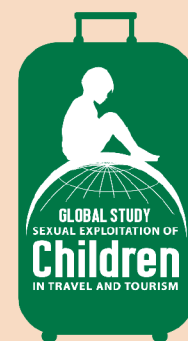


GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

COUNTRY-SPECIFIC REPORT

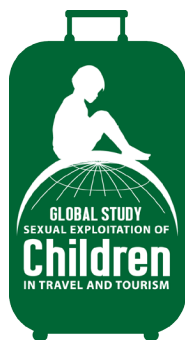
NORWAY

2018



This publication contains a study on sexual exploitation in travel and tourism committed by Norwegian perpetrators abroad. The study was conducted for ECPAT Norway, and was written by Kim Sylwander and Ann-Kristin Vervik.





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ACRONYMS

CAM/CSAM	Child (Sexual) Abuse Material
CEM/CSEM	Child Sexual Exploitation Material
CRC	Convention on the Rights of the Child
CRC Committee	Committee on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual purposes
EU	European Union
ICSE	International Child Sexual Exploitation database
ICT	Information Communication Technology
ILO	International Labour Organization
KOM	Koordineringsenheten for ofre for menneskehandel/ Coordination Unit for Victims of Human Trafficking
KRIPPOS	National Criminal Police Unit for Combating Organized and other serious Crime
NGO	Non-Governmental Organization
OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution Child Pornography
SECTT	Sexual Exploitation of Children in the Context of Travel and Tourism
UDHR	Universal Declaration of Human Rights

TERMINOLOGY

The current report adopts the terminology use recommended by the Luxembourg Guidelines for the Protection of Children from Sexual Exploitation and Abuse, developed by the Interagency Working Group on Sexual Exploitation of Children.¹ Taking into consideration the different terms used within the international legal framework and by the international child rights community, the terminology guidelines establish a vocabulary list that aims to, in a child rights oriented manner, synthesize a comprehensive vocabulary to be used when addressing the sexual exploitation of children. The list (Annex 1) therefore discourages the use of certain terms that may be harmful or may re-affirm harmful ways of referring to victims and surrounding aspects of child sexual exploitation in various settings.²

METHODOLOGY

For the purpose of this report a mixed methods approach was adopted. In November 2016, a Consultation was held in Oslo, Norway to inform the development of this study. The Consultation included representatives from the Ministry of Foreign Affairs, Ministry of Justice and Police directorate, Directorate of Children, Youth and Families, The National Criminal Police Unit for combating organized and other serious crime (KRIPOS), Child Protection/Child welfare services in Norway, civil society partners, and the private sector, including travel and tourism, as well as representatives from United Nations OSRSG-VAC, CRC Committee, The Norwegian Committee for UNICEF, INTERPOL General Secretariat, Council of Baltic Sea States and ECPAT partners in Sweden and Russia.

A preliminary study was conducted to inform the development of the report.³ The preliminary study included a brief situation analysis and overview of Norwegian literature, and interviews with a number of key representatives from ECPAT Norway, ECPAT International, the Police Directorate, the Ministry of Justice, Save the Children, and UNICEF Norway. Following this, a systematic literature review was conducted within the Norwegian context, this included both primary and secondary sources, such as government reports, thematic departmental reports, NGO reports, reports from the Police Authority and national plans of action. The literature review further included an overview of relevant international studies on SECTT globally and regionally. A review of the relevant international human rights framework and legislation pertaining to SECTT and Norway's obligations under these, was also conducted. Furthermore, a review was made of international treaty bodies' commentary and recommendations, as well as supplementary reports, such as NGO-reports and the Norwegian children's report to the CRC Committee.

1. Interagency Working Group on Sexual Exploitation of Children, Terminology and Semantics. Terminology Guidelines: For the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016. Adopted by the Interagency Working Group in Luxembourg, 28 January 2016.

2. See Annex 1

3. Conducted by consultant Odd Arild.

Norwegian perpetrators of SECTT abroad – primary and secondary data collection

As in most countries, a national data system and research is still lacking on SECTT and other forms of sexual exploitation of children. The primary data collected for this study was complemented by secondary data collection. As part of the primary research, a search was conducted through the case law search system lovdata.no, in order to find all cases that have thus far lead to the conviction of Norwegian perpetrators of sexual exploitation of children in the context of travel and tourism. The cases are drawn from jurisprudence from 1990 to the present. The search included crimes committed under the old Penal Code 1902, as well as the new Penal Code 2005 (which entered into force 1 October 2015). This provided a case file of 10 cases, which could be classified as SECTT. These cases were processed through a content analysis method. Quantitative information was also drawn from the cases, where possible and available. The cases included 13 primary perpetrators and the crimes were committed in Thailand, the Philippines, Brazil, Romania, the Czech Republic, and Gambia.

The case law search also included cases closely linked to SECTT, such as online grooming; possession, production and sharing of child sexual abuse material; as well as the human trafficking of children for sexual purposes. Due to the limited number of convicted cases that concern travelling offenders, the case law search was complemented by an overview of relevant and reliable media coverage on emerging issues of SECTT, as well as police reports and ongoing cases that have not yet lead to conviction. This search was informed by the outcomes of the Consultation. Moreover, the desk review includes an overview and analysis of relevant legislation and policy to prevent and respond to SECTT.

SECTT and Norwegian travel and tourism providers

A search of the websites of Norwegian travel and tourism providers was conducted in order to find information on if and how they apply the Code of Conduct and/or prevent SECTT. A semi-structured questionnaire was also sent out to professionals working in the travel and tourism industry.

CHAPTER 1

INTRODUCTION

BACKGROUND

The year 2016 marked the 27th anniversary of the Convention on the Rights of the Child and 20 years since the first World Congress Against Commercial Sexual Exploitation of Children. In spite of all the efforts made, sexual exploitation of children in travel and tourism (SECTT) continued to expand to epidemic proportions throughout the world.

As a response, ECPAT International initiated the first holistic and currently the only global research initiative on SECTT. The Global Study on Sexual Exploitation of Children in Travel and Tourism, launched in May 2016, was guided by a High-Level Taskforce and received contributions from 61 partners. Through nearly 2,500 pages of expertise and research, it reviews emerging trends and explores possible solutions to inform policy makers, galvanise political will and mobilise coordinated action to end this exploitation.¹

The comprehensive global study on SECTT shows that no region is untouched by this crime. In an increasingly interconnected world, more people are on the move and even the most remote parts of the planet are now within reach, thanks to cheaper travel and the spread of the Internet. As a result, children everywhere are at heightened risk of sexual exploitation.

The impact on each individual child cannot be over-stated. For victims the consequences can include severe and life-long physical, emotional and psychological damage. As well as consuming its child victims, SECTT also fractures families and local cultures, and undermines the future prospects of entire communities. On the one hand, inaction to this crime can have serious social and economic consequences. On the other, any effective action must be informed by hard evidence.²

The Global Study reveals that SECTT is, by its very nature, secretive and hidden. The lack of solid data and information about this crime, coupled with silence or even tolerance, has kept SECTT far too low on the policy agenda. More information, data and knowledge is urgently needed about what is happening and where, about what actually works to prevent and eliminate this crime and how legislation can be effectively enforced to hold perpetrators accountable. The Global Study on SECTT aims to bring this gross violation of children's right to the attention of all stakeholders, including legislators, policy-makers, law enforcement, travel providers and the public in general.

Sexual exploitation of children is widespread in connection with traveling, either in one's own country or abroad. The Global Study has found that some offenders participate in sexual acts with children to experiment. They are often driven by the feeling of anonymity, as a result of being away from home, thinking that they will not face any consequences.

Like other forms of commercial exploitation of children, the number of child victims and the number of Norwegians involved in this type of crime when traveling is uncertain. A study conducted in 1986, showed that as many as 80% of the Norwegian men in the survey that admitted to using prostitutes had done so during business trips and tourism abroad.³

However, a report by the national criminal police unit for combating organized and other serious crime (KRIPOS) showed that over 400 persons previously convicted of child abuse travelled to countries in high risk regions in the period from January 2013 to April 2014.⁴ Although we cannot conclude that these individuals travelled to these regions with the intent to sexually exploit children, this number paints a picture as to the extent to which previously convicted offenders travel to regions deemed

1. <http://www.ecpat.org/issues-we-work-on/ending-sexual-exploitation-of-children-by-travelers-and-tourists/>

2. ECPAT International (2016). "Offenders on the Move - Global Study on Sexual Exploitation of Children in Travel and Tourism: Regional Report Europe". ECPAT International: Bangkok.p 12.

3. UNICEF Innocenti Research Centre (2009). "Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography". UNICEF Innocenti Research Centre: Florence, Italy. p.22

4. Politiet, Kripos (2015). "Trendrapport: den organiserte kriminaliteten i Norge". Kripos: Oslo, Norway. *However there is no evidence to suggest that these offenders then perpetrated SECTT related offences abroad.*

as high risk for the sexual exploitation of children.

The Global Study is an important instrument to develop a more action-oriented and integrated policy to combat SECTT worldwide, which will be indispensable for the achievement of the Sustainable Development Goals (SDGs) and to mobilize action to achieve targets 5.2⁵ 8.7⁶, 16.2⁷ in the sustainable development goals (SDGs) agenda, as well as targets 8.9 and 12.b⁸

The Study provides a solid foundation to evaluate the situation in each country and consider how national efforts respond to the Global Study's findings and recommendations. In this context, a consultation was organized in Norway. In November 2016, international and national experts met to discuss how to strengthen legislation, policy and practice to eliminate SECTT in Norway and abroad. The recommendations and presentations held at the consultation form an important part of this national report.

