



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Initial reports of States parties due in 2004*

NORWAY

[11 November 2004]

* The enclosures referred to in the report are available for consultation at the Office of the High Commissioner for Human Rights.

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I. INTRODUCTION

1. On 2 October 2001, Norway ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000. The Protocol entered into force in Norway on 18 January 2002. According to article 12, paragraph 1, of the Protocol, each State party shall submit its first report on the measures it has taken to implement the provisions of the Protocol within two years following its entry into force. In 2003 Norway submitted its third periodic report on implementation of the Convention on the Rights of the Child (CRC/C/129/Add.1)* to the Committee on the Rights of the Child. In some parts of the following, reference is made to this third periodic report for more detailed information. Relevant Acts and other material relevant to the Committee's work on the report are enclosed.

2. The Protocol affects the areas of responsibility of the following ministries: the Ministry of Children and Family Affairs is responsible for coordinating measures for children and young people, child welfare and gender equality policy; the Ministry of Justice and the Police is responsible for the police and the judiciary; the Ministry of Health is responsible for health services; the Ministry of Education and Research is responsible for measures relating to schools and higher education; the Ministry of Local Government and Regional Development is responsible for immigration policy; the Ministry of Foreign Affairs is responsible for cooperative measures in relation to other countries, unless other ministries or agencies deal with special measures pursuant to specific agreements. The areas of responsibility of the Ministry of Culture and Church Affairs, the Ministry of Transport and Communications and the Ministry of Trade and Industry are also affected by the Protocol to a certain degree. The national directorates that are relevant in this context are mainly the National Police Directorate, the Directorate for Health and Social Affairs and the Directorate of Immigration. From 1 January 2004, the Norwegian Governmental Office for the Welfare and Protection of Children and Families has taken over the main responsibility for foster homes and child welfare institutions from the county authorities.

3. This report is a compilation of the contributions from the ministries concerned. It has been sent to the Forum for the Convention on the Rights of the Child for information. The Forum has previously submitted shadow reports to the Committee on the Rights of the Child on Norway's reports on the Convention on the Rights of the Child. This report has been published in English and Norwegian and will also be published on the official documentation and information web site of the Norwegian Government and ministries (ODIN).

4. In spring 2003 the Government adopted a Plan of Action to Combat Trafficking in Women and Children. This plan will be implemented in the period 2003-2005 and has a total budget of approximately NOK 100 million. The Ministry of Children and Family Affairs, the Ministry of Justice and the Police, the Ministry of Local Government and Regional Development, the Ministry of Social Affairs and the Ministry of Foreign Affairs all contribute

* The references to the third periodic report in the present document are to that text.

towards financing and are responsible for the implementation of measures within their areas of responsibility. Other ministries are also responsible for implementing specific measures under the plan. An English version of the plan is enclosed. Certain measures are also mentioned more specifically in this report.

5. From October 2003, the Convention on the Rights of the Child and supplementary protocols have been incorporated into Norwegian law (the Human Rights Act). This means that the Convention is directly applicable under Norwegian law and takes precedence if there should be conflict between the Convention and other Norwegian legislation (cf. section 3 of the Human Rights Act).

6. In general, we wish to point out that, due to the lack of research-based information about the areas covered by the Protocol, it is difficult to estimate the need for courses on this topic and to develop good routines and working methods. A status report on young people under 18 years of age who sell sexual services, published in 2002, is discussed in Norway's third periodic report, paragraph 568. Two empirical surveys of young people who provide sexual services for payment and, among other things, of channels of communication, are currently being carried out in Norway. Norway has no disaggregate data, in the form of statistics or nationally representative research, on the issues covered by this Protocol. Where it has been possible to refer to research or statistics, this has been done in the report.

II. PROHIBITION AGAINST THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

7. The age of sexual consent is 16 in Norway. The penalty for a sexual offence against a person between the ages of 14 and 16 is imprisonment for up to 5 years, and up to 15 years in the case of gross offences (cf. section 196 of the Penal Code). If the sexual act takes place with a child under 14 years of age, the penalty is imprisonment for up to 10 years, but the maximum sentence is 15 years and the minimum sentence 2 years if the sexual act entailed sexual intercourse. Imprisonment for up to 21 years (the most severe penalty) may be imposed in the most serious cases (cf. section 195 of the Penal Code). These rules may be applied to a person who has committed a sexual offence against a child, regardless of whether the offence took place in connection with the recording of child pornographic material, for example, or the child prostituted itself. The following is a more detailed account of the special rules that apply to the sale of children, child pornography and child prostitution.

