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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

NORWAY

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 21 February 2019

Prevention

Question 1. Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Reply question 1.1. (a. and b.):

The Norwegian government and key-actors like The Norwegian Media Authority, the Police Directorate, the Directorate for Children, Youth and Family Affairs, the Norwegian Directorate for Education and Training, NGOs and content/service providers have increasingly prioritised information and awareness-needs related to online risks. Self-produced and sharing of sexual content material online are among the topics identified as one of the current challenges for Norwegian children and youth. A number of resources have been made available, of which some initiatives targets this issue in particular, while a greater number of the resources have a more general approach encompassing a range of online risks concerning children and youth.

Ung.no – general information and campaigns

On behalf of The Ministry of Children and Equality, The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) provide governmental information to children and youth. *Ung.no* (“ung” means young) is a site for governmental information on rights, possibilities and obligations of young people. The target group is youth between 13 and 20 years of age. All materials made available on *ung.no* are updated and quality controlled. In addition to general information about topics like sexuality, sexual abuse and online safety, *ung.no* has developed a campaign concerning sharing of nude material online in 2018. The campaign *#Ikke greit* (meaning #not okey) includes i.a. updated articles and videos on the topic, providing information on the legal and moral aspects of sharing nude material of others, advice on how to withstand pressure to share such material as well as providing information on where to get help. The campaign has so far demonstrated effective outreach and attention among youth, using channels like YouTube and in a youth-friendly and adapted discourse.

Norwegian Police *Nettpatrolje* (online police patrol) and educational resources

The Norwegian police is developing its presence online, in line with their strategy and as part of a national police reform. Moreover, the National Police Directorate has established a National Cybercrime Centre (NC3) with a purpose to coordinate national and cross-border cybercrime law enforcement activities. NC3 will also act as a centre of technical expertise and provide support within the Norwegian police.

Nettpatroljer (online police patrols) provide crime prevention advice, offer guidance on particular issues and foster dialogue. Advice concerning the sharing of sexually explicit content online is one of many topics being addressed. Other salient topics are general online safety and security issues, children's rights online, as well as crimes such as online scams, internet viruses and online blackmail. All 12 police districts will have an online presence in 2019, following the practice by The National Criminal Investigation Service (NCIS) since 2015.

The Norwegian Police has its own educational programme for youth between the age of 13 and 16 concerning the sharing of sexually explicit images, videos or content and sexual coercion and extortion. It is called *Delbart?* ("delbart" means shareable). The initiative *Delbart?* was launched by Norway's National Criminal Investigation Service (NCIS) 28th of January 2019. The goal is to provide youth with more knowledge about legal aspects as well as personal consequences of sharing sexually explicit images, videos or content. The objective is to improve the ability to make informed choices for themselves and others. A part of the educational programme *Delbart?* is targeting parents with an aim to encourage the adults to have conversations with their children about the risks related to the production and/or sharing of sexually explicit images, videos or content, and to guide the parents in helping their children in difficult situations.

The Norwegian Safer Internet Centre – awareness raising and helpline

The Norwegian Media Authority receives funding from the European funding instrument Connecting Europe Facility (CEF) to coordinate the Safer Internet Centre (SIC) in Norway. An important aim is to help children and young people stay safe online and promote media literacy. SIC - Norway coordinates initiatives and collaboration for children and media at a national level, collaborating with directorates/ministries, non-profit and voluntary organizations, private businesses and industry organizations. Along with the helpline *Cross my heart*, the Norwegian Media Authority is the Norwegian Safer Internet Centre (SIC Norway). Norway's Safer Internet Centre has a separate Advisory Board, providing advice for the professional work of the centre.

The "*Bruk hue*" (*use your head*) campaign is a prominent example of awareness raising including the topic of self-generated sexually explicit material/self-generated sexual content. The campaign is carried out through a partnership with the private company Telenor, the helpline *Cross my heart* (The Red Cross) and the organisation Barnevakten.

Du bestemmer (You Decide)

Du bestemmer (You Decide) is a teaching resource about privacy and digital responsibility for children and young adults aged between 9 and 18. The objective of the resource is to increase awareness, reflection and knowledge about privacy and the choices young people make when using digital media. Unwanted situations and experiences is one of four main topic categories and in the section for the age-group 13-18, this category deals with cyber bullying, digital violations, blackmail and the sharing of intimate material (sexual content).