Due to the lack of an international definition of SECTT, the Study proposed the following definition for future efforts to combat this crime: "Acts of sexual exploitation embedded in a context of travel, tourism, or both". This includes traditional forms of tourism, business trips, workers on short- and long-term stays, expatriates living abroad, including teachers and other professionals and volunteers. Domestic trips are also included in this definition, which in many countries are believed to be responsible for the majority of cases of SECTT.⁹

SCOPE OF THE CONSULTATION AND THIS REPORT

There has been increased awareness on the matter of Norwegian citizens travelling abroad to sexually exploit children. Reports have reached the public

BOX 1: ECPAT Norway

ECPAT Norway was established in 2015 and is currently based on voluntary work by the Board's members and a group of professionals. Since its' establishment, ECPAT Norway has worked extensively to increase awareness in Norwegian society on the different forms of sexual exploitation of children and how these crimes can be prevented. ECPAT has become a natural "go-to" organization for the Norwegian media in cases regarding sexual exploitation of children. It has also developed a partnership and dynamic dialogue with The Standing Committee on Justice in the Parliament, the Ministry of Justice and other parts of the Government.

In order to develop its' activities further, ECPAT Norway will continue its fundraising efforts and has identified two priority focus areas: (1) the protection of children from sexual exploitation in travel and tourism (SECTT); and (2) protection from sexual exploitation through the use of ICTs.

ECPATs follow-up activities of this report will include (amongst others):

- Increase understanding on responsibilities and roles of public and private actors
- Advocate to strengthen Norwegian legislation, policy and practice to effectively prevent and respond to SECTT and other forms of sexual exploitation.
- Identify models of cooperation between public sector, travel and tourist industry and civil society organizations, including ECPAT Norway.
- Initiate dialogue with consular services at embassies in Norway (from countries with high prevalence of SECTT)
- Work with Norwegian embassies in countries with high numbers of SECTT and establish cooperation with ECPAT groups in destination countries of Norwegian traveling offenders. Mobilize resources for access to justice and support for the recovery and social reintegration of victims of sexual exploitation.

5. Sustainable Development Goals (SDG) Target 5.2: "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation" by 2030.

6. SDG Target 8.7: " take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour (...) by 2025." According to the International Labour Organisation's Convention No 182, the worst forms of child labour include the sale and trafficking of children, as well as the use, procuring or offering of a child for prostitution or the production of pornography.

7. SDG Target 16.2: "End abuse, exploitation, trafficking and all forms of violence against and torture of children" by 2030.

8. SDG Target 8.9: "... devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products" and SG Target 12.b: "Develop and implement tools to monitor sustainable development impacts for sustainable tourism..."

9. ECPAT Global Study, op.cit. p. 49.

mostly through the media, and many reports remain anecdotal. However, no systematic studies have yet been conducted to establish the extent of this growing problem. The transnational nature of the sexual exploitation of children in the context of travel and tourism also entails significant barriers to assessing the extent of this problem. Although, human trafficking in children for sexual purposes is an issue that is closely related to SECTT,¹⁰ there is very little reliable data on this in the Norwegian context¹¹ and therefore it is very difficult to assess, further research on trafficking in the Norwegian context is therefore crucial. For this reason the scope of this report will be aimed at assessing what we know about Norwegian offenders travelling abroad to commit SECTT.

Despite the lack of reliable data on sexual exploitation in travel and tourism, the ECPAT Global Study highlighted how SECTT has steadily been increasing over the past 20 years, even though the extent differs between countries and regions.¹² In addition to weak child protection systems in countries of destination and widespread impunity, there are two factors supporting this increase firstly, the increase in travelling and tourism and secondly, the rapid development of information and communication technology, such as the internet and mobile phone technology.

The Global Study documented how the tourism industry has grown all over the world. The total amount of global tourist trips has increased from 627 million in 1995 to 1136 million in 2014. International arrivals in Southeast Asian countries are expected to rise to 112.5 million in 2018.¹³ Norwegians make millions of international trips each year. The number of trips abroad increased between 2004 and 2010 by 27.5 per cent, from 5.96 million trips to 7.58 million trips.¹⁴

The number of travelling Norwegians includes those that work abroad, for longer and shorter periods. Many work for Norwegian companies abroad; others work

for international organizations; as well as Norwegian authorities or volunteer organizations. These groups are also important target groups for measures that are aimed at preventing and combatting sexual exploitation of children committed abroad.

DESTINATIONS OF NORWEGIAN TRAVELLING CHILD SEX OFFENDERS

Traditional SECTT destination areas for offenders from Nordic countries are South East Asia and East Asia¹⁵, the US, and Central- and Latin America. The Global Study highlighted that the most common forms of SECTT are actually domestic and situational offending in SECTT destination countries.¹⁶ Situational offenders are those that have not specifically sought out to sexually exploit children, but find themselves in an environment where sexual exploitation of children is easily accessible, seems commonplace and where law enforcement is weak, thereby instilling a sense of freedom from repercussions. In countries where up to 30% of persons involved in prostitution are children, the situational sex tourist often ends up sexually exploiting children.¹⁷

Preferential offenders on the other hand deliberately travel with the intent to sexually exploit children.¹⁸ Preferential offenders often return to the same place many times and establish a relationship with the family of the child they are sexually exploiting, usually in poor communities. The children and their families may be enticed by gifts such as toys and money, some perpetrators have even built houses for the victims' families. Families can then become financially dependent on the perpetrator. Conventional destinations such as Thailand, the Philippines and Cambodia are progressively being replaced by neighbouring countries where the law enforcement is less stringent, such as Vietnam, Myanmar, Laos and Indonesia.¹⁹ Amongst convicted cases of Norwegian

10. See for example ECPAT Global Study, op.cit.

11. KOM (2017). Rapport fra Koordineringsgruppen for ofre for menneskehandel 2016.

12. ECPAT global study, op.cit.

13. UN Office on Drugs and Crime (UNODC) (2014). "Protecting the Future: Improving the Response to Child Sex Offending in Southeast Asia". UNODC Regional Office for Southeast Asia and the Pacific: Thailand. p. 17

14. Granseth, T. (2012). "Normenns reisevirksomhet", Statistisk sentralbyrå Accessed at: http://www.ssb.no/a/publikasjoner/pdf/sa_126/reise.pdf

15. ECPAT Global Study, op.cit.

16. ECPAT International (2016). "Global Study on Sexual Exploitation of Children in Travel and Tourism: Regional Report Europe". ECPAT International: Bangkok, Thailand.

17. Härkänen, E. (2016). Corporate liability and international child sex tourism – with special reference to the regulation in the Nordic Countries, *Scandinavian Journal of Hospitality and Tourism*, 16:3, p. 315-332. p. 318.

18. ECPAT Global Study Regional Report Europe, op.cit.

19. CEOP: Child Exploitation and Online Protection Centre (2013), "Threat Assessment of Child Sexual Exploitation and Abuse". Accessed at: <https://>

offenders of SECTT the destination countries included the Philippines, Thailand, Brazil, Romania, the Czech Republic and Gambia. However, there are also reports of Norwegian travelling child sex offenders in Cambodia, Nepal, India and the Ukraine.

NORWEGIAN PERPETRATORS OF SEXUAL EXPLOITATION IN THE ONLINE CONTEXT

The ECPAT Global Report recognized that SECTT has increasingly been moved onto online platforms. With the rapid expansion of the Internet, as well as cheap and easy access to mobile technologies, many preferential offenders no longer travel, but rather access children online. Norwegian jurisprudence further sheds light on how closely linked SECTT and other forms of online child sexual abuse are,²⁰ including possession and distribution of child sexual abuse and exploitation material; sexual extortion; grooming and the ordering of sexual abuse exploitation.

There is little way of knowing the real extent of sexual exploitation of children online by Norwegians.²¹ Nevertheless, police attribute the significant increase in the number of reports of sexual abuse between 2015-2016 to the increased reach of offenders through the internet, which also accounts for the number of victims or incidents in each case.²² Europol similarly describes sexual abuse against children online, such as sexual coercion and extortion as a growing phenomenon and as a 'key threat'.²³

The Norwegian Police's national unit for combatting organized and other serious crime- "KRIPOS", reports that an increased number of children are being sexually abused and exploited through the internet.

In December 2017 approximately 2000 attempts to access webpages with child sexual abuse material were registered by the Child Sexual Abuse Anti-Distribution Filter (CSDAAF) on a daily basis in Norway.²⁴ Domestically, there are hundreds of traceable IP addresses that are in possession of, and known to distribute, child sexual abuse material, and the police receive an increasing number of such cases. The magnitude of this problem is reflected in a case involving a perpetrator who was convicted for the sexual abuse of 108 children, through online grooming and sexual extortion.²⁵ This case demonstrates the potential reach of an individual perpetrator on the internet.