8. From 4 July 2003, the Norwegian Penal Code was amended to include a revised provision on human trafficking (sect. 224). This provision was formulated in accordance with article 3, paragraph 5, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime. The provision applies to ringleaders and others who aid and abet the exploitation of people for the purposes of prostitution, forced labour, war service or the removal of organs. The provision goes further than the Protocol because it also affects any person who by violence, threats, misuse of another person's vulnerability or other underhanded conduct exploits another person for the above purposes. If the offence is committed against a person under 18 years of age, it may be punishable regardless of whether violence, threats, misuse of another person's vulnerability or other underhanded conduct has been used. The penalty for human trafficking may be a fine or imprisonment for up to five years. The penalty

for gross human trafficking is imprisonment for up to 10 years. In deciding whether the offence is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age. We might also mention that, in addition to aiding and abetting in general, there is a special rule that applies to a collaborator who is in a position of authority over the aggrieved person.

9. Pursuant to section 202 of the Penal Code, it is a punishable offence to promote the engagement of other persons in prostitution, or to let premises for prostitution. Pursuant to section 203 of the Penal Code, it is a punishable offence to commit a sexual act with a person under 18 years of age for payment. The penalty is imprisonment for up to two years. Criminal liability is not excluded by any mistake made as regards age, unless it is made in good faith and without negligence.

10. Section 204 of the Penal Code sets penalties for involvement in child pornography, the maximum penalty being imprisonment for up to three years. For criminal acts that take place as part of the activities of a criminal organization, the maximum penalty may be twice as long. In this provision, children are defined as persons who are or appear to be under 18 years of age. Child pornography is defined as moving or non-moving pictures of a sexual nature involving the use of children. Fictitious presentations are also covered by section 204. Aiding and abetting the crimes listed in section 204 is also a criminal offence (cf. section 205). Section 204 also prohibits inducing any person under 18 years of age to allow pictures of himself or herself to be taken as a step in a commercial presentation of moving or non-moving pictures of a sexual nature (soft pornography). It also prohibits the production of such presentations depicting any person under 18 years of age. The Storting has asked the Government to consider separating child pornography from the general provision on pornography. The Government will present before Parliament a proposal for such a separate provision in December 2004.

11. According to Norwegian law, the period of limitation depends on the maximum penalty laid down in the relevant provision (cf. section 67 of the Penal Code). The longest period of limitation is 25 years when the penalty is imprisonment for up to 21 years. In the case of contraventions of sections 195 and 196 of the Penal Code (see above), the period of limitation does not begin to run until the day the aggrieved party reaches the age of 18.

12. Section 48 of the Penal Code provides for criminal liability for enterprises when any penal provision is contravened, either in the Penal Code or in other special legislation. This means that enterprises may be criminally liable for all the crimes covered by the Protocol.

13. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption entered into force in Norway on 1 January 1998. The National Office for Children, Youth and Family Affairs is the authority responsible for following up the Hague Convention and has a duty to implement the tasks to which the central authorities are committed under the Convention. The Ministry of Children and Family Affairs has the overall responsibility in matters relating to adoption.

14. The Norwegian Adoption Act and associated Regulations contain provisions that are intended to ensure that intercountry adoption organizations are run in accordance with international rules. The Adoption Act and Regulations are enclosed. Special reference is made to sections 16 (b), 16 (d) and 16 (f) and to the regulations of 30 November 1999 concerning

requirements for organizations that arrange the placement of children from a foreign country for the purposes of adoption. The authorities' supervision and control to ensure that each adoption is in the best interests of the child are carried out in several ways and at several stages of the adoption process. Section 16 (f) of the Adoption Act requires adoption, as a general rule, to take place through an approved organization. There are currently three organizations that have permission to arrange for the adoption of children from abroad. When, in very exceptional cases, prior permission is granted for adoption outside an organization, the National Office for Children, Youth and Family Affairs carefully controls the procedure and ensures that contact with the child is established in a lawful manner.

15. Supervision and control by the National Office for Children, Youth and Family Affairs are carried out, among other things, in connection with the processing of applications from organizations to engage in arranging adoptions from individual countries of origin. The Office also inspects the organizations' accounts and budgets, and considers the extent to which an organization should be permitted to amend its statutes when such request is submitted. The National Office for Children, Youth and Family Affairs undertakes regular inspection and information visits to relevant countries of origin. Persons in authority and foreign contacts from countries of origin are received in Norway in order to exchange experiences relating to work on intercountry adoption. The Office also makes active use of foreign missions to keep up to date on the situation with respect to intercountry adoptions. In accordance with the Hague Convention, the National Office for Children, Youth and Family Affairs works with the central authorities of other countries, among other things by exchanging information about adoption legislation and the area covered by the Convention. Through its work on individual cases and regular meetings with the organizations, the National Office for Children, Youth and Family Affairs has a good overview of the work of the organizations concerned and ensures that adoptions take place in accordance with relevant Norwegian and international regulations.

III. MATTERS RELATING TO CRIMINAL PROCEDURE

A. Jurisdiction

16. The territorial application of Norwegian criminal law is regulated in section 12 of the Penal Code. Norwegian criminal law is applicable to acts committed in the realm and on Norwegian vessels and aircraft. In the case of contraventions of the provisions discussed under section II, Norwegian criminal law may also be applicable when the act is committed abroad by a Norwegian national or by a person domiciled in Norway. Furthermore, sexual crimes against minors and human trafficking carried out abroad by a foreign national are punishable offences under Norwegian criminal law. The same applies if the act concerned is also a punishable offence under the law of the country in which it is committed and the offender is resident in the realm or is staying therein.