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

The recently launched campaign *Delbart* (cf. reply 1.1.) addresses among other aspects, the issue of bystanders. *Delbart* also aims to teach youth how to help a friend by giving good advice concerning what to do in difficult situations concerning the sharing of sexually explicit images, videos or content.

The campaign *#Ikke greit* (cf. reply 1.1.) will also provide information relevant for bystanders/observers.

Other awareness raising resources and materials generally covers the overall risk situation online, not particularly addressing sexual content as such.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Resources for parents and others who are in regular contact with children and youth are made available from various sources.

Complementary to the above-mentioned *ung.no* (cf. reply 1.1.) for children/youth, *foreldrehverdag.no* (meaning everyday life for parents) is an online resource for parents, provided by The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir). It addresses more general issues concerning sex, sexual assault, how to talk about behavioural boundaries with your child, as well as advice for social media and online behaviour. *Foreldrehverdag.no* is developed by professionals and based on the International Child Development Program (ICDP). ICDP focuses on the relationship between adults and children, and is used by UNICEF, WHO and many Norwegian municipalities and health centres.

The Norwegian Directorate for Children, Youth and Family affairs (Bufdir) has developed two digital tools aimed at preventing violence and abuse:

- *JegVet* (meaning “I know”) is a digital platform for teaching children aged 5 to 18 years about bullying, violence and sexual abuse. It is developed for use in schools and day care facilities. The digital platform is adaptable to different age groups and didactical settings.

- *SNAKKE* (meaning “talk”) is an interactive simulation game where adults can practice talking about sensitive issues with children, for example if they are worried that a child might be exposed to violence or sexual abuse. Using a gamification approach, the simulation creates a realistic setting making adults feel a genuine discomfort talking about violence, practising in the context of the game. It facilitates discussion about various possible responses, building confidence and collegial trust.

The police provides general advice for the public through its website, as well as via *Nettpatroljer* (online police patrols). Organisations like *Redd Barna* (Save the Children – Norway), *NorSIS* (*nettvett.no*) and *Barnevakten* have information and awareness raising resources available online for adults. They all offer more general information and awareness material to help children and youth also relevant for risks related to self-generated sexually explicit materials and self-generated sexual content. Norway’s largest supplier of tele and data services, Telenor provides resources on the topic through “*Den digitale foreldreskolen*” (digital school for parents). Telenor also participates in “*Brukhue*” (cf. reply 1.1.).

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

- The National Police Directorate/the police districts - <https://www.politiet.no/en/om/organisasjonen/andre/nationak-police-directorate/>
- National Criminal Investigation Service (NCIS) <https://www.politiet.no/delbart>
- The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) - https://www.bufdir.no/en/English_start_page/
- www.jegvet.no
- www.snakkemedbarn.no
- The Norwegian Media Authority - <http://www.medietilsynet.no/en/about-medietilsynet/>
- <https://korspaahalsen.rodekors.no/>
- <https://www.reddbarna.no/>

- <https://www.barnevakten.no/>
- <https://norsis.no/>

The activities are to some extent coordinated through the Safer Internet Centre (in the Norwegian Media Authority). Ministries and Directorates work together, e.g. making sure that efforts and resources are not duplicated.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

<https://www.ung.no/>
<https://www.dubestemmer.no/en/13-18-ar/unwanted-occurrences>
<https://www.politiet.no/rad/trygg-nettbruk/politiets-nettpatrulje/>
https://www.facebook.com/nettpatruljenoslo/?epa=SEARCH_BOX
<https://www.facebook.com/nettpolitiet/>
<https://www.politiet.no/delbart>
http://www.medietilsynet.no/barn-og-medier/sosiale-medier/#anchor_1082
<https://korspaahalsen.rodekors.no/temasider?tema-id=11>
<https://www.reddbarna.no/5-foreldretips-om-bildedeling>
<https://www.reddbarna.no/vaart-arbeid/barn-i-norge/nettvett/materiell-og-aktiviteter>
<https://nettvett.no/>
<https://brukhue.com/>
 Telenor: <https://www.telenor.no/om/samfunnsansvar/dendigitaleforeldreskolen/>

Question 2. Civil society involvement

- 2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

The Safer Internet Centre, in the Norwegian Media Authority invites organisations, private companies and NGOs as well as government bodies to take part in their network activities, including several meetings every year, organising larger events on Safer Internet Day.

- 2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:
- a. self-generated sexually explicit images and/or videos;
 - b. self-generated sexual content?