The internet provides various ways for perpetrators to both contact, abuse, exploit and extort children directly; come into contact with adults that procure children for the purpose of exploitation; as well as come into contact with child sexual abuse materials and paedophile networks. The review of Norwegian case law - including SECTT, webcam sexual exploitation, grooming and human trafficking; referred to a long list of different internet service providers that the offenders had accessed in order to exploit children, among these were Skype, MSN (these two were the most common)²⁶, Nettby, Onlinebandit.no, Jippii, eMule, among others. KRIPOS notes that several cases of sexual exploitation originate in cases that involve the distribution of child sexual abuse materials.²⁷ The police registry shows that over 30% of those registered as suspected, sentenced or convicted in cases involving possession of child sexual abuse materials, were also registered as suspected, sentenced or convicted for physical sexual abuse. Although it should be noted that using criminal cases for statistical purposes and that this type of research focusing on download frequency and abuse, entails many methodological challenges, it nonetheless emphasizes how the investigation of the possession and/or distribution of child sexual abuse materials also

www.norfolkscsb.org/wp-content/uploads/2015/03/CEOP_Threat-Assessment_CSE_JUN2013.pdf

20. See chapter on Convictions.

21. Barne-, Likestillings-og Inkluderingsdepartementet (Eng: Norwegian Ministry of Children and Equality). "Barndommen kommer ikke i reprise: Strategi for å bekjempe vold og seksuelle overgrep mot barn og ungdom" (2014-2017). (Eng: National Plan of Action to combat violence and sexual abuse against children and adolescents). Accessed at: https://www.regjeringen.no/globalassets/upload/bld/brosjyre_bua/barndommen_kommer_ikke_i_reprise.pdf

22. Politidirektoratet (2016). Anmeldt kriminalitet og straffesaksbehandling, 2015: Kommenterte STRASAK-tall. Accessed at: <https://www.politi.no/globalassets/dokumenter/01-rapporter-statistikk-og-analyse/strasak/2015/strasak-3-2015.pdf>

23. Europol (2016). IOCTA 2016: Internet Organised Crime Threat Assessment. European Police Office", 2016. Accessed at: <https://www.europol.europa.eu/activities-services/main-reports/internet-organised-crime-threat-assessment-iocta-2016>

24. Laila Søndrol, Taktisk etterforskningsavdeling, Seksjonsleder, Seksjon for seksuallovbrudd, KRIPOS, April 2018.

25. TGJOV-2015-164934

26. Since most cases are now between a few and more than years old, it is believed that MSN is no longer one of the more dominant pages used. But rather was reflective of the most popular sites and means of children to access to communicate with their peers online.

27. Politiet Kripos (2016). "Tendrapport 2016: Organisert og annen alvorlig kriminalitet i Norge". Oktober 2015. Kripos: Oslo, Norway. Accessed at: <https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/kriminalitetsutvikling/tendrapport-2016.pdf>

leads to the uncovering of offline sexual abuse and exploitation.²⁸

The exploitation of children through online media as well as the distribution of child sex abuse materials online, provides very complex forms of victimization for children. Firstly, the fact that abuse images and films are distributed and shared globally, means that the child victim will continue to be victimized as these images and films continue to be viewed by an unknown number of people. Secondly, not only does the victimization continue in a legal sense, the victimization continues psychologically for the victim. Child victims who are aware that they have been photographed or filmed, continue to suffer knowing that their images are being shared and continue to be viewed and may never be removed from the internet. This has deep and life long psychological consequences for the victims.

Online grooming and sexual extortion

The Norwegian Police's national unit for combatting organized and other serious crime- "KRIPOS",²⁹ reports an increased number of children are being sexually abused and exploited in relation to their use of the internet. KRIPOS has expressed concern for the growing incidents of grooming taking place on social networking sites where children are active.³⁰ The number of incidents of grooming is believed to be significantly greater than the number of incidents that are actually reported. This type of act is criminalised under §306 of the Criminal Code and in order to be convicted the perpetrator has to have the intention to commit a sexual offence.

The number of incidents of sexual extortion online is also increasing. The extortion can occur for various reasons, to receive further sexualised pictures, to perform sexual acts or for financial remuneration. The financial

exchanges that result from sexual extortion is believed to be of significant proportions.³¹ The risk of children being victims of online sexual extortion increases as there is an increasing acceptance to take and share sexualised pictures among children. A study conducted by the Norwegian Media Authority indicated that 7% of children aged 13-16 say that they have sent nude pictures of themselves via mobile phone or the internet.³²

Perpetrators also include those that manipulate children into producing sexualised pictures to then use them as blackmail for further sexual favours. Including showing themselves naked or performing sexual acts in front of a webcam. These kinds of acts are criminalised and lead to severe penalties, such as under the rape law. The Norwegian jurisprudence indicates that perpetrators of these kinds of offences can exploit a large number of victims during the same period.³³ In 2013, a Norwegian citizen was sentenced according to the Penal Code after having given instructions for sexual abuse via a chatroom and looking at sexual abuse of children filmed by webcam.³⁴ The police believes that these crimes are committed to a much larger extent than is known today and they are believed to increase in the future. Most perpetrators of sexual extortion are sexually motivated, however the police note that there is an increasing number of registered offences where perpetrators have been financially motivated.³⁵

The Norwegian jurisprudence concerning the sexual extortion of children involve complex offences where perpetrators use the sexual abuse images or films of a child that they have obtained through sexual exploitation, to then in turn use to groom other children. The pictures and films can then be used in convincing a new victim that they are communicating with a child and that they are exchanging sexual content with that child. One offender had used material he had procured from the Phillipines to convince Norwegian children to

28. Politiet Kripas (2016). "Seksuelle overgrep mot barn under 14 år". https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/voldtekt-og-seksuallovbrudd/seksuelle-overgrep-mot-barn-under-14-ar_web.pdf.

29. The national responsibility to investigate cases of child pornography, child sex tourism and paedophile networks lies with KRIPOS. They also have 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". KRIPOS cooperate internationally through intelligence and the investigation of matters that relate to child trafficking, sexual exploitation and sexual abuse.

30. KRIPOS Trendrapport 2016, op.cit.

31. KRIPOSTrendrapport, 2016, op.cit.; European Financial Coalition against Sexual Exploitation of Children Online, 2014.

32. Medietilsynet (Eng: Norwegian Media Authority) (2014). "Barn og medier - Barn og unges (9-16 år) bruk og opplevelser av medier". Accessed at: https://www.medietilsynet.no/globalassets/publikasjoner/2015/rapport_barnogmedier_2014.pdf#33. KRIPOS trendrapport 2016; Case TGJOV-2015-164934

34. Sentence/verdict (Dom) in Hålogaland lagmansrett. Avsagt 17.10.2013. 13-103134AST-HALO.

35. KRIPOS trendrapport 2016, op.cit.

get undressed in front of the webcam and to send images of their sexual organs, all while believing they were communicating with another child.³⁶ The images and films can also be used by the perpetrator to further extort the child, thereby prolonging and aggravating the abuse.

Live online sexual abuse

Consumerism and poverty are identified underlying factors that facilitate webcam sexual exploitation and the global demand for cybersex is an important driver.³⁷ The Terre des Hommes study on webcam sexual exploitation (2013) pointed out that “law enforcement agencies are hobbled by reactive investigation policies – they investigate only after children report the crimes, but, for a number of reasons, children do not report these crimes very often”.³⁸ With the expansion of the accessibility of the internet through smartphones and cheaper internet connection, children can easily and are more increasingly be exploited, for the purpose of selling sex via webcam³⁹. As evidenced by cases where Norwegians have ordered and paid for sexual abuse of children to be filmed via webcam in SECTT destination countries, in such transactions parents or other close adults often aid the perpetrator in guiding the child to perform the acts that the buyer demands⁴⁰

Terre des Hommes has reported a shift in commercial child sexual exploitation in destination countries, away from the streets, bars and restaurants, to in-house exploitation by use of webcam. These types of activities are usually operated from the child's home, internet cafés or so-called ‘cybersex dens’ in which children are held in ‘windowless dungeon-like settings’.⁴¹ In the Philippines, studies have pointed out that the growing problem of webcam sexual exploitation of children is related to a belief that this kind of sexual exploitation is not as serious as in-person sexual exploitation, since no direct physical contact is made between the perpetrator and the child.⁴² However, the long term negative effects of online sexual abuse is well documented and understood as equally harmful to other forms of exploitation. The Norwegian jurisprudence also points at the violence that the children have to endure in these settings, where they are verbally abused and forced to endure both physically and psychologically traumatic experiences. Added to this is the extended and repeated violation of having the abuse distributed on the internet, as each time these images or films are viewed, represents a new violation.

36. TBERG-2016-61974

37. Council for the Welfare of Children, Philippines and UNICEF Philippines (2016). “National Baseline Study on Violence against Children: Philippines”. UNICEF Philippines: Manila.; UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, De Boer-Buquicchio, M. “Expert paper: Tackling the demand for the sexual exploitation of children in travel and tourism”, accessed at: <http://www.globalstudysect.org/wp-content/uploads/2016/04/Expert-Paper-UNSR-Maud-de-Boer-Buquicchio1.pdf>

38. Terre des Hommes Netherlands (2013). “Fullscreen on View: An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines”. Accessed in October 2017 at: https://www.terredeshommes.nl/sites/tdh/files/uploads/research_report_2.pdf.

39. UNICEF Philippines study, op.cit.; ECPAT Global Study, op.cit.; UNSRSC expert paper, op.cit.

40. See Chapter on Convictions.

41. Terre des Hommes, op.cit.

42. ECPAT International (2013). Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic. ECPAT and Defence for Children: A project funded by the Ministry of Foreign Affairs of the Netherlands.