B. Extradition

17. The extradition of offenders from Norway is regulated in the Act of 13 June 1975 No. 35 relating to extradition of offenders, etc. (the Extradition Act). In the case of extradition to other Nordic countries, the Act of 3 March 1961 No. 1 relating to extradition of offenders to Denmark, Finland, Iceland and Sweden (the Nordic Extradition Act) applies.

18. In Norwegian law, extradition is not conditional upon a treaty with the State concerned. Nor does the Extradition Act impose limitations with respect to the types of crimes that may provide grounds for extradition. However, it is a condition that the act is a punishable offence under Norwegian law. Furthermore, it is a condition that the act, or similar act, is punishable by imprisonment for more than one year under Norwegian law. If the person for whom an extradition request is made has been sentenced for a criminal offence, it is sufficient for the sentence to entail imprisonment or confinement to an institution for a period of at least four months (cf. sect. 3, para. 1). However, the Act permits extradition for acts for which the penalty is imprisonment for a shorter period of time if this is pursuant to a treaty with a foreign State (cf. sect. 3, para. 2).

19. Norway has acceded to the European Convention on Extradition of 13 December 1957 and the supplementary protocols of 15 October 1975 and 17 March 1978. Norway has also acceded to the Schengen Convention of 19 June 1990, which contains certain provisions on extradition. Norway has signed bilateral extradition treaties with the United States of America (9 June 1977) and Australia (9 September 1985). With the exception of the treaty with the United States of America, the above conventions and agreements are general and contain no lists of offences that may provide grounds for extradition. The offences named in article 3, paragraph 1 (a) (i), (b) and (c) and (ii), are not covered by the list in the treaty with the United States. However this does not mean that a request from the United States for extradition for such offences may not be complied with (cf. above). When entering into bilateral extradition treaties in future, Norway will seek to avoid treaties that are limited to certain types of offences.

20. Extradition is not precluded if the extraditable offence is not committed on the territory of the requesting State (cf. article 5, paragraph 4, of the Protocol). However, the situation may be different in some cases, for example if the offence is wholly or partially committed on Norwegian territory, or if the offence is committed on the territory of a third country and the Norwegian authorities have initiated prosecution of the case (articles 7 and 8 of the European Extradition Convention).

21. If extradition cannot take place, for example because the person for whom extradition is requested is a Norwegian national or the person risks being subjected to the death penalty or torture, the Norwegian authorities may take over prosecution of the case, provided that evidential and other factors permit. An assessment must be made by the prosecuting authority in each case.

22. The processing of extradition requests from other States takes place in cooperation between the Ministry of Justice, the prosecuting authority and the courts of law. When the Ministry of Justice receives an extradition request, it is sent to the prosecuting authority, which prepares the case and ensures that the question of whether the legal conditions for extradition are met is brought before the courts. When a legal ruling has been made, the case is returned to the Ministry of Justice, which makes a decision on the case. However, decisions on extradition requests from States that are parties to the Schengen Convention may be made by the Public Prosecutor without further legal process if the person for whom the extradition request is made so agrees. On certain conditions, decisions on extradition requests from other Nordic countries may be made by the Chief of Police in the police district concerned.

Statistics

23. Extradition requests from other Nordic countries are, as a general rule, sent directly to the police district concerned and are not included in the figures below.

24. In the period 2001 to 2004 the Norwegian authorities have not received any requests for extradition from Norway for offences covered by article 3, paragraph 1, of the Protocol. However, there have been some cases of extradition requests concerning other offences against children - three cases of rape of minors and one case of child abduction.

C. Seizure, confiscation and closure

25. Pursuant to chapter 16 of the Criminal Procedure Act, objects that are deemed to be significant as evidence may be seized until a legally enforceable judgement is passed. The same applies to objects that are deemed to be liable to confiscation or to a claim for surrender by an aggrieved person. "Objects" include money.

26. Confiscation takes place pursuant to the rules in sections 34-38 of the Penal Code. Any proceeds of a criminal act may be confiscated. The same applies to objects that have been produced by a criminal act or have been the subject of a criminal act. Objects that have been used or intended for use in a criminal act, or that there is a danger will be used in a criminal act may also be confiscated. Finally, printed material containing felonious matter may be confiscated.

27. Pursuant to section 7 of the Police Act, the police may intervene to maintain public peace and order, protect the safety of individuals or the general public, or prevent or halt violations of the law. In such cases, the police may, among other things, order activity to be halted. Pursuant to section 216 of the Criminal Procedure Act, the prosecuting authority may close a building or a room or fence off an area to secure evidence. Both individuals and enterprises may be deprived of the right to carry on an activity (cf. sections 29 and 48 (a) of the Penal Code).