See replies under question 1.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In the current curriculum self-generated sexual content is not specifically addressed and in general there is little mention of specific topics or content. However, the curricula include relevant competence aims for the pupils after certain grades. For example, social sciences will have competence aims that pupils after or within 7th grade should be able to converse about love and respect, variations in sexual orientation, living together and family and discuss the consequences of not respecting differences. They should also be able to give examples on how gender roles and sexuality is presented in different media, and discuss the different expectations this may cause. To the extent self-generated sexual content is addressed in this context, it follows a professional judgement to include it made by the teacher.

The Norwegian government is currently (2019) in the process of renewing subjects taught in schools to enable pupils to achieve more in-depth learning and better understanding, and hence is revising the national curriculum and most subject curricula.

The government recommends giving priority to three interdisciplinary topics when renewing the school subjects: democracy and citizenship, sustainable development, and public health and wellbeing. The five basic skills, namely orals skills, reading, writing, digital skills and numeracy, will be continued. The interdisciplinary topics and basic skills will be highlighted within the framework of the relevant school subjects.

The Norwegian Directorate for Education and Training has developed a Framework defining five basic skills, including digital skills and describe their functions at different levels covering compulsory primary and secondary education. It is a generic Framework developed to serve as a reference document for developing and revising the National Subject-Specific Curricula. In the framework for digital skills to exercise digital judgement (utøve digital dømmekraft) is one of five main topics. It is not yet clear whether self-generated sexual content will be concretely addressed in the new Subject-Specific Curricula.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The Norwegian Ministry of Education and Research is the owner of the majority of universities and university colleges. Overall, the institutions have a large degree of autonomy and the Ministry does not specify content or curricula. For some professions (teachers, police, health- and social care professionals and engineers) the government has established regulatory framework plans that specify outcomes for the students.

Teacher education and continuous training for teachers: The Framework Plans for the different teacher educations does not specify the topic of self-generated sexual content. However, it states that the graduate should have knowledge of children living in difficult circumstances, including knowledge

of bullying, violence and sexual abuse against children, of relevant legislation and of children's rights in a national and international perspective. As such, there is no continuous training for teachers targeting self-generated sexual content, but it may be a topic in continuous training in professional digital skills for teachers.

Health and social care professionals: The National regulations relating to a common curriculum for health and social care education do not specify self-generated sexual content, but the regulations state that the graduates should have the following learning outcomes: have knowledge of health and social issues, including child neglect, violence, abuse, and drugs and socioeconomic issues, and be able to identify and follow up individuals with such challenges. Graduates should be able to put in place the necessary measures and/or treatment, or refer as required. The graduates should also be able to assess risk situations and be familiar with the methods for the systematic follow-up of various risks.

The Norwegian Police University College runs different courses on post graduate level, in a planned cycle. One of the courses offers training in investigation of sexual offenses. The course is updated concerning latest trends, and the topics related to sharing sexually explicit material online will therefore be included according to the current risks.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

In order to provide updated research and insights, the Norwegian government funded the 2017/2018 EU Kids Online data collection for Norway. This was carried out by the University of Oslo/ Department of Media and Communication (UiO). This department is also the European coordinator of developing the framework and preparing the survey internationally.

A central objective for the government is to develop research and analyses in line with the needs identified through an upcoming national strategy against online child abuse. UiO will report on a project outlining research needs and identifying current research and available data sets in 2019. Based on funding from the Ministry of Justice and Public Security, more related research will be carried out in 2019/2020.

Financed by relevant ministries, the National Media Authority bi-annually provides the survey *Barn og medier* (Children and Media). The survey includes data concerning the sharing of sexually explicit material.

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- self-generated sexually explicit images and/or videos as children have been shared online?
 - self-generated sexual content as children has been shared online?

Norwegian Social research (NOVA/OsloMet) launched a report in 2018 following a commission for research concerning online abuse with a focus on perpetrators, financed by The Ministry of Justice and Public Security. The report provides insights about dynamics online, also concerning young people and children who are pressured and groomed into sharing self-generated sexual material.