BOX 2: Operation 'Dark Room'- the uncovering of a paedophile network

Following the report of a 22-year old offender having allegedly sexually abused a 14-year old girl in Bergen in Norway, the police in their investigation came across online interaction between a number of paedophiles. As a result, the police initiated 'Operation Dark Room' in January of 2016 and the operation included a task force of 25 investigators working for an entire year. The operation led to the uncovering of an extensive paedophile network active on the dark net, and is one of the largest seizures of child pornographic material in Norwegian history. The material seized by police included materials depicting the aggravated assault against children as young as babies, and the victims have been identified to be both Norwegian and foreign victims. The operation uncovered a large number of webcam sexual abuse linked to children in the Philippines. The police estimates that the total number of children concerned could be as many as 300 victims that have been the victims of serious and aggravated forms of sexual abuse and exploitation. Authorities have seized 150 terabytes of data, including photos, videos and chat transcripts. Several of the accused men had shared and live-streamed the sexual abuse of their own children, including planning the abuse of a yet unborn child. The police claim that some of the abuse may amount to torture. So far, the police have filed charges against 51 male perpetrators all residing in Norway. The charges include sexual intercourse and rape of children as young as infants, up until the age of 15; aggravated human trafficking; the production, possession and distribution of material that depicts the sexual abuse of children; the deception/manipulation/exploitation/extortion of children into showing themselves naked, or sending pictures of themselves naked or while masturbating via the internet. The chatlogs include the textual description of child sexual exploitation, how to find and contact children online, and also includes 'guides' on how to access children in different countries especially poor countries and communities. These detailed descriptions include how to access the children, where, how to get there, and how much to pay. A total number of 82 cases have been uncovered in Norway, 1 in Denmark and 1 in Sweden (as of May 2017).

One case concerns a 46 year old offender where the police has indicated that he has made payments to over 170 different people in the Philippines, in exchange for the live streaming of sexual abuse against children. According to the prosecutor, the case includes several hundreds of child victims and very serious instances of abuse and exploitation.

The operation dark room has led the government to pursue longer storage times for IP addresses. At present, in accordance with current legislation, ISPs are only allowed store IP addresses for 21 days after which they must be deleted, often they are stored for an even shorter period or not at all, making police investigations very difficult. The police therefore considers it crucial to increase the storage time of IP addresses in order to effectively combat child sexual abuse online.

BOX 3: **Child's Play'**

In 2016 the Australian police task force "Task Force Argos" took over the administration of the website Childs Play, a networking forum for paedophiles and where child abuse material was distributed. The Australian Police have informed KRIPOS that Norwegian nationals have been active on the website. Norwegian Media uncovered through a Norwegian word search of the website that at least 30 Norwegian users were active on the website. Their activities included actively seeking out, as well as distributing, child sexual abuse materials, seeking advice on how to contact children online, as well as networking with paedophiles.¹

BOX 4: **A case of human trafficking in relation to sexual exploitation via webcam**

In July 2016, a case was raised against a man under the Criminal Code 1902 §224. One of the charges against him included human trafficking. The defendant had via the internet instructed Filipino children to perform sexual acts against themselves as well as to perform sexual acts with other children, and ordered these acts to be filmed. Both the middle man as well as the children were dependent on the financial transaction resulting from the exploitation. The acts were livestreamed on the internet. He also used the films to contact Norwegian girls under the age of 18, who were then also sexually exploited, for which the defendant was charged with sexual assault.

Furthermore, the offender was charged and convicted for human trafficking, related to his buying of these *exploitative services but also because he was deemed to have caused the children to be sexually exploited*. The cases were deemed as aggravated acts of human trafficking since the victims were under the age of 18. The state prosecutor notes that this is an example of the development of the jurisprudence and how the crime of human trafficking is to be understood, namely that a person who orders children for sexual exploitation can be found guilty of human trafficking. The offender was convicted to 8 years in prison.

1. VG, Ofte Anretsen, E., Remoe Hansen, N. Stangvok, E.O. and Hoydal, H. (2017). "Minst 30 nordmenn med i overgrepsforum" Published 10/10/2017. Accessed at: <https://www.vg.no/nyheter/innenriks/minst-30-nordmenn-med-i-overgrepsforum/a/24160090/>

CHAPTER 2

INTERNATIONAL AND REGIONAL HUMAN RIGHTS FRAMEWORK

The Convention on the Rights of the Child and other key instruments

The Convention on the Rights of the Child (CRC) articles 19.1¹, 34², 36³ and 39⁴, form a broad basis for the protection of children from sexual exploitation and abuse, including the exploitation of children in pornographic performances and materials⁵. The CRC calls on states to take all appropriate measures to prevent and protect children from sexual exploitation, and to promote physical and psychological recovery and social reintegration of child victims of sexual exploitation.⁶ The UN SDG Target 16.2 builds on these principles and expresses the international communities resolve to “End abuse, exploitation, trafficking and all forms of violence against and torture of children” by 2030.

Norway is party to the CRC and other central international children’s rights treaties that protect children from sexual exploitation in its various forms, such as the Optional Protocol on the Sale of Children, Prostitution and Child Pornography, the ILO Convention on the Worst Forms of Child Labour, the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Norway is also party to several regional treaties that

further protect children from exploitation such as the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on Cybercrime. These international and regional treaties together provide a broad obligation for Norway to ensure that SECTT related offences are criminalized, that Norway implement measures to ensure protection for children from exploitation, implements preventive measures as well as takes all appropriate national and international measures to ensure child victims access justice, rehabilitation and social reintegration.

However, to date Norway has yet to ratify the most progressive of the regional instruments in regards to SECTT, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – the Lanzarote Convention.⁷ The Lanzarote Convention specifically develops the liability of corporations in relation to SECTT, as well as expanding further than the OPSC in enabling the prosecution of SECTT perpetrators in countries where the conduct is not criminalized.

Despite the strong normative foundation provided by international human rights instruments, the governance gap between international standards and practice continues to be a strong barrier to ensuring children’s freedom from violence, including sexual abuse and exploitation online and offline.

1. CRC article 19.1: “ States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

2. CRC article 34: “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.”

3. CRC article 36: “ States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.”

4. CRC article 39: “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

5. CRC article 34 c

6. CRC article 39

7. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, Lanzarote, 25.10.2007, lejfnwjvna Accessed at: http://new.ecpat.org.uk/sites/default/files/briefings/text_of_coe_convention_-_25_oct_2007.pdf

See **Annex 2 on “Monitoring by Human Rights- and Treaty Based Bodies”** for a review of the treaty based bodies’ comments on national efforts and reports related to SECTT.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)

Norway ratified the Optional Protocol on the Sale of Children, Prostitution and Child Pornography (OPSC- the Protocol) in 2001. The OPSC criminalises acts in relation to the sale of children, which is defined as the sexual exploitation of the child,⁸ forced child labour⁹, including child prostitution,¹⁰ and child pornography¹¹ - including attempt, complicity and participation.¹² The OPSC requires States to establish liability of legal persons for these crimes as well, but does not develop this in any detail.¹³ In recognition of the international nature of these offences article 4.2 also calls upon States to establish extraterritorial jurisdiction over these crimes when they are committed by a national or resident of that State¹⁴, or when the victim is a national or resident of the State.¹⁵ In this regard, the OPSC establishes a basis for extradition of offenders in relation to the aforementioned offences, also in cases when there is no extradition treaty between the concerned states.¹⁶ Thereby the offence can be treated as if it had been committed in the territory of the State where the perpetrator was found to be.¹⁷ The OPSC requires

states to prohibit and criminalize acts related to SECTT, as well as to ensure action to reduce the demand for sexual exploitation of children in travel and tourism.¹⁸

The International Labour Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182)¹⁹

Article 3 of the Convention on the Worst Forms of Child Labour includes “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances” in the definition of the worst forms of child labour. The Convention thereby requires State Parties to take action to ensure the prohibition and elimination of these practices.²⁰

The Council of Europe Convention on Cybercrime- the Budapest Convention

The Council of Europe Convention on Cybercrime criminalises ‘child pornography’ when use has been made of a computer system, thereby criminalizing the production, the offering or making available, distribution and transmitting, procuring and possession of child pornography.²¹ The Convention also applies to other offences where a computer system has been used, such as sexual exploitation and abuse of children.²²

8. (OPSC) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, entered into force 18 January 2002. A/RES/56/263 of May 2000. Accessed at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>, article 3.1 (i) (a).

9. OPSC, article 3.1 (i) (c)

10. OPSC, article 3.1 (ii) (b)

11. OPSC, article 3.1 (ii) (c)

12. OPSC article 3.2

13. OPSC, article 3.4

14. OPSC article 4.2 (a)

15. OPSC article 4.2 (b)

16. OPSC article 5.2

17. OPSC, article 5.4

18. UNSRSC expert paper, op.cit. p 2.

19. The International Labour Organization- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (no. 182) Entry into force: 19 November 2000, Geneva, 87th ILC Session (17 June 1999). Accessed at: http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

20. *ibid.* Article 1

21. Article 9, the Council of Europe Convention on Cybercrime, Budapest 23.11.2001, ETS 185. Accessed at: http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_7_conv_budapest_en.pdf

22. Council of Europe (2007). “Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”, Council of Europe Treaty Series- No.201, Lanzarote 25 October 2007. Accessed at: <https://rm.coe.int/16800d3832>

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention)²³

In 2007, Norway signed the Lanzarote Convention, but has yet to ratify the Convention. The preparatory steps, such as the legislative review, necessary to ratify the convention, has not yet been conducted, and therefore needs to be set higher on the agenda to ensure swift ratification.

The Lanzarote Convention is the 'most comprehensive legal tool for protecting children from sexual abuse and exploitation'.²⁴ It calls on states to criminalise conduct in relation to the production, the offering or making available, the distribution or transmitting, the procuring (for personal use or the use of others), the possession, the conscious obtaining of access to, through the use of ICTs to child pornography.²⁵ The Convention also provides for the criminalization of conduct related to the participation of a child in pornographic performances (article 21).²⁶ Including the recruitment or causing a child to participate, the coercion or gaining profit from, or otherwise exploiting children for these purposes, as well as knowingly attending pornographic performances involving the participation of children. The Lanzarote Convention goes further in its protection of children from new forms of exploitation in online contexts, thereby also protecting children from offences related to webcam sexual exploitation.