IV. PROTECTION OF CHILDREN WHO ARE THE VICTIMS OF CRIMES LISTED IN THE PROTOCOL

A. Criminal procedure

28. If the aggrieved person is under 18 years of age, it is the person or persons who have parental responsibility who apply for prosecution (see section 78 of the Penal Code). If the aggrieved person is over 16 years of age, he/she may also apply for prosecution himself/herself. Pursuant to section 77 of the Penal Code, the main rule is that criminal acts are subject to public prosecution unless the specific provision determines otherwise. Furthermore, the principle of discretionary prosecution has been implemented in Norwegian law in such a way that the prosecuting authority has a fairly free hand to waive criminal prosecution if it finds this to be the best solution (cf. particularly section 69 of the Criminal Procedure Act). This means that, in cases of criminal acts that are covered by the Optional Protocol to the Convention on the Rights of the Child, it will be largely up to the public authorities and not to the aggrieved person himself or herself to apply for prosecution of a criminal offence. Furthermore, the prosecuting authority may waive prosecution of a crime that an individual child has committed as a consequence of

being the victim of human trafficking, prostitution or participation in the production of pornographic material. Nevertheless, it is not assumed to be likely that a child will commit a criminal act in this connection, with the possible exception of contravention of immigration legislation. The age of criminal liability is 15 in Norway.

29. There is no age-limit for witnesses in criminal cases. Nevertheless, section 128, paragraph 2, of the Criminal Procedure Act states that when a child under 16 years of age is examined as a witness, the child's parents or a person responsible for the child should be allowed to be present at the examination unless the person concerned has been reported in connection with the case or there are other reasons that make it inadvisable. To protect the child as much as possible, the Act contains special rules concerning the examination of children under the age of 14 in cases relating to sexual offences and in other cases where consideration for the child so indicates. These rules are laid down in section 239 (cf. section 234 of the Criminal Procedure Act) and are supplemented by Regulation No. 925 of 2 October 1998. Examination of a child by a judge may take place both at the investigative stage and during the main proceedings. A judge takes the child's statement separately from a sitting of the court. The judge shall, as a general rule, summon a well-qualified person to assist with the examination or to carry out the examination subject to the judge's control. The examination shall be recorded on a video/audio tape. The defence counsel of the person charged shall as a general rule be given an opportunity to attend the examination when this is possible and unless consideration for the witness or the purpose of the statement makes this inadvisable. In the case of a small child, a traditional examination, even though it is held outside the court sitting to protect the child, will seldom provide answers to the questions that are posed to such a witness. Section 239 of the Criminal Procedure Act therefore provides for observation by an expert as an alternative to examination by a judge when the witness's age or special circumstances so indicate.

30. During the investigation, the main rule is that only the parties to the case shall have access to the case documents. The police and prosecuting authority are bound by confidentiality rules concerning anything they discover about a person's private situation during the investigation of a criminal case. At the main hearing, the main rule is that the case will be open to the public, but there is fairly broad freedom for the court to exclude the public, cf. section 125 of the Act relating to the courts of justice. This may be done out of consideration for privacy or personal dignity, or when there may be grounds for believing that a witness will not make a full statement in a public court hearing. During the main hearing, the court may prohibit or limit the right to refer publicly from the court proceedings. In the case of certain gross offences (e.g. rape, gross bodily harm and murder), the court may, on certain conditions, hear the evidence of an anonymous witness, cf. section 130 of the Criminal Procedure Act. Otherwise the court may decide that the person charged must leave the courtroom when the aggrieved person or a witness under the age of 18 is being examined, cf. section 245 of the Criminal Procedure Act.

31. Pursuant to section 107 (a) of the Criminal Procedure Act, in certain cases concerning sexual offences the aggrieved person is entitled to an advocate remunerated by the State. In other cases, the court may appoint an advocate if there is reason to believe that the body or health of the aggrieved person has been seriously harmed as a result of the act. If the aggrieved person is a minor, an advocate shall be appointed unless both the aggrieved person and his/her guardian waives such appointment (Circular of 31 May 1983, page 2, from the State Prosecutor). The

aggrieved person's advocate shall protect the said person's interests in connection with the investigation and the main hearing of the case. The advocate shall also give the aggrieved person such additional assistance and support as is natural and reasonable in connection with the case, cf. section 107 (c) of the Criminal Procedure Act.

B. State compensation for victims of violent crime

32. Pursuant to the Act of 20 April 2001 No. 13, a person who has suffered personal injury as the result of intentional bodily harm or other criminal act that entails violence or coercion is entitled to compensation from the State upon application. The maximum amount of compensation for a case of injury is 20 times the National Insurance basic amount, i.e. approximately NOK 1 million. This is a subsidiary arrangement, in the sense that the victim must first seek compensation for his/her loss from the offender or from a national or private insurance scheme, if applicable.

