, sections 15 and 16.

The English translation of the Penal Code can be found [here](#).

**b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify.**

Several of the provisions in the Penal Code mentioned under question 16a entail an exemption from the requirement for intent due to the age of the victim. This is out of consideration for the presumption of innocence and is related to other provisions concerning minors in the Penal Code. For the provisions of sections 299-306 of the Penal Code, ignorance of the correct age of the child does not lead to exemption from punishment if the indicted person may be held to blame for his or her ignorance in any way, ref. section 307, first sentence. For the provisions of section 295, letter (c) and sections 309 and 310 of the Penal Code, ignorance of the correct age of the child does not lead to an exemption from penalty if the indicted person may be held to blame for his or her ignorance, ref. section 307, second sentence. A stricter requirement for care is stipulated for the provisions listed in section 307, first sentence, since these primarily protect minors and children under the legal age for sexual activities. The exemption from the requirement for intent is relevant for Articles 18, 19, 21, 22 and 23 of the Convention.

Coercion, pressure, or enticement is not required in order to be penalised for the corruption of children pursuant to section 305 of the Penal Code. However, coercion or pressure against a minor may be regarded as an aggravating circumstance when assessing penalties. This is relevant for Article 22 of the Convention.

- c. Please highlight whether there are any other offences not included in the box above incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included.**

Section 304 of the Penal Code prohibits sexual acts with a child under 16 years of age. Sexual acts are characterised by certain physical contact and are limited upwards to sexual activities. The boundary between sexual acts and sexual activity is based on a judgement based on the intensity of the contact. Sexual acts are limited downwards to sexual conduct where there is not direct physical contact with the victim.

42

A number of general provisions concerning sex offences in the Penal Code can also be relevant in relation to the sexual exploitation and abuse of children, e.g. if the child is aged 16-18. This applies to the Penal Code, section 292 concerning the minimum penalty for sexual assault involving intercourse, etc.; section 293 concerning aggravated sexual assault; section 294 concerning grossly negligent sexual assault; section 296 concerning sexual activity with inmates, etc. of an institution; section 297 concerning sexual acts performed without consent; section 298 concerning sexually offensive conduct in public or without consent; section 315 concerning controlling and facilitating prostitution; section 317 concerning pornography; and section 318 concerning the exhibition of images of an explicitly sexual nature.

The Penal Code's provision on forced marriage (Section 253), child marriage (Section 262, paragraph two), and human trafficking (Sections 257 and 258) are also relevant.

Section 40, paragraph four, of the Immigration Act is intended to prevent violence and sexual abuse against children: "An applicant who does not have children from his or her relationship with the sponsor and has not lived with the sponsor in an established relationship in another country or in Norway may be refused a residence permit if it is most likely that the applicant or his or her children from a previous relationship will be mistreated or grossly exploited. The same applies to children from a previous relationship who apply for family reunification with a parent who has been granted a residence permit without having had children with the sponsor or having lived in an established relationship with the sponsor in another country or in Norway."

- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.**

The extent to which the child's age is relevant to the nature of the offence will depend on the specific statutory provision. The child's age can, for example, be of relevance with regards to the penalty limit. For example, sexual activities and aggravated sexual acts with children younger than 14 are regarded as sexual assault, ref. section 299 of the Penal Code, and such acts entail a higher penalty limit than sexual activities with a child aged 14-16 pursuant to section 302 of the Penal Code. A minimum penalty has also been set for

sexual assault involving intercourse on a child under 14 years of age, ref. section 300 of the Penal Code. The child's age can also be of relevance with regards to whether a criminal offence will be regarded as aggravated. The child's age at the time of the act is a factor that must be afforded particular weight when assessing whether the sexual assault of a child under 14 was aggravated, ref. section 301 of the Penal Code. Aggravated sexual assault of a child under 14, ref. section 301 of the Penal Code, involves a higher penalty limit than aggravated sexual activity, etc. with a child aged 14-16, ref, section 303 of the Penal Code.

The age of the victim can also be relevant when assessing penalties. It will be an aggravating factor when assessing penalties if the offence was committed by the offender exploiting or misguiding a young person, a person in a very difficult life situation, a person who is mentally disabled, or a person who is in a dependent relationship with the offender, or if the offence was committed in the presence of a child younger than 15, ref. section 77, letters (g) and (l) of the Penal Code. It is also established practice that weight should be given to the child's age when assessing penalties for the sexual exploitation and abuse of children.