Reasons to ratify the Lanzarote Convention:

The Lanzarote Convention has developed the liability of corporations in relation to the SECTT further than the OPSC. Article 26(2) includes corporate liability as a result of a lack of supervision on the part of a service provider, which ensures that the corporations' responsibility to ensure that its employees and agents are not involved in criminal activities. Articles 24 and 26 include the corporate aiding and abetting of SECTT.

Article 25 makes it possible for states to prosecute perpetrators of SECTT in countries where the conduct is not criminalized.

The Lanzarote Convention expands further than the Council of Europe Convention on Cybercrime in its requirements upon States to assist victims in their physical and psychological restoration through a more protective approach (see Article 30.2)

Norway is currently the only Nordic country not to have ratified the Convention.

UNWTO Framework Convention on Tourism Ethics

On 15 September 2017, The Member States of the World Tourism Organization (UNWTO) approved the transformation of the Code of Ethics for Tourism into a historical international convention, known as the UNWTO Framework Convention on Tourism Ethics.²⁷

The Convention covers the responsibilities of all stakeholders in the development of sustainable tourism, providing a framework that recommends an ethical and sustainable modus operandi, including the need for the rights of children to be respected by travellers and tourists.

Article 5 (2) recognizes that "Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, persons with disabilities, ethnic minorities and indigenous peoples." And in (3) "The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the

23. Härkänen, E. (2016). Corporate liability and international child sex tourism – with special reference to the regulation in the Nordic Countries, *Scandinavian Journal of Hospitality and Tourism*, 16:3, 315-332; see also: Binford, W., Giesbrecht-McKee, J., Savey, L. Joshua, and Schwartz-Gilbert, R. (2015). Beyond Paroline: Ensuring Meaningful Remedies for Child Pornography Victims at Home and Abroad. *Children's Legal Rights Journal*, Vol. 35(2) 2015. Accessed in October 2017 at: <http://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1086&context=clrj>

24. The ECPAT Global Study, op.cit. p 90

25. Council of Europe (2007). "The Council of Europe Convention on Protection of Children against Sexual Exploitation and sexual Abuse (the Lanzarote Convention)" concluded and signed, 25 October 2007, accessed at: <https://rm.coe.int/168046e1e1>, article 20.

26. Article 21 *ibid*.

27. <http://media.unwto.org/press-release/2017-09-15/historical-decision-approval-unwto-framework-convention-tourism-ethics>

countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.”²⁸

The adoption of the Convention is planned for in a Plenipotentiary Assembly in April 2018. Once adopted, the Convention will be open for signature by Member States for a period of one year. Ratifying the Convention would provide Norway the opportunity to remain at the forefront of the fight against the sexual exploitation of children in travel and tourism. Ratification would also place SECTT higher on the Norwegian political agenda and further clarify the role of the travel and tourism industries in combatting SECTT.

The Rio Declaration²⁹

Norway reaffirmed its commitments during the third World Congress Against Sexual Exploitation of Children and Adolescents held in Rio de Janeiro Brazil in 2008, where participants produced the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents³⁰ to follow up developments made since the Stockholm Declaration and Agenda for Action 1996 and the Yokohama Global Commitment in 2001. The Call for Action aims to prevent, prohibit and stop the sexual exploitation of children and adolescents as well as to provide the necessary support to child victims. It recognizes the increasing challenges posed by the Internet and new and developing technologies as well as the increased mobility in travel and tourism. The Rio Declaration and Call to Action calls for the funding of research, on among a host of other aspects, also the demand that perpetuates sexual exploitation against children.

The Rio Declaration calls upon states to “[u]ndertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and offline abuse and for the production and dissemination

of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.”³¹

The Declaration also calls for states to encourage the tourism, travel and hotel sectors to adopt professional Codes of Conduct, for example the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.³² The Declaration encourages all stakeholders to pay attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children³³ and to cooperate in the establishment of an international travel notification system (such as the Interpol ‘green notice’ system)³⁴. Further, the Declaration calls on states to ensure that appropriate charges are brought and pursued against the State’s nationals who are reported or alleged to have sexually exploited a child in a foreign country.³⁵

International judicial cooperation

The Global Study recognized that in order to successfully address SECTT, and to ensure effective investigation, prosecution and protection of victims of SECTT related offences, effective international cooperation is necessary.³⁶ In recognition of the international nature of the offences covered by the OPSC, the protocol calls upon states to ensure international cooperation in the investigation and prosecution of these offences. This includes the greatest measure of assistance in connection with investigations or criminal extradition proceedings brought in respect of the offences covered by the protocol, including assistance in obtaining evidence.³⁷ The UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime similarly calls for the enhancement of cooperation “between States and all sectors of society, both at national and international levels, including mutual assistance for the purpose

28. A/RES/707(XXII), <http://cf.cdn.unwto.org/sites/all/files/docpdf/ares707xxiiconventionontourismethics.pdf>

29. The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, III World Congress Against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008. Accessed in August 2017: https://www.unicef.org/protection/Rio_Declaration_and_Call_for_Action.pdf

30. *ibid*

31. *ibid*.

32. *ibid* para 16.

33. *ibid*. para 17.

34. *ibid*.

35. *ibid*.

36. ECPAT Global Study, *op.cit.* p 17

37. Article 6.1, OPSC, *op.cit.*

of facilitating collection and exchange of information and the detection, investigation and prosecution of transnational crimes involving child victims".³⁸

The sexual exploitation of children in the context of travel and tourism isn't treated as a specific offence in most countries. The definition of SECTT also varies greatly between countries and regions.³⁹ EUROJUST points out that this difference in treatment can "hamper investigations, and, in particular, the prosecution of attempts to commit any such offences".⁴⁰ The lack of mutual legal assistance treaties as well as inconsistencies in investigatory procedures, lack of financial means, as well as clarity concerning the investigation of transnational cases concerning SECTT, corruption, varying cultural practices in countries of destination - are all identified obstacles in combatting and prosecuting travelling child sex offending.⁴¹

In 2014, Norway together with 49 other states, endorsed the Ministers' Declaration: Facilitating International Cooperation in Online Child Sexual Abuse Investigations. This declaration recognizes that in order to eradicate the online exploitation of children, law enforcements' effectiveness in these investigations is "correlated with its ability to swiftly identify and rescue children at risk, and timely gather and access evidence across borders, including witness testimony and electronic information stored by ISPs and online platforms". The declaration aims at addressing the "transborder obstacles to identifying and rescuing victims of exploitation, and to identifying and prosecuting offenders".⁴²

By analysing the prosecution of transnational cases of child sexual abuse, EUROJUST has suggested that in order to successfully combat the sexual exploitation

of children in the context of travel and tourism, prosecution needs to be swift, for which certain legal processes need to be streamlined and prosecutors and investigators need to be flexible in their application of the legal frameworks. For example, in the 'Lost Boy' case, a case that originated with a Norwegian citizen suspected of child sexual exploitation, prosecutors from different countries were brought together and by keeping formalities to a minimum managed to pursue a complex array of international links, which opened up to the prosecution of offenders in a multitude of countries, the US, the UK, Italy, Brazil, Pakistan, Romania, as well as Norway. Through the cooperation established through Eurojust evidence collection and information was streamlined to allow effective prosecution. This meant that the Norwegian authorities adopted a flexible approach to the Norwegian requirements of admissibility of evidence, for example Norwegian investigators were permitted to interview victims in Romania, and then the victims travelled to Norway at a later stage in the investigation. The Norwegian Chief of Police investigating the 'Lost Boy'⁴³ cases pointed out that the international links are easily ignored in these types of cases, as it is easier to focus on the domestic aspects of the case. The prosecutor suggests that it is necessary to fight such attitudes and to understand the long term benefits as well as the necessity of pursuing the international links in child sexual exploitation cases.⁴⁴

United Nations Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice (The Model Strategies on VAC)

The Model Strategies were adopted by the General Assembly on 18 December 2014,⁴⁵ seek to fill the current implementation gap through a child-centred, comprehensive, integrated and multidisciplinary

38. para 44, UN Economic Assembly (ECOSOC)(2005). "Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime", Resolution 2005/20. Accessed at: <http://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf>

39. ECPAT Global Study, op.cit.

40. EUROJUST (2011). "Travelling child sex offenders" (Final Report of the tactical meeting), The Hague, 14-15 September 2011. p 6. Accessed at: http://www.eurojust.europa.eu/Practitioners/operational/Child-protection/Documents/2011-09_tcco-report.pdf

41. ibid.

42. The Declaration of ministers op.cit.

43. The 'Lost Boy' case started as a local case of child grooming in Bergen Norway. The suspect was a Norwegian police officer, who had chatted with a teenage boy online, where he claimed to be a minor. Upon meeting the man the teenager alerted the police. The investigation found child abuse material on the suspects' personal computer, including material featuring abuse committed by the suspect himself. These findings led to the investigators findings links with a network of perpetrators abroad. The case then led to the finding of 30 perpetrators and 70 victims in 12 different countries.