Link to the report (in Norwegian):

<http://www.hioa.no/Om-OsloMet/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Publikasjoner/Rapporter/2018/Nettovergrep-mot-barn-i-Norge-2015-2017>

Norwegian centre for Violence and traumatic stress studies (NKVTS) participates in STIR - Safeguarding Teenage Intimate Relationships. This is a European project in cooperation with universities and research institutions in five different countries, Norway, the UK, Italy, Cyprus and Bulgaria. The topic of the study is the prevalence of physical, emotional violence as well as sexual abuse between young people in the ages of 14-17 who have or have had an intimate relationship, as well as the phenomenology of the violence. Of interest is both the violence that is conducted face to face, and on digital media. One example of a relevant report from this project is *Pornography, sexual coercion and abuse, and sexting in Young people's intimate relationships: A European study*

Link to the report:

<https://www.nkvts.no/english/academic-article/pornography-sexual-coersion-and-abuse-and-sexting-in-young-peoples-intimate-relationships-a-european-study/>

Link to the report

<https://www.nkvts.no/prosjekt/safeguarding-teenage-intimate-relationships-stir-connecting-online-and-offline-contexts-and-risks/>

The Ombudsman for Children is an advocate for children and young People's rights launched a report in 2018 concerning how young people experiences sexual offences. Part of the report describes this problem in the digital context.

Link to the report (in Norwegian):

<http://barneombudet.no/wp-content/uploads/2018/02/Barneombudets-rapport-om-seksuelle-krenkelser-enkelt sider-pdf-lowres.pdf>

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

As a general rule, when government bodies commission/ funds research the results and reports must be made publicly available. Often seminars are organised in order to inform relevant organisations etc. about the findings and references to research are used in central documents like White papers, annual budget propositions.

The Ministry of Justice and Public security has funded the establishment of a network of researchers in the area of online risks for children. Research activity as well as collaboration between researchers and various directorates with responsibilities for developing measures, will be carried out in 2019-2020, following the mentioned funding.

Protection

Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Norwegian police – hotline / tip-off- reporting mechanism

The Norwegian police has a hotline – a reporting mechanism (available at <https://www.politiet.no/tjenester/tips-politiet>) that the public can use to report (tip-off) the police. Norway's National Criminal Investigation Service (NCIS) is responsible for handling reports regarding sexual coercion and extortion, sexually offensive conduct on the internet and webpages containing child abuse material. The category is named "Sexual exploitation of children on the Internet". The hotline is staffed within normal working hours, but reports are checked frequently day and night time to ensure the handling of urgent tip-offs, where swift action is required.

As the Norwegian hotline, NCIS has a strong relationship with the Norwegian Safer Internet Centre (The Media Authority), it is part of the national Advisory Board, participates in network meetings and contributing to joint events.

The Norwegian police receives only to a smaller extent tip-offs regarding self-generated sexually explicit images and/or videos and self-generated sexual content through the hotline.

The collaboration with National Center for Missing and Exploited Children (NCMEC) in the United States generates many reports regarding self-generated sexually explicit images, videos and content. This is largely due to the obligation online service providers in the United States has to report child sexual exploitation to NCMEC. The service providers that generate most of the information about sexually explicit images, videos and content for the Norwegian Police are Snapchat and YouTube.

The information received may depending on the case at hand, whether the victim can be identified, legal deliberations etc. result in a criminal case with the involved child as the aggrieved person. Through a criminal case the police will often involve child welfare authorities and other support services to help the child.

The Criminal Procedure Act (2008) ensures the rights of victims in criminal procedures. Victims are granted procedural rights equal to that of the defendant. Victims are also rendered compensation through state funded compensation schemes. Children as a vulnerable group is well acknowledged in the justice system and measures to take special care of victimised children have been developed. The Government has established a nationwide network of Children's Houses, a service for children and young people under 16 years of age, and adults with intellectual disabilities, believed to have been exposed to violence or sexual abuse, or to have witnessed such violence. Children's Houses are child advocacy centres where judicial examination, medical examinations, treatment and follow-up are carried out in the same place. They are also focal points for enhancing the skills of professionals who work with children or with adults with intellectual disabilities, and for improving cooperation between agencies in violence and abuse cases.

“Cross my heart” (helpline)

The Norwegian Red Cross' service Kors på halsen (Cross My Heart) is the national helpline for children under the age of 18. The service offers dialogue through many different channels, and on any subject concerning the children who call, chat or send emails to Cross My Heart. Cross My Heart is staffed by volunteers, consoling and providing support and advice to children. Professionals who run the service make sure that the volunteers receive the information and schooling they need to assist the children in topics related to digital bullying, sexual comments, family relations, substance abuse, and other matters.