The difference in ages between the child victim and the perpetrator can also be relevant in relation to the penalty. For specific criminal acts, the penalty may be waived, or set below the minimum penalty, if those involved are approximately equal in age and development, ref. sections 308 and 311, paragraph four, of the Penal Code.

## Question 17: Corporate liability

---

**Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.**

A legal person may, in certain circumstances, be held liable for violations of criminal law provisions in line with Article 26. An enterprise can be penalised if a penal provision is violated by someone who was acting on behalf of the enterprise. It is not a requirement that a single person meets the culpability or the accountability requirement, ref. section 27, paragraph one, of the Penal Code. The provision thus also covers anonymous and cumulative mistakes, and criminal liability can be assigned irrespective of whether the person, or people, who committed the criminal act is punished. "Enterprise" means a company, co-operative society, association or other organisation, sole proprietorship, foundation, estate, or public body, ref. section 27, paragraph two, of the Penal Code. The term is interpreted broadly and can encompass both public and private legal persons.

The provision encompasses acts that carry penal sanctions in the Penal Code or in special legislation. As explained under question 16a, acts that are designated criminal acts pursuant to the Convention carry penal sanctions via the Penal Code. For enterprise penalties to be imposed, the violation must have been committed by someone acting on behalf of the enterprise. The person concerned must have had a basis for acting on behalf of the enterprise and this can exist in agreements, practice, or the law. For example, both employees and agents could be regarded as acting on behalf of an enterprise. It is not a requirement for the enterprise to have gained any benefit from the criminal act and it is not a requirement that the person who committed the act holds a senior position or that the management of the enterprise can be blamed. However, these are factors that can be afforded weight when assessing whether corporate penalties should be imposed.

The criminality liability is facultative pursuant to section 27 of the Penal Code. This means that the prosecuting authority, and any courts, must assess whether it is reasonable to impose a corporate penalty in the specific case. The penalty is a fine. The enterprise may also be sentenced to lose the right to operate, or may be prohibited from operating in certain forms, and be subject to confiscation.

## Question 18: Sanctions and measures

---

- a. **Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182–193).**

44

In chapter 26 of the Penal Code, the abuse of children is separated out into special penal provisions, with penalty limits tailored to the character and gravity of the offence. The penalty limits range from fines or imprisonment for a term not exceeding one year (sexually offensive conduct, etc. directed at a child under 16 years of age and arranging a meeting to commit sexual abuse, ref. sections 305 and 306) to imprisonment for a term not exceeding 21 years (aggravated sexual assault on a child under 14 years of age, ref. section 301).

Contribution to, and attempts to commit, any type of abuse is a criminal offence pursuant to the Penal Code, sections 15 and 16. Participation to a minor degree or failure to complete an act can be regarded as mitigating circumstances pursuant to section 78 (a) of the Penal Code.

Pursuant to section 319 of the Penal Code, the courts have an obligation to consider imposing a loss of rights or restraining orders forbidding contact pursuant to sections 56 and 57 upon convictions for certain types of child abuse. The sanctions are regarded as penalties. Irrespective of the question concerning a loss of rights, people convicted of child abuse can subsequently be refused employment in schools and kindergartens pursuant to the Education Act, the Private Education Act and the Kindergarten Act.

Pursuant to section 67 of the Penal Code, the proceeds of criminal acts can be confiscated. Furthermore, products, subjects or tools of a criminal act (e.g. a hard drive or images of abuse) can be confiscated pursuant to section 69 of the Penal Code. The same applies to property that has been used, or is intended for use, in a criminal act. Confiscation is a criminal sanction, but not a penalty, ref. section 30 of the Penal Code.

Victims and other injured parties may be entitled to compensation or restitution due to abuse pursuant to the Act of 13 June 1969 No. 26 relating to compensation in certain circumstances, chapter 3. Such claims can also be imposed in cases where no penalty is imposed on the wrongdoer.

Section 27 of the Penal Code stipulates the conditions for imposing penalties on enterprises. The penalty is a fine. Depending on the circumstances, a court can also take away the right of an enterprise to engage in activities, ref. section 56, and impose confiscation pursuant to chapter 13 of the Penal Code.