44. EUROJUST (2011) op.cit.

45. A/RES/69/194, annex http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/A_RES_69_194_EN.pdf

approach.⁴⁶ Building upon a range of international standards, they emphasize a shared responsibility of the criminal justice system, in cooperation with child protection and other public and private actors to prevent and respond to violence against children, including sexual exploitation online and offline.⁴⁷

The inter-governmental development of the Model Strategies was led by Thailand. Norway played an important supportive role in the negotiations leading to the adoption of this groundbreaking instrument. As expressed through the Model Strategies, States are convinced that violence against children is never justifiable and that it is the duty of States to protect children from all forms of violence and exploitation. The resolution strongly condemns all acts of violence against children, reaffirms the duty of the State to protect children from all forms of violence in both public and private settings, and calls for the elimination of impunity, including by investigating and prosecuting, with due process, and punishing all perpetrators.⁴⁸

The risk of violence associated with trafficking in children and various forms of exploitation by criminal groups should be addressed by specific prevention measures, including prevention of use and victimization of children by criminal groups; the sale of children, trafficking in children, child prostitution and child pornography; and the production, possession and dissemination of images and all other materials that depict, glorify or incite violence against children.⁴⁹

In cases where law enforcement and other authorities responsible for protecting children lack technical and human resources and capacities to identify, prevent and react to violence against children, including sexual exploitation, they may cause further harm to the children they are expected to protect. It is therefore crucial to ensure that both internal and external accountability

mechanisms are in place to prevent further abuse and re-victimization.⁵⁰

By creating stronger operational links between both public and private actors, reporting, investigations and prosecutions will improve and better ensure that child victims are protected and receive child-sensitive support and services.⁵¹

*The Model Strategies promote continuous training of staff, the adoption of codes of conduct and the establishment of specialized units specifically trained to deal with the complexities and sensitivities relating to child victims of violence, from which victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal aid and police assistance and protection.*⁵²

In conclusion, the international and regional instruments in place provide a solid foundation to prevent and respond to incidents of SECTT. However, the instruments and guidelines need to be practically implemented and used by politicians, legislators, police, judiciary and other practitioners.

46. Santos Pais, M. and Vervik, A-K. (2017). "Normative Developments and Legal Framework: The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice in Protecting Children Against Torture in Detention: Global Solutions for a Global Problem", American University Washington College of Law, Center for Human Rights and Humanitarian Law Anti Torture Initiative.

47. See: United Nations Office on Drugs and Crime (UNODC) (2015). "Introducing the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, A New Tool for Policymakers, Criminal Justice Officials and Practitioners", United Nations: New York. Accessed at: https://www.unodc.org/documents/justice-and-prison-reform/14-08451_Strategy_eBook.pdf

48. UN General Assembly (2014). "United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice", Resolution adopted by the General Assembly on 18 December 2014. A/RES/69/194, http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/A_RES_69_194_EN.pdfpreamble. para 1.

49. Ibid. annex, para 15.

50. See Santos Pais and Vervik, op.cit. ,

51. Ibid

52. Ibid

CHAPTER 3

NATIONAL PLANS OF ACTION AND POLICIES TO PROTECT CHILDREN FROM SECTT

In 2013, the Government published its strategy, *Childhood Comes but Once*, and its action plan, *A Good Childhood Lasts a Lifetime*, in 2014. These are the first plans that contain specific initiatives to address violence against children and young people. Their primary goal is to prevent children and young people from being subjected to violence and sexual abuse in or outside the home, and to ensure early, appropriate help for children living in Norway.¹ In October 2016, the Norwegian Government launched an escalation plan for intensifying efforts to reduce the incidence of violence in close relationships and strengthen measures to address the needs of children who have been subjected to violence and abuse.

While the action plan *A Good Childhood Lasts a Lifetime* contains measures for strengthening the police's efforts to investigate and prevent crimes, the escalation plan against violence and sexual abuse describes, among others, plans to develop digital training resources covering web-based abuse for front-line staff and guardians. However, one shortcoming in the plans is the lack of action to help children in their own online spaces and to get training, follow up and the framework they need to use the internet in a safe and responsible manner.²

The Forum, in their supplementary report to the CRC, recommends that the state adopt a "holistic and interdisciplinary plan for the prevention of sexual abuse online that includes children's knowledge as well as about their rights". The Forum recommends that the Governments equips children in Norway

with skills and knowledge to be able to tackle sexual abuse online when they encounter it, with particular focus on the children's own online spaces. The Forum also recommends to ensure increased resources and expertise within the police to enable more investigations and prevent more child sexual abuse cases.³

However, none of these policy developments or recommendations encompass Norwegian perpetrators that specifically target child victims in other countries or the role of travel and tourism, telecom, finance and IT sectors. NHO, which is the main representative organisation for Norwegian employers, would also be a very important partner. Its members include companies ranging from small family-owned businesses to multi-national companies. In relevant countries the Norwegian Chambers of Commerce could be crucial allies for the protection of children. For instance, the Thai-Norwegian Chamber of Commerce⁴ aims to facilitate increased trade and investment between Thailand and Norway. It provides members with a forum to improve business conditions and opportunities as well as creating venues and channels for exchange and sharing of information.⁵

As the Rio Declaration underscores, it is crucial to ensure that private actors and the tourist industry engage in the fight against SECTT to be able to make decisive steps forward. Still today, many of these critical actors do not engage because they don't see their own relevance. The Russian ECPAT report, and

1. UN Committee on the Rights of the Child (2016). "Consideration of reports submitted by states parties under article 44 of the Convention: Fifth and sixth periodic reports of States parties due in 2016 – Norway". Date received 6 October 2016. CRC/C/NOR/5-6, 27 July 2017. para 82.

2. Norwegian Forum for the Convention on the Rights of the Child (2017). "Supplementary report to Norway's fifth and sixth periodic report to the UN Committee on the Rights of the Child" p. 19.

3. Ibid.

4. Founded in 1966

5. See <http://www.norcham.com/>

others, show that oftentimes the travel and tourism industry does not want to be associated with SECTT. The fear of losing customers may hinder many companies and service providers from engaging with the issue.⁶

As noted by the CRC Committee (in the implementation of the OPSC), Norway “is very active in initiating prevention projects in the Baltic States”⁷ concerning the protection of victims, however efforts to cooperate on a regional and international level could be increased.⁸ On a positive note, Norway has hosted and supported several expert conferences on violence against children and has played an active part in drafting the Council of Europe’s Strategy for the Rights of the Child (2016-2021). The strategy emphasises the implementation of existing child rights standards in Europe, including children in especially vulnerable situations.⁹

In the white paper “*Opportunities for All: Human Rights in Norway’s Foreign Policy and Development Cooperation*” (2014-2015),¹⁰ combating violence against children is mentioned, but protecting children from sexual exploitation is not an expressed priority. However, Norway is among the five largest donors to UNICEF, which is engaged in the follow-up of the Global Study on SECTT. This partnership could provide an opportunity to cooperate on preventing SECTT and supporting child victims in destination countries of Norwegian travellers and offenders.

Similarly, in the White Paper “*Common Responsibility for Common Future*” (2016-2017)¹¹, on the Sustainable Development Goals and Norway’s Development Policy by the Norwegian Ministry of

Foreign Affairs, child protection issues, including sexual exploitation were not mentioned as a priority. The expressed priorities (education and health) can however, contribute to addressing root causes that perpetuate SECTT.

In *One year closer – status report 2016*¹² on Norway’s progress towards the implementation of the 2030 Agenda for Sustainable Development, the Government reports that preventing and combating violence and sexual abuse (target 52) is a high priority. The Norwegian Government takes part in both national and global efforts to combat abuse and violence against women and children (targets 16.1; 16.2). A new plan of action to prevent and combat human trafficking, including trafficking of children was launched in 2016 (targets 16.2; 16.2)¹³. At International level, Norway is actively engaged in the fight against all forms of violence against children (target 16.2).¹⁴

Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.¹⁵ In 2019, the United Nations High-level Political Forum on Sustainable Development will review Goal 16, which is of direct relevance to combatting SECTT. Through the voluntary national reviews of the High-level Political Forum, Norway will have an opportunity to include SECTT in the implementation, monitoring and reporting on Goal 16 in 2019.

Norway is contributing to the elimination of child labour through its global education initiative, and has

6. ECPAT Russia (2015). “Global Study on Sexual Exploitation of Children in Travel and tourism Country Specific Report: Russia”. ECPAT Russia/ Satellit: St. Petersburg; also from the outcome of the Expert Consultation.

7. The CRC committee report on the implementation of the OPSC

8. See also: ECPAT Sweden, Diesen, C. and Diesen, E. (2008). “Child sex tourism – the sexual exploitation of children committed by Swedes abroad”. ECPAT Sweden: Stockholm.

9. Norway’s fifth and sixth periodic reports to the Committee on the Rights of the Child, CRC/C/NOR/5-6, para 96, op.cit.

10. Norwegian Ministry of Foreign Affairs (2014-2015). White paper: “Opportunities for All: Human Rights in Norway’s Foreign Policy and Development Cooperation” accessed at: <https://www.regjeringen.no/contentassets/261f255d028b42cab91ad099ee3f99fc/en-gb/pdfs/stm201420150010000engpdfs.pdf>

11. Norwegian Ministry of Foreign Affairs (2016-2017). White paper: “Common Responsibility for Common Future: The Sustainable Development Goals and Norway’s Development Policy” (English translation). Accessed at: <https://www.regjeringen.no/contentassets/217f38f99edf45c498bfc04b7ef1f7e/en-gb/pdfs/stm201620170024000engpdfs.pdf>

12. Norwegian Ministry of Finance Norwegian and the Ministry of Foreign Affairs (2016). Status report: “One year closer: Norway’s progress towards the implementation of the 2030 Agenda for Sustainable Development”. Accessed at: <https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/one-year-closer.pdf>

13. Norwegian Ministry of Justice and Public Security. “Regjeringens handlingsplan mot menneskehandel”. Accessed at: https://www.regjeringen.no/contentassets/2b3b502659e348189abd086306ef0d19/jd_regjeringens-handlingsplan-mot-menneskehandel.pdf

14. Ibid.

15. See <http://www.un.org/sustainabledevelopment/peace-justice/>

launched a national action plan to follow up the UN Guiding Principles on Business and Human Rights (target 8.7).¹⁶ Among the ten principles, child labour is mentioned, but there is no reference to the Children's Rights and Business Principles, which would provide special protection for children.