33. State compensation may be granted even if the offender has not been sentenced. There must be a clear probability that the applicant has been injured by a criminal act of violence. If the offender is sentenced, the State will seek reimbursement from the offender for the compensation that has been paid. As a general rule, a decision concerning State compensation is not made before a criminal case against the perpetrator or a civil case on the question of compensation is decided. However, exceptions may be made in special cases. It is also possible to pay an advance sum before the case is decided when this is found to be reasonable.

34. In 2002, a total of NOK 55,859,456 was paid out in compensation under this scheme. NOK 17,319,167 of this was compensation for sexual crimes against minors. Of a total of 1,784 applications received, 339 concerned sexual crimes against minors. The percentage of claims granted for sexual crimes against minors was approximately 75 per cent (225 of 339).

C. The child welfare service

35. With the exception of cases where the exploitation of minors has taken place in other countries, the child welfare service should, in most cases, be brought into cases covered by this Protocol. In certain circumstances, the employees of other agencies have a duty to report cases to the child welfare service (cf. sections 6-4 of the Child Welfare Act). In this context, certain circumstances will often mean that there is reason to believe that a child is exposed to serious abuse in the home, or that the child has had long-term, serious behavioural problems, e.g. has been engaged in prostitution.

36. When the child welfare service assumes that a child living in Norway may be exposed to the types of exploitation covered by this Protocol, it is usually relevant to initiate an investigation. This applies even though the sale of children, child prostitution and child pornography are not explicitly mentioned in the Child Welfare Act.

37. If the specific situation so indicates, the child welfare service may initiate measures in the child's home and the local community or, if necessary, place the child outside the home pursuant to the Child Welfare Act. In general, the child welfare service must also help to ensure that the interests of the child are also taken into account by other official bodies, regardless of whether or not the child is a recipient of measures authorized under the Child Welfare Act.

D. Training

38. Since 1998, the Ministry of Children and Family Affairs has been providing funds to the Norwegian Psychological Association to implement a training programme for people who work as experts on children for the courts of law and the administration. The training programme consists of four modules comprising a total of 12 days over two years. All participants must receive guidance during their training on matters relating to the Child Welfare Act and the Children Act. One of the course modules focuses particularly on observation by a child expert and examination by a judge in cases of sexual abuse. Special courses on sexual exploitation of minors in connection with pornography or the sex trade have not been held. As a general rule, the training programme accepts psychologists and doctors who are qualified specialists in clinical psychology or child and youth psychiatry.

39. The employees of the Norwegian child welfare service are mainly child welfare workers or social workers. Courses in law and psychology are part of the basic education of these occupational groups. However, available information indicates that expertise specifically related to sexually exploited minors is limited in the welfare service. For this reason, a four-day, inter-agency continuing education programme was carried out in 2001 on child pornography and sex trade in minors. The programme focused on prevention and on assistance and support for vulnerable children and young people. The central authorities are considering implementing similar training programmes on a larger scale.

V. PREVENTION

40. As part of the National Plan of Action to Combat Trafficking in Women and Children (2003-2005) (cf. Norway's third periodic report, para. 577), the Government has implemented measures to prevent trafficking in children through curtailing the demand that creates a market for such illicit trade. The measures include ethical guidelines prohibiting civil servants from purchasing and accepting sexual services, training and awareness-raising of military and civic personnel seconded to international operations, and dissemination of information on trafficking in children to the business community, schools and Norwegian tourists travelling abroad.

41. Norway now has a special Plan of Action on Children's and Young People's Use of the Internet, which focuses strongly on sexual exploitation and sexual abuse of children.

42. Through the EU/EEA Agreement, Norway initiated cooperation with Denmark, Sweden, Iceland and Ireland on the Safety, Awareness, Facts and Tools (SAFT) project. It is supported by the EU Action Plan on Safer Use of the Internet and relevant ministries in Norway. The project is intended to disseminate knowledge about safe use of the Internet to children and young people, parents, teachers and others. It comprises seven central partners in five countries. The participants are government authorities, non-governmental organizations and relevant sector organizations. The Norwegian Board of Film Classification is the national and international coordinating body for work on the SAFT project.

43. The SAFT project consists of two main parts:

- The first part was a major European survey in which children and young people were asked about what they use the Internet for, including risk behaviour that may lead to contact with both ordinary abusers and persons who offer remuneration for sexual services. Parents were asked what they know about their children's use of the Internet. There is little correlation between children's actual behaviour and what parents believe children use the Internet for;
- The second part consists of information measures based on the findings of the survey. The website www.saftonline.org is one of the main means of focusing on safe use of the Internet.

44. One very important priority for SAFT is to combat sexual abuse of children and sexual exploitation of minors. The project provides advice for children and parents on safe use of the Internet and particularly emphasizes teaching children how to avoid publishing their personal details and how to relate to people they meet in chat rooms. A package has been developed for schools to teach children how to avoid risk behaviour on the Internet. The school package includes homework for children and parents to encourage them to discuss rules for use of the Internet in the home, and to discuss what to do if they experience something unpleasant on the Internet.