- b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203–208).**

Pursuant to the Norwegian Penal Code, convictions for abuse in a foreign court can be of relevance for penalty limits. The penalty may be increased up to double length, but under no circumstances by more than six years and never beyond 21 years, if a person commits a criminal act of the same nature as one for which he/she has previously been convicted abroad. The fact that the perpetrator has previously been convicted of a similar offence abroad can also be taken account of, within the penalty limit, as an aggravating factor.

## Question 19: Jurisdiction

---

**With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (Article 25, Explanatory Report, paras. 165–176).**

Section 4 of the Penal Code, paragraph one, stipulates that the criminal legislation applies to acts committed in Norway and in the Norwegian dependencies.

Section 5 of the Penal Code, paragraph one, regulates the application of the criminal legislation to acts committed abroad. For the criminal legislation to be applied pursuant to this provision, the act must have been committed by a Norwegian national, a person domiciled in Norway, or on behalf of an enterprise registered in Norway. The acts must also be covered by one of the alternatives listed in section 5, paragraph one, nos. 1 to 11. Alternative no. 1 is that the acts are also punishable under the law of the country in which they are committed. Alternative no. 9 is that the acts fall within the scope of sections 257, 291-296, 299-306, or 309-316. The aforementioned provisions of the Penal Code are deemed to fulfil the criminalisation obligations in articles 18 to 23 of the Convention.

Section 5, paragraph two, of the Penal Code expands paragraph one's rules concerning jurisdiction in some cases. These include acts committed by a person who, subsequent to the act, has become a Norwegian national or has become domiciled in Norway. The same applies if the person has become a national of, or is domiciled in, another Nordic country and is present in Norway.

Section 6 of the Penal Code provides special grounds for prosecution under international law in those cases that involve acts that Norway has a right or an obligation to prosecute pursuant to agreements with foreign states or otherwise pursuant to international law.

## Question 20: Aggravating circumstances

---

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194–202).

The circumstances mentioned in Article 28 are covered by the list in section 77 of the Penal Code. Section 77 of the Penal Code lists a number of circumstances that must be afforded weight when assessing penalties. It reads as follows:

*“In connection with sentencing, aggravating factors to be given particular consideration are that the offence:*

- a) was committed by means or methods which are particularly dangerous or carry a considerable potential for harm,*
- b) placed human life or health at risk or caused loss of welfare,*
- c) was intended to have a substantially more serious outcome or this could easily have been the consequence,*
- d) was committed in a particularly reckless manner,*
- e) formed part of a planned or organised enterprise,*
- f) was committed by multiple persons acting together,*
- g) was perpetrated by the offender exploiting or misguiding young persons, persons in a very difficult life situation, who are mentally disabled or in a dependent relationship with the offender,*
- h) affected persons who are defenceless or particularly vulnerable to criminal offences,*
- i) was motivated by a person's religion or life stance, skin colour, national or ethnic origin, homosexual orientation, disability or other circumstances relating to groups with a particular need for protection,*
- j) was committed in the course of public service or was perpetrated by violating a special trust,*
- k) was committed by a person who has previously been the subject of a criminal sanction for similar acts or other acts of relevance to the case,*
- l) was committed in the presence of a child under 15 years of age.”*

In addition to this, the Penal Code distinguishes between common and aggravated offences. The circumstances mentioned in Article 28 therefore could, for a number of different categories of offence, be taken into consideration when assessing whether the offence should be regarded as aggravated. One example, is the relationship between section 291 of the Penal Code concerning sexual assault and section 293 concerning aggravated sexual assault with a higher penalty limit. Pursuant to section 293, paragraph two, when assessing whether a sexual assault is aggravated, weight must particularly be afforded to whether it was committed by multiple persons acting together, it was committed in a particularly painful or offensive manner, or the aggrieved person died or suffered considerable harm to body or health as a result of the act.

## Question 21: Measures of protection for the child victim

---

- a. **Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand.**

The Criminal Procedure Act and Prosecution Instructions contain several rules that ensure that children subjected to sexual abuse receive information about their rights, developments in the case, and the outcome of the case.

The police have a general duty to inform victims of their rights in the case when they are first interviewed.