In November 2017, the ILO included the issue of SECTT in the program of the IV Global Conference on the Sustained Eradication of Child Labour.¹⁷ The recommendations of the Global Study call for actions link child labour with sexual exploitation and call on states to: "Empower children and young people, particularly girls and young women and others who are in situations of vulnerability, and protect them from becoming victims of sexual exploitation and trafficking in persons"¹⁸

This review illustrates an expressed political will to combat "all forms of violence against children", but in national and foreign policy sexual exploitation against children, including SECTT is not an expressed focus area. Thus, there is a need to translate Norway's commitment to combating all forms of violence against children into action-oriented and multi-disciplinary policy and practice that includes both public and private sectors at national and international levels.

16. One year closer status report, op.cit.

17. <http://www.childlabour2017.org/en/resources/updates/final-communique-iv-global-conference-sustained-eradication-child-labour>

18. See http://www.childlabour2017.org/sites/default/files/declaracion_bs_as-eng.pdf, action 1.13

CHAPTER 4

LEGISLATION TO PREVENT, PROTECT AND RESPOND TO SECTT

Legislation lays the foundation of a culture of respect for children's rights and can trigger lasting change in the social acceptance of violence against children. Legislation is also essential to fighting impunity, providing access to redress and securing the availability of child-sensitive, confidential and safe counselling, reporting and complaint mechanisms to address incidents of violence.¹

In order to be effective, States should enact and enforce legislation to prohibit, prevent and respond to all forms of violence against children, including sexual exploitation. Moreover, a comprehensive and multi-disciplinary approach entails moving beyond a limited 'criminalization' approach and making use of the full range of relevant legislation, including civil, criminal, administrative and constitutional law.²

Criminal law

Sexual exploitation of children in travel and tourism may involve a number of offences in the CRC and OPSC, including prostitution, child and forced marriage, child sexual exploitation online and offline, pornography/child sexual abuse material, grooming (online/offline) for sexual purposes, sale of children and trafficking for sexual exploitation.

Due to rapid developments in travel, tourism and the IT sector, a continuous review of legislation is needed to ensure that emerging forms of sexual exploitation

are prohibited. The Norwegian penal code covers a range of forms of sexual exploitation of children, described in chapter V below on law enforcement and prosecution. Based on existing jurisprudence, the chapter analyses how Norwegian courts have applied the penal code and addresses different manifestations of sexual exploitation related to SECTT. However, as in all countries, the numbers of prosecutions are extremely low and therefore does not reflect the extent of this type of crime.

Moreover, the Norwegian penal code seems to lack an explicit prohibition on the sale of children. The Optional Protocol on the Sale of Children, child prostitution and child pornography (OPSC) article 2 defines the sale of children as "any act or transaction whereby a child is transferred by any person or group of persons to another remuneration or any other consideration". Some states identify sale of children with trafficking in children and only have a prohibition of trafficking.³ Although similar, trafficking and sale of children are not identical and CRC article 35 obliges states to take measures to prevent both.⁴ For instance, the sale of a child can take place without physical movement of a child, whereas trafficking involves an element of movement.⁵

Very few countries, including Norway, have an explicit prohibition against SECTT. According to ECPAT's Global Study on SECTT, the lack of such specific legislation keeps this crime below the public and policy radar and fails to address the responsibilities of different actors. In addition to a general lack of

1. Special Representative of the Secretary-General on Violence against Children, High Time to End Violence against Children, <https://www.endviolenceagainstchildren.org/how/the-circle-of-legislation/>

2. See: UN Women (2012). "Handbook for legislation on violence against women". UN Women: New York. Accessed at: http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2012/12/unw_legislation-handbook%20pdf.pdf?la=en&vs=1502; and A/HRC/19/64, paras 21-26.

3. Ibid., p. 9

4. Ibid.

5. Ibid.

awareness of the magnitude of the problem, social norms may also belittle its importance.⁶

In 2013 the Norwegian child law was changed with the aim to strengthen children's right to participation and to better protect children from violence, sexual abuse and other situations where children are at risk of danger. The goal was to ensure that the law was more in line with the CRC. Children under the age of 16 are in Norwegian law considered to be unable to give consent, therefore the requirement of the use of violence, force or coercion, in order for a sexual act to be deemed abusive, does not apply.⁷ Therefore an act will be considered an offence/ sexual abuse if committed against a person under the age of 16 even if force or coercion was not used. The Ministry of Justice and Public Security has developed a suggestion for a change of the Criminal Code 1902 §195 together with 2005 § 299 so that all sexual relations with children under the age of 14 would be considered rape.⁸

Norwegians have been prosecuted for offences such as prostitution, rape, trafficking and online exploitation, but these provisions do not address SECTT-related responsibilities of tour-operators that organize or facilitate SECTT or others that misuse travel and tourism infrastructure and services, such as hotels, rentals, bars, transportation companies, ICTs, amongst others.

Corporate liability in criminal law

Facilitation of SECTT may occur when tourism operators deliberately arrange trips to areas or hotels where child prostitution is widespread. Facilitation can also be passive, rather than active acts, for instance when hotel staff "turn a blind eye" to customers that bring children clearly not related to them to their hotel room.⁹

In countries like Norway, where the legal framework is strong, corporate liability legislation could function both as a stick and as a carrot for tourism operators

who would otherwise be tempted by the economic rewards in SECTT or deterred by the economic costs in preventing SECTT in destination countries. The establishment of extraterritorial jurisdiction is therefore of fundamental importance when enacting corporate liability rules.¹⁰

In the Norwegian penal code from 2005, §27,¹¹ a corporation can be held liable when a criminal offense has been committed by someone who has acted on behalf of an enterprise, the company may be penalized. This applies even if no individual has manifested fault or fulfilled the condition of eligibility. The penalty is a fine. The company may also be denied the right to exercise the business or be prohibited from exercising it in certain forms, cf. section 56, and be subjected to a suspension, cf. Chapter 13

According to §28, the decision on an enterprise shall be punished pursuant to section 27, and in the assessment of the penalty, consideration shall be given inter alia to;

- a) the preventive effect of the punishment,
- b) the gravity of the offense, and if someone acting on behalf of the enterprise has manifested fault,
- c) if the company by guidelines, instruction, training, control or other measures could have prevented the offense,
- d) if the offense is committed to promote the company's interests,
- e) if the enterprise has or could have gained any benefit from the offense,
- f) the company's financial ability,
- g) if other reactions resulting from the violation are imposed on the enterprise or someone who has acted on behalf of it, including if any individual is imprisoned and
- h) If an agreement with a foreign state requires the use of an enterprise penalty.

6. ECPAT Global Study, op.cit. p. 66

7. Ibid; and Barne-, Ligestillings-og Inkluderingsdepartementet (Eng: Norwegian Ministry of Children and Equality). "Barndommen kommer ikke i reprise: Strategi for å bekjempe vold og seksuelle overgrep mot barn og ungdom" (2014-2017). (Eng: National Plan of Action to combat violence and sexual abuse against children and adolescents). Accessed at: https://www.regjeringen.no/globalassets/upload/bld/brosjyrer_bua/barndommen_kommer_ikke_i_reprise.pdf

8. Ibid.

9. Härkänen, op-cit., p. 318.

10. Ibid. p. 321

11. https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_1-4#KAPITTEL_1-4

Corporate liability in civil law

In the Norwegian Law on Damages (Tort Liability Act) § 2-1. 1 (Employer's responsibility for employee), an employer shall be liable for damage which has been committed intentionally or negligently during the employee's performance of work or employment for the employer, having regard to whether the claims that the plaintiff may reasonably impose on the business or service has been infringed. The responsibility does not cover damage caused by the employee going beyond what is reasonable to calculate according to the nature of the business or the business area and the nature of the work or duties.¹³

Due to the barriers for children's access to justice (see chapter VII), public enforcement of liability is important. To the knowledge of the authors of this study, corporate (criminal or civil) liability for travel and tourism companies has not been considered by Norwegian courts in cases concerning sexual exploitation of children abroad. The Swedish Tort Liability Act is only territorially applicable. Thus, victims of CST offences in foreign countries do not have a right to bring claims in Swedish courts.

However, compensation from the offender to the child victim has been afforded in criminal cases concerning SECTT (see chapter IIV below).

Model law

As useful guidance to states, the Protection Project at The Johns Hopkins School of Advanced International Studies and the International Centre for Missing and Exploited Children have developed a Model Law on Child Protection, aimed at protecting children from all forms of neglect, abuse, maltreatment, and exploitation. The Model Law incorporates international standards, including the protection measures of the Convention on the Rights of the Child (CRC) and its

two optional protocols. More than 400 national laws relating to child protection from over 150 countries (including Norway) were researched and analyzed to identify best practices.¹⁴ Article 44 in the Model Law (in box below) concerns a broad prohibition of SECTT.

Extraterritoriality and the principle of double criminality

The Committee on the Rights of the Child has expressed concern over the application of the principle of double criminality to the offences covered by the OPSC. It means that an offence committed abroad can only be punished if it is considered a crime in both the country having jurisdiction over the suspect and the country where the offence was committed.¹⁵ This limitation becomes particularly problematic in State Parties with weak and insufficient legislation, which does not cover all forms of sexual exploitation and/or all children.