45. The SAFT web site also includes a hotline and an electronic form which the public can use to send tips directly to the National Criminal Investigation Service (KRIPOS) on matters such as pictures of abuse and the invasion of chat rooms by potential abusers. Hotlines cannot catch criminals; that is the job of the police. Nor can they block or remove unlawful content from the Internet. KRIPOS has the national responsibility for investigating cases relating to child pornography, child sex tourism and paedophile networks. KRIPOS has the main responsibility for identifying and assisting in the investigation of sexual abusers that use the Internet and Internet-based channels of communication for sexual exploitation of children. The hotline is important in helping KRIPOS to trace people who contact minors for the purpose of sex and groups associated with these people. The aim of the activity is to put a halt to ongoing abuse, prevent future abuse and prosecute abusers. As a result of the hotline, KRIPOS has indicted several paedophile rings in Norway and has cooperated with police authorities in other countries in connection with the prosecution of exploiters and abusers.

46. The Norwegian authorities have initiated several projects to disseminate information about the Convention on the Rights of the Child, including article 34 of the Convention relating to the right of children and young people to protection from sexual exploitation and abuse. The purpose of the project Focus on Children - on young people's premises (1999-2000) was to initiate a local process to strengthen the participation of children and young people and increase their awareness of their rights. Material on the Convention on the Rights of the Child was distributed to all day-care centres, schools, youth clubs, reception centres for asylum-seekers and voluntary child and youth organizations. A video film entitled *To be Used*, which was distributed to schools, addressed the topic of sexual exploitation and abuse.

47. In connection with the preparations for the General Assembly special session on children, a participatory project was carried out involving children and young people in special life situations, including children who have been the victims of sexual abuse. Approximately 100 children and young people were involved in the participatory processes, which took place in May-June 2001. One-day or two-day meetings were arranged with children and young people from various organizations. The purpose was to draw attention to the situation of children and young people in special life situations, both among Norwegian authorities and in connection with Norway's participation in the special session. Sexual abuses were one of the topics. As a result of the project, the book *Hello - Is Anyone There?* was published in Norwegian and English. The project and the book were presented at a fringe event on the participation of children at the special session. The book is enclosed.

48. In connection with the preparation of Norway's third periodic report on the Convention on the Rights of the Child, a project was initiated in autumn 2002, entitled *Life before 18*, and more than 1,000 children and young people were involved in the reporting process. The project was intended to raise awareness of and encourage commitment in Norway to the rights of children and young people, and to involve various groups of children and young people in reporting to the Committee on the Rights of the Child. The project resulted in the brochure *Dreams, Ideas, Life*, which was widely distributed, and an exhibition in the government building of drawings, quotations and collages by children and young people. Their experiences and suggestions for solutions were also included in Norway's third periodic report to the Committee on the Rights of the Child.

49. The Ministry of Children and Family Affairs administers a grant scheme entitled *Urban Youth Projects*. The goal of the scheme is to improve the conditions in which young people live and grow up in major urban communities, and funding is provided for measures for young people with special needs and young people affected by poverty problems. In 2003 funding was provided for a survey of child and youth prostitutes in Trondheim, one of the largest cities in Norway. Representatives of the welfare services and the youth group will be interviewed with a view to identifying preventive measures. One of the conclusions so far is that young peoples' definitions of prostitution vary according to age, gender, etc. Young people do not necessarily think that exchanging sex for various forms of payment is prostitution, and this accords well with earlier findings from empirical research in Norway into young people who sell sex. The project will continue in 2004.

50. The Ministry of Education and Research is currently working on a strategy for active citizenship, including education in and about human rights. The goal is to strengthen children's and young adults' knowledge about human rights and to focus on the role of the school in this connection. The elaboration of such a strategy will directly and indirectly involve the contents of the Protocol.

VI. INTERNATIONAL DEVELOPMENT ASSISTANCE AND COOPERATION

A. Prevention

51. See Norway's third periodic report, paragraph 572. Norway is continuing to cooperate on work with children at risk under the auspices of the Council of the Baltic Sea States. From 2003, this effort has focused on several groups of children at risk, such as street children

and children in institutions. The members of the Council of the Baltic Sea States and Ukraine, Belarus and Moldova will soon have finished drawing up a Plan of Action for Unaccompanied and Trafficked Minors. The target group of this plan will include minors who are sexually exploited or in forced labour, also when this takes place in circumstances that do not come under the Palermo Protocol's definition of human trafficking.

52. Norway has also taken the initiative for a survey in the Baltic region of young people's attitudes to sexuality, sexual abuse and sexual exploitation. The Ministry of Children and Family Affairs is financing Norway's participation in the survey. The survey also focuses on the purchase of sexual services. The current status of this survey is that a large part of the data collection process has been completed in Sweden and Estonia, data collection in Russia, Lithuania, Poland, Norway and Iceland will be completed in spring 2004, and all data collection will be completed in September 2004. The survey results will be based on responses from between 25,000 and 30,000 young people aged around 18. In an international context, this will be a comprehensive, unique survey of young people's behaviour and attitudes to having sex with children and to commercial sex.