The content of the disclosure requirement will depend on the victim's rights. The victim must be informed of their right to bring civil claims in connection with criminal cases. Victims that have been injured by a violent criminal act must be made aware of their right to claim compensation from the state.

In cases where victims are entitled to counsel, the police must inform them of this right. Children subjected to sexual abuse will in most cases be entitled to counsel.

The Criminal Procedure Act also stipulates that the police and prosecuting authority must, as a general rule, brief the victim and the counsel on developments in the case and its progress. Other victims shall be informed as needed. The Prosecution Instructions clarify the content of the duty of disclosure. Victims and the counsel must be notified before press conferences are held or information about the case is made public in some other manner. Notification must also be provided of reconstructions and the like.

The police must nominate a contact person for victims entitled to counsel, who will, among other things, be responsible for ensuring that the victim receives the information to which they are entitled. Pursuant to the Prosecution Instructions, victims can nominate a substitute who can receive information from the police and prosecuting authority on their behalf.

According to the Prosecution Instructions, the police must inform victims with counsel if the accused has been remanded in custody and, if so, for how long. Victims with counsel must also be informed as soon as possible when the accused is released or remand is extended. It follows from various provisions of the Criminal Procedure Act that victims have the right to be informed about the prosecuting authority's decisions concerning prosecution. Once a judgment has been handed down, victims with known names and addresses must be informed of the judgement.

- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c)).**

Please see the answer to question 3c above. The rules concerning the conduct of facilitated interviews apply to criminal cases (see the answer to 21g). Norway has also established Children's Houses where health and care services, child welfare services, and the police should cooperate in the best interests of the child and ensure that they are not subjected to unnecessary stress. This initiative is intended to fulfil the child's right to be heard. Children's Houses also have special professional expertise when it comes to children and ensure that things are facilitated for children before, during, and after facilitated interviews have been conducted.

In cases involving acts of violence and sexual abuse perpetrated against children, the child will, as a general rule, have counsel for the victim appointed. The child must also be represented by a guardian who will express the child's views on their behalf. In those cases where one or both parents are suspects in the criminal case, a temporary guardian will be appointed based on specific rules; also see question 22d.

- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d)).**

Support centres for victims of crime were established in all of the country's twelve police districts in 2017. The support centres are located in police stations and were established in close cooperation with the municipalities with the aim of ensuring close links with municipal services. The support centres are tasked with providing victims of crime with psychosocial support, follow-up, and advice throughout the criminal proceedings process. The offices guide users to professional help in the municipal and state support systems. One important target group for the offices are victims of violence and abuse. The support centres are primarily intended for adult users, but are in some circumstances used by young people.

- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e)).**

Pursuant to the Act relating to the Courts of Justice (Courts of Justice Act), court sessions are public and proceedings and court decisions can be reported publicly, unless otherwise is stipulated in law or by the court pursuant to law.

Pursuant to the Courts of Justice Act, the court may decide to hold a hearing, in whole or in part, in camera, including if privacy considerations or public decency so require. If a court determines that the information in a case should, wholly or partly, be kept secret for particular reasons, they can order those present to observe this.

As a general rule, there is no right in criminal cases to publicly report proceedings in court sessions outside the main proceedings or in cases involving a judgement entered on a plea

of guilty. In main proceedings and cases involving a judgement entered on a plea of guilty, a court may, wholly or partly, forbid public reporting of the proceedings when the court fears this could have an adverse impact on information in, or adjudication of, the case, or when the court session is held, or could be held, in camera.

Photographing, filming, and recording for radio and television is basically prohibited during criminal proceedings. The court can grant exemptions from this prohibition if there are particular reasons in favour of doing so and it is not thought that the exemption will have an adverse impact on the consideration of the case, and other considerations do not decisively suggest this should not be done.

Pursuant to the Courts of Justice Act, a court can forbid the public reporting of, all or parts of, a court decision if privacy considerations or the victim's reputation so require.

**e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f)).**

49

Pursuant to the provisions of the Criminal Procedure Act, the prosecuting authority can impose a ban on visit if there is reason to believe that a person would otherwise commit a criminal act against another person, pursue another person, violate someone's right to peace in some other manner, or commit disturbances of the peace that are especially stressful for another person. Bans on visit can prohibit someone's presence in a specific location or persecuting, visiting, or contacting another person in some other manner. Bans on visit do not require a prior criminal act to have been committed and are not regarded as a penalty.