Alarmtelefonen (“The Alarm Telephone”)

The child helpline “The alarm telephone” (116 111), as in several other European countries, provides emergency assistance on a range of different urgent situations. The service is funded by the Ministry of Children and Equality.

- 6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:
- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

The Criminal Procedure Act (2008) ensures the rights of victims in criminal procedures and victims are granted procedural rights equal to that of the defendant. Victims are also rendered compensation through state funded compensation schemes. Children as a vulnerable group is well acknowledged in the justice system and measures to take special care of victimised children have been developed. The Government has established a nationwide network of Children’s Houses, a service for children and young people under 16 years of age, and adults with intellectual disabilities, who are thought to have been exposed to violence or sexual abuse, or to have witnessed such violence.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above-mentioned specific contexts (questions 6.1 and 6.2).

N.A.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

At present no NGOs or other relevant representatives of civil society engaged solely in assistance to victims of the offences covered by this questionnaire. However, many NGOs and others engaging in child protection or victim support, can offer help to children affected by such offences. For example, “Cross my heart” (cf. 6.1) and “Deleteme.no”. In their annual reports these services do not explicitly state how many children who made contact, posing questions or concerns regarding sexually explicit images. However, in 2017 “Cross my heart” reported that 2.6% of the inquiries they received from children were related to social media. In 2017 “Deleteme.no” reported 6.3% of their inquiries were related to images/videos, with the age group of 12 to 18 being the second largest group (after 18 to 25). It is a possibility that production, possession and distribution of sexually explicit images and/or videos are represented in these categories.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Section 311 of the Norwegian Penal Code criminalizes various forms of dealing with depiction of sexual abuse of children and depiction which sexualizes children. The term depiction covers both images and videos. The Norwegian Supreme court has held that also nonpictorial self-generated sexual content such as text and chats are covered by the provision.

Section 311 on Depiction of sexual abuse of children or depiction which sexualises children reads as follows:

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

- produces a depiction of sexual abuse of children or a depiction which sexualises children,
- publishes, offers, sells, supplies to another person, makes available or otherwise seeks to disseminate depictions as specified in a),
- acquires, imports or possesses depictions as specified in a), or intentionally acquires access to such material,
- gives a public presentation or arranges a public performance or exhibition of depictions as specified in a), or
- induces a person under 18 years of age to allow himself/herself to be depicted as part of commercial production of moving or still pictures with sexual content.

In this section "children" means persons who are or appear to be under 18 years of age.

A person who negligently commits an act specified in the first paragraph shall be subject to a fine or imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who intentionally or negligently fails to prevent the commission of an act as specified in the first paragraph within an enterprise.

The penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

This provision does not apply to depictions that must be regarded as justifiable for artistic, scientific, informational or similar purposes. Nor does this provision apply to any film or videogram that the Norwegian Media Authority has by prior review approved for commercial screening or sale.”

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Any minor above the age of 15 years involved in any of the forms of conduct described in Section 311 of the Norwegian penal code may be held criminally responsible. It follows from Section 311 paragraph 4, however, that the penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

8.3. Are there specificities related to the fact that more children appear on the:

- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Section 311 of the Criminal Code applies to cases where a child accepts that such images are produced and shared through ICTs.

Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:

- a. possess child self-generated sexually explicit images and/or videos?
 - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?
- a. possess child self-generated sexually explicit images and/or videos?

Yes, see Section 311 c) of the Norwegian Penal Code.

- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

Yes, see Section 311 b) of the Norwegian Penal Code.

- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Yes, see Section 311 b) of the Norwegian Penal Code.

Distributing or transmitting child self-generated sexually explicit images and/or videos to children under the age of 16 years old, can also be punishable according to other sections of the Penal Code Section – for example Section 305.)

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

No

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

Such conduct is punishable by a penalty of a fine or imprisonment for a term not exceeding three years, see Section 311 of the Norwegian Penal Code.

9.4. Does national law criminalise cases when adults:

- a. possess child self-generated sexual content?
- b. distribute or transmit child self-generated sexual content to other adults?
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

- a. possess child self-generated sexual content?

Yes, see Section 311 c) of the Norwegian Penal Code.

- b. distribute or transmit child self-generated sexual content to other adults?

Yes, see Section 311 b) of the Norwegian Penal Code.

- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Yes, see Section 311 b) of the Norwegian Penal Code.