53. Measures targeted at children are an important element in Norway's efforts to combat poverty. Thus, education, health and the fight against HIV/AIDS, and the strengthening of children's rights are all priority areas of Norwegian development policy. These efforts, especially those in the field of education, are expected to reduce the risk of children being recruited to prostitution or becoming victims of trafficking. An overall strategy for safeguarding children's rights through development policy is currently being developed. The strategy will focus particularly on the rights and welfare of vulnerable groups of children and young people, and one of its main objectives is to ensure that these considerations are incorporated more closely into the dialogue on national plans and poverty reduction strategies.

54. Norway's bilateral activities targeted at vulnerable groups of children include support for a number of NGOs that work for children's rights.

55. Children are also an important target group for Norway's multilateral development cooperation. UNICEF is one of Norway's main partners in this work, and Norway is the third largest donor to UNICEF. As part of its contribution to UNICEF Norway provides earmarked support for the programme on the protection of children. The programme is targeted, among other things, at trafficking in and sexual exploitation of children, violence, genital mutilation, child labour and youth crime. Measures for reducing child labour are also one of the two priority areas in Norway's cooperation with ILO.

56. As part of the National Plan of Action to Combat Trafficking in Women and Children, the Government has financed a number of projects directed at children. About NOK 10 million were allocated in 2003 to projects aimed directly at children in the Balkans, Romania, Bangladesh, Sri Lanka, Nepal, Zimbabwe and Ethiopia. In Bangladesh Norway is engaged in extensive cooperation with the authorities on combating trafficking in children. The programme includes capacity-building, information to the public and rehabilitation.

B. Judicial cooperation and police cooperation

57. KRIPOS is engaged in international cooperation on intelligence and on the investigation of matters covered by the Protocol.

58. Judicial assistance from the Norwegian authorities in connection with criminal cases in other countries is regulated in chapter V of the Extradition Act, section 46 of the Act of 13 August 1915 No. 5 relating to the courts of law, and section 6-4 of the Regulations of 28 June 1985 No. 1679 relating to the prosecuting authority (the Prosecution Instructions). Assistance may be provided regardless of whether there is any treaty obligation, and efforts are made to respond to requests provided that assistance can be given in accordance with Norwegian law.

59. Norway has acceded to many international instruments that contain provisions relating to various forms of judicial cooperation. One of the most important is the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and the additional protocol of 17 March 1978. Norway has signed, but so far not ratified the second additional protocol to this convention (8 November 2001). Norway has also acceded to the Schengen Convention of 19 June 1990, which contains certain provisions on mutual legal assistance. Norway has entered into bilateral agreements on mutual legal assistance with Canada (16 September 1998) and Thailand (20 May 1999). In the case of mutual legal assistance between the Nordic countries, the 1959 Convention is supplemented by the Nordic Agreement of 26 April 1974, which provides for direct transmission of letters rogatory between the countries' judicial authorities.

60. Norway has signed the Council of Europe Convention on Cybercrime of 23 November 2001, which includes provisions concerning extradition and mutual legal assistance to combat child pornography. The Convention has not been ratified by Norway so far. On 23 September 2003 Norway ratified the United Nations Convention against Transnational Organized Crime (13 December 2000), which contains provisions concerning extradition and other judicial assistance in criminal cases.

61. There are no figures to show how many requests for mutual legal assistance that concern the criminal offences listed in article 3, paragraph 1, of the Protocol.

62. Seizures for use in a criminal case in a foreign State may be undertaken to the extent such seizure could be used in a similar Norwegian criminal case (cf. section 24-1 of the Extradition Act). For judicial assistance that entails the use of coercive measures, one of the conditions is that the act that provides grounds for the request for assistance, or similar act, is a punishable offence under Norwegian law (cf. section 24-3 of the Extradition Act). However, this condition does not apply to judicial requests from another Nordic country.

63. Norway has acceded to the European Convention on Money Laundering, Search, Seizure and Confiscation of the Proceeds of Crime of 8 November 1990. Negotiations are currently under way on an additional protocol to the Convention with a view to more effective confiscation of the proceeds of crime.

64. Norway is chairing the Interpol Working Group on Trafficking in Women for Sexual Exploitation, and is also a member of the Standing Working Party on Offences against Minors. In 2001 Norway concluded a cooperation agreement with Europol on intensifying the joint efforts to combat serious organized crime, including trafficking in children. Norway participates in the Baltic Sea Task Force on Organized Crime under the Council of the Baltic Sea States. Norway is a member of the Task Force against Trafficking in Human Beings in the Barents Euro-Arctic Region. In both these task forces combating trafficking in children is one of the main priorities. Similarly Norway is a member of the Nordic Baltic Task Force against Trafficking in Human Beings.