According to the Penal Code, people who have committed a criminal act can have a restraining order imposed on them that forbids contact. A restraining order that forbids contact is regarded as a penalty and is imposed as part of a judgment or penalty.

The Criminal Procedure Act allows anonymous testimony in cases concerning specific serious offences. This can be permitted if, among other things, knowledge of the witness's identity may entail a risk of a serious felony that will impair the life, health, or liberty of the witness or the witness's close relations. Testifying anonymously can only be approved if it is strictly necessary and it does not entail substantial misgivings in regard to the defence of the person charged.

**f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (Article 31, para. 1, letter (b)).**

According to the Execution of Sentences Act, the victim and his/her family have the right to be informed when a convicted person is granted temporary leave or finally released. The prison in which the convicted person is serving his or her sentence is responsible for informing the victims in an appropriate manner.

- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g)).**

The Criminal Procedure Act stipulates rules concerning facilitated interviews, which are interviews of witnesses conducted during the investigation by the police and prosecuting authority, and which are videoed. Facilitated interviews should be used when interviewing witnesses younger than 16 in cases involving sex offences, assault and battery, homicide, abuse in close relationships, and female genital mutilation. If a witness is younger than 16 at the time of the main proceedings, video recordings of interviews shall take the place of testifying in person in court. The same applies if the witness has turned 16, unless for the sake of the accused's right to contradiction it is necessary for the witness to testify in person in the main proceedings.

50

Facilitated interviews can also be used when interviewing witnesses younger than 16 in cases concerning other criminal offences when this is deemed appropriate for the sake of the witness, and on the same conditions when interviewing witnesses aged 16-18 in cases involving incest and sexual activity between other close relations. As a rule, video recordings replace testifying in person in the main proceedings, unless the court finds that a witness should testify in person following an overall assessment of the accused's right to contradiction and other considerations concerning the witness and information in the case.

In general, the accused has the right to be present during the main hearing, including when children testify in court. Nevertheless, pursuant to the Criminal Procedure Act, the court may decide that the accused should leave the courtroom while a witness is being examined if there is special reason to fear that an unreserved statement will not otherwise be made. The court can also decide that the accused should leave the courtroom in the case of anonymous testimony. During examinations of victims, survivors, or witnesses younger than 18, the court can also decide that the accused or others should leave the courtroom, including if particular reasons indicate that this should be done for the sake of the victims, survivors, or witnesses. Instead of instructing the accused or others to leave the courtroom, the court can decide to implement measures such that the person concerned cannot see the witness. The same rules apply to court proceedings during an investigation.

- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).**

Pursuant to the Criminal Procedure Act, victims are entitled to have counsel appointed in cases involving violations of the Penal Code, sections 257 (human trafficking), 291 (sexual assault), 295 (abuse of unequal power relationship, etc.), 299 (sexual assault on a child under 14 years of age), 302 (sexual activity with a child between 14 and 16 years of age), 304 (sexual act with a child under 16 years of age), 312 (incest), and 314 (sexual activity between other closely connected persons). A victim is also entitled to have counsel appointed where there is reason to believe that as a result of the act the victim will incur considerable harm to body or health. The victim's counsel shall be remunerated by the State. The counsel shall protect the victim's interests in connection with the investigation and the main hearing of the case.

## Question 22: Investigations and criminal measures to protect the child victim

---

- a. **What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, para. 211–215).**

Please see the answer to questions 3c, 21b, and 23.

The police and courts have a number of means at their disposal that can enhance the security of victims of violence. The police decide which means individuals are offered:

- Restraining orders mean that perpetrators cannot visit or contact the victim of violence by text message, email, telephone, social media, letter, or messages relayed via other people.
- Restraining orders prohibiting contact are used in cases where the threat picture suggests that a simple restraining order does not provide enough protection. Restraining orders prohibiting contact can be imposed as sanctions for criminal acts and entail the perpetrator of the violence being forbidden from being present in specific locations, persecuting, visiting, or contacting the victim of violence in some other manner.
- Safety alarms are mobile alarms that notify the police directly when they are triggered. The police assess the need for and distribute safety alarms.
- Reverse safety alarms mean that perpetrators of violence/threats are not allowed in specific geographic areas. Perpetrators of threats are fitted with electronic ankle tags that notify the police if the person concerned enters a forbidden area. The police will then be able to warn the victim, monitor the convicted person's movements, and make an arrest before the person concerned reaches the victim of violence/threats.
- People who need protection can have their address kept secret. There are two levels of secret addresses. Code 7 is a confidential address. The address is blocked for private individuals, but public agencies with access to the National Population Register have access to the address. Code 6 is a strictly confidential address. Only a small number of people in the Tax Administration have access to the address.
- When other protection measures are deemed insufficient, fictional identities can be offered as a protection measure. The person concerned will then be registered in the National Population Register with fictional information.

### **Media**

Within the media, the voluntary, self-imposed Ethical Code of Practice for the Press is key. It has been adopted by the Norwegian Press Association and the English version is available [here](#). Point 4.8 deals with children: *“Reporting on children, it is considered good press conduct to assess the implications that media focusing could cause in each case. This also pertains when the person in charge or parent, has agreed to exposure. As a general rule the identity of children should not be disclosed in reports on family disputes or cases under consideration by the childcare authorities or by the courts.”*

- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (Article 32, Explanatory Report, para. 230).**

Pursuant to the Criminal Procedure Act and Prosecution Instructions, investigations are conducted when, based on a criminal complaint or other circumstances, reasonable grounds exist to investigate whether a criminal act has been committed that should be publicly prosecuted. Therefore, an investigation can be started without a victim lodging a criminal complaint. Furthermore, an investigation can continue even if a victim withdraws their statement, as long as reasonable grounds remain for investigating whether a criminal act has taken place.

The Criminal Procedure Act stipulates that, as a general rule, all offences are subject to unconditional public prosecution. This means that the prosecuting authority can basically prosecute a criminal act irrespective of the victim's views. In other words, the Criminal Procedure Act does not require prosecution to be requested by the victim.

- c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (Article 33, Explanatory Report, paras. 231-232)**

The obligations in Article 33 are fulfilled by section 87 of the Penal Code, as well as the other rules concerning limitation of criminal liability in chapter 15 of the Penal Code.

Certain serious types of sexual abuse are not subject to limitation, ref. section 91 of the Penal Code. This applies to sexual assault pursuant to section 291 of the Penal Code, the sexual assault of children under 14 pursuant to section 299 of the Penal Code, and sexual activity with children aged 14-16 pursuant to section 302 of the Penal Code. The exemption from the limitation of criminal liability only applies to completed violations of the aforementioned penal provisions.

Pursuant to section 87 of the Penal Code, the limitation period for criminal liability shall normally be counted from the day the offence ceased.. However, for some offences, the law sets a postponed start of the limitation period. This applies to violations of section 257 of the Penal Code concerning human trafficking, violations of section 282 of the Penal Code concerning abuse in close relationships, violations of section 284 of the Penal Code concerning female genital mutilation, attempted violations of section 299 of the Penal Code concerning sexual assault on a child under 14 years of age, and attempted violations of section 302 of the Penal Code concerning sexual activity with a child between 14 and 16 years of age. For these offences, the limitation period shall be calculated from the day the the victim reaches 18 years of age.

For sexual abuse other than that mentioned, including attempted violations of section 291 of the Penal Code concerning sexual assault, violations of section 295 of the Penal Code

concerning abusing positions of trust and similar, and violations of sections 312-314 of the Penal Code concerning incest, the limitation period shall be counted from the day the criminal offence ceased. However, the limitation period for most of these offences is more than 10 years, ref. section 86 of the Penal Code.

- d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible.**

Pursuant to the Guardianship Act, if one of their guardians is unable to safeguard the interests of a minor in certain cases because, for example, they are disqualified, the county governor can decide that the other guardian should fulfil the duty alone. If the minor is left without a functioning guardian because, for example, both guardians are disqualified, the county governor shall appoint a new or temporary guardian.

Basically, anyone who does not themselves have a guardian can be appointed a guardian, although the person appointed must be "suitable". This entails the person concerned being suitable for the particular guardian assignment in question. Thus, a person's suitability as a guardian must be assessed in light of the needs of the individual requiring a guardian and the assignment's remit. If the mother or father has expressed in writing who the child's guardian should be after she or he dies, this person should be chosen instead of others.