Cf. response under 9.1, distributing or transmitting child self-generated sexually explicit images and/or videos to children under the age of 16 years old, can also be punishable according to other sections of the Penal Code Section – for example Section 305.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

No

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Such conduct is punishable by a penalty of a fine or imprisonment for a term not exceeding three years, see Section 311 of the Norwegian Penal Code.

9.7. Does national law criminalise cases when children:

- a. produce self-generated sexually explicit images and/or videos?
- b. possess self-generated sexually explicit images and/or videos?
- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
 - f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?
- a. All forms of conduct described above is punishable pursuant to Section 311 of the Norwegian Penal code, if the child is 15 years old or more.
 - b. Children under the age of 15 years are not liable for punishment. According to the preliminary works of the Penal Code Section 311, which is meant to protect the child (the intention is not to punish the same child that the law is meant to protect). For children 15 years or older, they can be liable for punishment if the image or video show other children in addition to themselves.
 - c. They can be liable for punishment if they send self-generated material to other children that have not consented to it, cf. Penal Code Section 305 (Sexually offensive conduct, etc. directed at a child under 16 years of age).
 - d. They can also be liable for punishment if they send self-generated material to other adults that have not consented to it Section 298 (Sexually offensive conduct in public or without consent). In practice this section is seldom in use.
 - e. They can be liable for punishment if they send self-generated material depicting other children to their peers, cf. Penal Code Section 311. Cf. Section 311 the penalty may be waived for a person who takes and possesses a picture / material of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

It follows from Section 311 paragraph 4, that penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

Since 2014 young offenders, aged between 15 and 18, can be sentenced to youth sentence/punishment or youth follow-up. Youth sentence/punishment is an alternative to prison for young offenders who has committed serious or repeated crime. This is based on a court decision. The duration can be from six months to three years. Youth follow-up is for young offenders that have committed less serious crimes and are considered to be at risk for committing further crime and has a need for follow up measures and support. The youth follow-up can be decided by the court or by prosecutors, and has a maximum duration of one year.

These alternative interventions focus on reintegration and rehabilitation of young offenders, and they are tailored to the needs of each individual youth and the crime committed. The National Mediation Service (NSM) is in charge of these alternative interventions for young offenders. The NSM also offers restorative justice processes in criminal cases as well as cases referred to them by the public.

Sexual offences make up approximately 2% of the youth sentence and youth follow-up cases each year. Due to the current case management system used by the NSM it is not possible to provide exact statistics concerning the number youth sentence or youth follow-up cases are directly related to the production, possession or distribution of sexually explicit images/videos. However, by manually going through the sexual crime cases of these alternative interventions, NSM reports that many cases have elements of production, possession and distribution of sexually explicit images/videos of themselves or others.

In general, NSM has seen an increase in other types of cases related to production, possession and distribution of sexually explicit images, of adults and children. The number of cases registered under “sexually explicit images” tripled from 2015 to 2016, and doubled from 2016 to 2017. This development has stabilized, with numbers for 2017 and 2018 being almost identical.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

Such behaviours are punishable by a penalty of a fine or imprisonment for a term not exceeding three years, cf. Section 311 of the Norwegian Penal Code. Possible legal consequences are youth sentence and youth follow-up, as described in 9.8.

It may be noted that Section 52 a of the Norwegian Penal Code stipulates that offenders beyond the age of 18 years may be sentenced to a youth sentence instead of imprisonment.

9.10. Does national law criminalise cases when children:

- a. produce self-generated sexual content?
- b. possess self-generated sexual content?
- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

- a. All forms of conduct described above is punishable pursuant to Section 311 of the Norwegian Penal Code if the child is 15 years old or more.

However, according to the preliminary works of the Penal Code Section 311, Section 311 is meant to protect the child, and it is not meant to punish the same child that the law is meant to protect.

- b. Children under the age of 15 years are not liable for punishment. For children 15 years or older, they can be liable for punishment if the image or video show other children in addition to themselves. Cf. Section 311 the penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.
- c. A child between 15 and 18 years can be liable for punishment if they send self-generated material to peers that have not consented to it, cf. Penal Code Section 311.
- d. They can also be liable for punishment if they send self-generated material to other adults that have not consented to it Section 298 (Sexually offensive conduct in public or without consent).

e. A child between 15 and 18 years can be liable for punishment if they send self-generated material showing other children to peers, cf. Penal Code Section 311. Cf. Section 311 the penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