VII. ADDITIONAL INFORMATION ON MEASURES IN THE SOCIAL SECTOR AND IN THE FIELD OF IMMIGRATION

A. Measures undertaken by the social services for the victims of human trafficking

65. The Ministry of Social Affairs is currently working on two specific measures to assist victims of human trafficking in Norway. Many of the victims of human trafficking are residing in Norway illegally and are therefore, in principle, not entitled to public benefits. If we are to combat human trafficking, the victims must have a possibility to escape from the ringleaders. We therefore have a system that safeguards the interests of victims in a trustworthy manner. Among other things, they must be given necessary means of subsistence.

66. In order to achieve this, we are working with:

- The social services in the City of Oslo on necessary subsistence for the victims;
- Voluntary organizations in order to strengthen outreach activities among prostitutes.

67. The first measure entails cooperation between the City of Oslo and the Ministry of Social Affairs through the Directorate for Health and Social Affairs, whereby the social services provide necessary help and assistance for women and children who are victims of human trafficking in Norway. The Grünerløkka Social Centre provides assistance and advice in specific individual cases by providing acute assistance pursuant to the Social Services Act. This includes:

- Financial assistance;
- Medical assistance;
- Temporary accommodation;
- Information, advice and guidance.

68. It may also be relevant to follow up individual cases after the acute phase. The involvement of the social services will depend on the status of the victim.

69. In some cases, the victim may remain in Norway for a fairly long period of time. For example, there may be cases where a 45-day period of reflection is granted, or it is relevant to prosecute the people who have been involved in human trafficking (see more on this below). The social work will then have greater scope than necessary subsistence. In such cases, it may be relevant to provide:

- More permanent accommodation;
- Trauma therapy/psychological assistance;
- Interpretation services;
- Education/job training.

70. The second measure entails the intensification of outreach activities among prostitutes. In this area, we wish to help the victims of human trafficking to make contact with the police and other bodies that can provide protection and assistance. In such cases we will cooperate with non-governmental organizations (the PRO Centre, the Church of Norway Urban Mission, Pion, etc.).

B. Measures in the field of immigration law

71. The Ministry of Local Government and Regional Development is working on three measures under the Government's Plan of Action to Combat Trafficking in Women and Children. The first is to evaluate the conditions under which victims of human trafficking may be recognized as refugees according to the 1951 Convention relating to the Status of Refugees. The Immigration Act Committee is considering the conditions for asylum in connection with the drafting of an entirely new Immigration Act. The Ministry is awaiting the recommendation of the Committee before it looks more closely at whether it will be necessary to further clarify the conditions for asylum pursuant to this measure in the Plan of Action to Combat Trafficking in Women and Children.

72. The second measure is to arrange for a reflection period of up to 45 days before expulsion orders relating to victims of human trafficking are enforced, with a view to providing practical follow-up and assistance for individual victims. This measure also applies to children without legal residence in Norway who are arrested by the police. Expulsion decisions, including rejection decisions, will not be carried out during the 45-day reflection period if there is reason to believe that the foreign national is or has been a victim of human trafficking. The reflection period is intended to ensure that victims of human trafficking are not sent out of the country before they have had the opportunity to seek assistance and information about their situation, and the opportunity to consider reporting the ringleaders. The threshold for when a victim of human trafficking is entitled to a reflection period will be low. The Directorate of Immigration administers practical cooperation between the police and other authorities in connection with the implementation of the reflection period and is currently drafting a circular to provide more detailed regulations. In connection with the work on practical implementation, the Directorate of Immigration may decide how a victim of human trafficking can be ensured a reflection period in an immigration case when the victim does not wish to apply to the police for permission to reside in the country. Until the circular has been published, the immigration

authorities are expected to make practical decisions from case to case so that the victims of human trafficking are not sent out of the country in contravention of the instructions. Statistics are kept concerning the number of reflection periods that are granted and denied. The conditions for a reflection period will be evaluated on a continuous basis as the authorities gain experience of individual cases.

73. The Ministry of Local Government and Regional Development is also responsible for policy relating to unaccompanied minors who are asylum-seekers, and the following is relevant to this report:

- In order for an unaccompanied minor to move out of the reception centre to live with a relative, the relative's ability to have responsibility for the minor should be considered. If an unaccompanied minor moves out before this is considered, the Directorate of Immigration shall promptly report to the child welfare service in the municipality where the child is present;
- There are guidelines for the responsibility of individual bodies when unaccompanied minors who are asylum-seekers disappear from reception centres. The police, guardian/provisional guardian, advocate, municipal child welfare service and any relatives must be notified. The child is reported missing to the nearest police authority within 24 hours at the latest. In 2003, 33 unaccompanied minors disappeared from reception centres.

74. Visits may be prohibited to protect a specific group of people, e.g. minors in asylum reception centres.

75. In the case of applications for reunification with a family residing in Norway, the relationship must be documented or validated in some other way. In some cases this has proved difficult and DNA testing is therefore offered to confirm the relationship between persons from specific countries.