Child victims of sexual abuse will in most cases be entitled to have a counsel for the victim appointed by the court. The job of the counsel for the victim is to safeguard the child's interests in connection with the investigation and main proceedings in the case, and provide such other assistance and support that is natural and reasonable in connection with the case. The counsel for the victim must be notified of, and is entitled to be present at, all court sessions and police interviews of the child during the investigation and at other stages of the investigation. During the main proceedings, the counsel for the victim can ask the accused, witnesses, and experts questions on behalf of the victim. The counsel for the victim is paid for by the public purse.

- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required.**

Witness support offers conversation partners for witnesses in Norwegian courts. Witness support offers human support and provides guidance on what is happening in the courtroom, primarily in criminal cases. The witness support scheme is essentially organised as a collaboration between the courts' central administration, the Norwegian Courts Administration, and a voluntary organisation, the Norwegian Red Cross, where witness support is provided as voluntary work. The scheme is not regulated by law. Witness support is offered in 36 of the 62 district/city courts in Norway and in all six of the courts of appeal.

- f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5). Please specify under which conditions, if so required.**

The right to use covert investigation methods in Norway usually depends on the penalty limit. It is assumed here that one is referring to their use in cases covered by section 311 of the Penal Code concerning depictions of the sexual abuse of children or depictions which sexualise children. The Criminal Procedure Act permits the use of covert investigation methods when a court rules that the police have permission to read information in a computer system that is not publicly available (reading data) in cases covered by section 311 of the Penal Code, irrespective of the penalty limit. The use of other covert investigation methods, such as monitoring communications, requires the offence to be subject to a penalty limit of 10 years or more.

- g. Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).**

The National Criminal Investigation Service (NCIS) has chaired a working group that has developed a common method for reviewing and prioritising cases involving seizures of abuse material. The Norwegian police use various types of tools that have been developed to review images and video.

## Question 23: Child friendly interviewing and proceedings

---

- a. Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:**

- **they take place without unjustified delay after the facts have been reported to the competent authorities;**

Time limits for conducting facilitated interviews are defined in the Criminal Procedure Act. They depend on, among other things, the gravity of the case, the child's age, and the child's status in the criminal case (witness or victim). The time limits vary from one to three weeks, with the possibility of a one-week extension out of consideration for the child or the investigation.

- **they take place, where necessary, in premises designed or adapted for this purpose;**

Interviews of children with the status of witness or victim are, up to they turn 16 and when the sex offence involves a close relation up to they turn 18, conducted in facilitated interviews in Children's Houses. Children's Houses have special professional expertise when it comes to children and ensure that the follow-up and treatment of the child by the health service, child and family services, the police and prosecuting authority are coordinated. The remit and duties of Children's Houses are regulated in the "*Common guidelines for Children's Houses*" of 16 December 2016.

- **they are carried out by professionals trained for this purpose;**

Facilitated interviews are conducted by specially trained police officers with long experience and training in interviewing children from the Norwegian Police University College.

- **the same persons are, if possible and where appropriate, conducting all interviews with the child;**

As a general rule, the child is interviewed by the same interviewer when there are multiple facilitated interviews.

- **the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;**

Normally the child is interviewed once, but in cases where the defence counsel requests it, the police need to for investigatory reasons, the child requests it themselves, multiple facilitated interviews can be conducted. In the event of multiple interviews, the child cannot be asked questions that have previously been answered in facilitated interviews.

- **the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.**

As a general rule, the child will have counsel for the victim present during interviews. In those cases where one or both parents are accused in the case, the child will be accompanied by a temporarily appointed guardian.

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings.**

All facilitated interviews are recorded with audio/video and played back as evidence in any court proceedings.

- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36)**

Children such as those described under question 23a do not testify in court since the video recording of the facilitated interview is played back. The court can also hold court proceedings in camera in accordance with rules specified in the Courts of Justice Act. The threshold for closed court proceedings is high.

Published by:  
Ministry of Children and Families  
Publications are available at  
[www.regjeringen.no](http://www.regjeringen.no)

Publication number: Q-1250 E  
Illustrations: M. M. Malvin  
Design: Konsis Grafisk  
06/2019