It follows from Section 311 paragraph 4, however, that the penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development. See also reply under 9.8.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Such behaviours are punishable by a penalty of a fine or imprisonment for a term not exceeding three years, see Section 311 of the Norwegian Penal Code. It may be noted that Section 52 a of the Norwegian Penal Code stipulates that offenders beyond the age of 18 years may be sentenced to a youth sentence instead of imprisonment.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 210
What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

N.A.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 211
Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Section 311 of the Norwegian Penal Code applies to any of the forms of conduct described in the provision as long as the child depicted on the picture is below the age of 18. The penalty may however be waived for a person who takes and possesses a picture of a person between 16 (which is the ages set in application of 18(2)) and 18 years of age if this person consented and the two are approximately equal in age and development.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Different ways of dealing with a depiction of sexual abuse of children are subject to a penalty of a fine or imprisonment for a term not exceeding three years pursuant to Section 310 of the Norwegian Penal Code. Section 310 may under the above described circumstances apply in concurrence with Section 312, which states that a penalty of imprisonment for a term not exceeding six years shall be applied to any person who engages in sexual activity with a relative in the descending line or makes that person perform acts corresponding to sexual activity on himself/herself. Section 313, may apply in cases where the child and the other person involved are siblings.

Question 12. Jurisdiction rules

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

The Norwegian criminal legislation applies to all acts committed on Norwegian territory, on installations on the Norwegian continental shelf for exploration or exploitation or storage of submarine natural resources and on pipelines and other fixed transport facilities connected to such installations, including ones located elsewhere than on the Norwegian continental shelf, in the area of jurisdiction established pursuant to the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, in the case of acts that harm interests that Norwegian jurisdiction is intended to protect, and on Norwegian vessels, including aircraft, and drilling platforms or similar movable installations.

Section 311 in particular also applies to acts committed abroad by a Norwegian national, by a person domiciled in Norway, or on behalf of an enterprise registered in Norway, by a person who after the time of the act has become a Norwegian national or has become domiciled in Norway, by a person who is, or who subsequent to the act has become, a national of or domiciled in another Nordic country and who is present in Norway, or on behalf of a foreign enterprise that after the time of the act has transferred its entire operation to an enterprise registered in Norway. The criminal legislation also applies to acts that Norway has a right or an obligation to prosecute pursuant to agreements with foreign states or otherwise pursuant to international law.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

All police district in Norway have specialized units dealing with all types of sexual offenses, including ICT facilitated sexual offences against children.

In Norway the Norwegian Prosecuting Authority is integrated into the Norwegian Police Service. Designated representatives from the prosecuting authority is responsible for handling the cases investigated by the specialized unit.

There are not specialized units in the courts.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

The numbers of staff in the specialized units in the police districts dealing with sexual offences varies. The number of staff depends on the size of the police district and the number of cases. Every unit shall have expertise covering all types of topics within sexual offences.

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

There is a unit in every police district that is taking care of victim identification. The national criminal investigation service (NCIS Norway), is connected to Interpol's international Child sexual exploitation data base (ICSDB) and they are searching and uploading material on behalf of the police districts. Norway is an active contributor to the ICSDB.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

On a general note, the Norwegian Prosecuting Authority describes increased priority of cases involving children and sexual offences with an online element. The handling of criminal cases, investigation, decisions on whether to prosecute, as well as the prosecution of cases in court has been impacted by cybercrime-related cases. Such cases are often complicated and may require substantial resource use. E.g. cases involving the sharing of sexually explicit material can involve many victims and offenders, have cross-jurisdictional aspects and require extensive international judicial cooperation.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

In addition to post graduate studies, the Norwegian police service has initiated mandatory training for investigators in 2018. Investigators are currently offered training in general investigative topics, but there are concrete plans to evolve the curriculum to also encompass more specialized investigative topics, e.g. ICT facilitated sexual offences against children.

Also see the answer under question 3.

Partnerships

Question 16. International co-operation

- 16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:
- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
 - b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
 - c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

The Norwegian police service is cooperating with other countries mainly through the Interpol and Europol cooperation. The National Criminal Investigation Service (NCIS Norway) is the contact point for international cooperation. NCIS is connected to and are communicating and sharing investigative information with other Interpol members through Interpol's communications system I-24/7. The NCIS Norway is sharing information with Europol through Europol's Secure Information Exchange Network Application (SIENA). Norway is seconding several police officers to Interpol and Europol and are attending and giving contributions to many Interpol and Europol activities.

- 16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:
- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
 - b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
 - c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?