For instance, in many countries in Southeast Asia, possession of child sexual abuse material is not criminalized, and some laws are only applicable to girls, leaving boys without the protection of the law.¹⁶ Furthermore, although the protection in the OPSC applies to all children under the age of 18, legislation in some countries only protects children up to the age of 16 or, in some cases, 14 years of age.¹⁷ In a number of countries, especially where gender-based discrimination is high, girls are at risk of being criminalized and even detained for violating prostitution laws.¹⁸ Attitudes by officials may also hinder police work and protection of child victims due to beliefs that sexual exploitation is only conducted with "naughty" children, or when a person is homosexual; or only conducted by strangers; or that it is a private family problem and acceptable if the family has accepted.¹⁹

13. Unofficial translation from Norwegian to English

14. The Protection Project and International Centre for Missing & Exploited Children (2013) "Child Protection Model Law - Best Practices: Protection of Children from Neglect, Abuse, Maltreatment, and Exploitation". Accessed at: http://www.icmec.org/wp-content/uploads/2015/10/Annotated_CP_Model_Law_Jan_2013_Final_w_cover.pdf, p. 4.

15. UNICEF Innocenti Research Centre (2009). "Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography". UNICEF Innocenti Research Centre: Florence, Italy. Accessed at: https://www.unicef-irc.org/publications/pdf/optional_protocol_eng.pdf, p. 13.

16. UNODC protecting the future, op.cit. p. 29.

17. Office of the Special Representative of the Secretary-General on Violence against Children, Safeguarding the rights of girls in the criminal justice system: Preventing violence, stigmatization and deprivation of liberty, 2015, p. 17

18. Ibid.

19. UNODC, Protecting the Future, op.cit.p. 26

BOX 5: Example of Model Law - Prohibition of Child Sex Tourism¹

(1) It shall be a punishable offense – (a) To travel and engage in child prostitution or in sexual activities with a child; and (b) To travel with the intent to engage in child prostitution or in sexual activities with a child.

(2) Any engagement in sexual activities with a child under the age of consent outside the territory of this State shall be a punishable offense in this State. Liability of a person for any act committed in violation of paragraph (1) shall be imposed regardless of whether such offense is punishable in the state where the act has been committed.

(3) The organizing, advertising, or facilitating of travels that include the patronization of child prostitution or the engagement in sexual activities with children under the age of consent shall be a punishable offense. In application of Article 23 of this Law², any participation in or facilitation of such acts shall be a punishable offense. In application of Article 48 (2) of this Law³, the legal person organizing, advertising, or facilitating such travels shall be liable in addition to the natural person.

(4) Activities conducted in accordance with Article 7 of this Law⁴ shall aim to involve companies working in the tourism and travel industry to raise awareness among their customers about the issue of child sex tourism.

1. Child Protection Model Law - Best Practices: Protection of Children from Neglect, Abuse, Maltreatment, and Exploitation, The Protection Project and International Centre for Missing & Exploited Children (2013), p. 142, http://www.icmec.org/wp-content/uploads/2015/10/Annotated_CP_Model_Law_Jan_2013_Final_w_cover.pdf

2. Article 23 – Sanctions for Crimes against Children

(1) The penalties prescribed for any of the acts that are to be established as punishable offenses according to this Law shall be stringent and commensurate with those prescribed for comparably grave offenses. (2) The attempt to engage in any of the acts prohibited by this Law shall render the person so attempting subject to punishment under the law. (3) Participation in the form of procuring, facilitating, observing, allowing, or otherwise aiding or abetting any of the acts prohibited by this Law shall render a person doing the same subject to punishment under the law. (4) Enhanced penalties shall be applied in cases involving aggravated circumstances, including cases in which – (a) The child suffers severe and/or long-lasting physical injury or psychological trauma as a consequence of the offense; (b) The offence deliberately or by gross negligence endangers the life of the child or causes the death or suicide of the child; (c) The child is especially vulnerable to the offense, such as immigrant children, very young children, and children with disabilities; (d) The offense is committed on a regular basis or by an organized group or by a recidivist; (e) The offense is committed by a person in a position of trust or authority in relation to the child or a person who is legally responsible for the child, such as a parent, guardian, or care-giver; (f) The perpetration of any act prohibited by this Chapter is accomplished by means of threats, violence, other forms of coercion, or by taking advantage of a situation of necessity or other specific vulnerability of the child; (g) The offense is transnational in nature; (h) Weapons, drugs, or medication are used in the commission of the offence.

3. Article 48 (2) – Jurisdiction, Extradition, Liability, and Cooperation; “In addition to the liability of natural persons, the liability of a legal person for committing any of the offenses under this Chapter shall be established”.

4. Article 7 on research, Prevention, Training Activities, and Technical Assistance includes in

(i) “The enactment of the required legislation to establish and carry out all relevant research, training activities, and technical assistance.”

These serious shortcomings in legislation in some countries inhibit cross-border cooperation and effective implementation of the rights of the child. However, other countries' failures in protecting children should not provide a safe haven for Norwegian offenders or prevent Norway from making its own citizens accountable.

Norwegian law already provides protection for child victims of sexual offences perpetrated abroad when the offender is a national or resident of Norway. However, this protection can be strengthened. The territorial application of Norwegian criminal law is regulated under the Criminal Code. Norwegian law may be applicable when the act is committed abroad by a Norwegian national or by a person resident in Norway at the time of the crime. Sexual crimes against children and human trafficking crimes carried out abroad by Norwegian nationals are therefore punishable directly under Norwegian law.²⁰

²¹ Nevertheless, many obstacles still remain, and prosecution remains very low.

As mentioned above, the principle of double criminality is a serious obstacle to the effective prosecution of offenders of SECTT offences. The principle of double criminality has long been criticized, and there is an international push for its long-term abolishment, (but also recognizing that in the intermediary term an application of double prohibition should be applied).²² The Call for Action recognizes that the principle is a hindrance to the effective prosecution of offenders.²³ Even though the OPSC calls for a strengthening of international cooperation and assistance and the adoption of extra-territorial legislation, the Protocol

does not provide for the exemption of the principle of double criminality.²⁴ Norway has taken some steps to ensure the possibility of prosecution. An agreement with the EU member states has been signed on the extradition of suspects/execution of an arrest warrant issued in one of the state parties in cases concerning, among other things, the sexual exploitation of children and child sexual abuse materials. The agreement specifies that it is effective without the verification of the double criminality of the offence.²⁵ The Lanzarote Convention article 25 further strengthens extraterritorial jurisdiction by providing an exemption to the principle of double criminality, and ensuring that prosecution is possible in cases where the sexual offence has been committed in a country where the conduct is not criminalized.²⁶

20. Committee on the Rights of the Child (2005). Thirty ninth session: 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, "Concluding Observations: Norway", CRC/C/OPSA/NOR/CO/1, 20 October 2005. Accessed at: http://www.crin.org/docs/Norway_OPSC.doc

21. The same applies if the act concerned is also 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.

22. Council of Europe (2005). European Committee on Crime Problems (CDPC): Committee of Experts on Transnational Criminal Justice (PC-TJ), "Possible Ways to Reduce the Double Criminality Requirement: From double criminality to double prohibition", Report by Mr. Otto Lagodny (Austria) Scientific Expert. Strasbourg 04 July 2005 accessed at: http://www.coe.int/t/dghl/standardsetting/pc-oc/PC-TJ%20_2005_%2006%20E%20%20Lagodny%20Poss%20ways%20to%20reduce%20the%20double%20Crim.pdf; see also The UNSRSC Expert Paper; the Lanzarote Convention; and the Council of Europe (2007). "Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse", Council of Europe Treaty Series- No.201, Lanzarote 25 October 2007.

23. Paragraph 13, The Rio Declaration and Call to Action, op.cit.

24. The OPSC, op.cit.; Lanzarote Convention, op.cit.; Explanatory Report to the Lanzarote Convention, op.cit.

25. Article 4, Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway- Declarations, Official Journal L 292, 21/10/2006 P. 0002-0019, 22006A1021(01) accessed at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22006A1021\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22006A1021(01))

26. ECPAT Global Study, op.cit. p. 90.

CHAPTER 5

INVESTIGATION, PROSECUTION AND CONVICTION OF SECTT CASES IN NORWAY

POLICE WORK TO DETECT AND PREVENT CHILD SEXUAL EXPLOITATION AND CHILD SEXUAL ABUSE MATERIALS

Norwegian authorities and police are engaged in a number of important national and international efforts to prevent, investigate and prosecute instances of child sexual exploitation. These efforts are mostly focused on the online context, focusing both on detecting and preventing the possession and distribution of child sexual abuse materials, as well as grooming and online sexual exploitation.

Norway takes part in various international organizations, collaborations and agreements necessary to exchange evidence both ways across borders. Among other things, Norway is a member of the We Protect Global Alliance against Child Sexual Abuse Online (the Global Alliance) which includes 52 Member States. Norway will routinely exchange evidence in criminal cases with Global Alliance countries in child sexual abuse cases (as well as others). In Norway's 2014 report to the Global Alliance, pointed out that there are ongoing operations of a transnational nature concerning Norwegian sex offenders that target children and distribute child sexual abuse material online, where the victim or other elements included in the offence may be located in another country.¹ The report also recognizes that Norwegian legislation should be streamlined in such a manner that transnational exchange of information, as well as the execution of investigations and prosecution in transnational cases should be further facilitated.

Norway is also connected to ICSE (the International Child Sexual Exploitation) database at the National Criminal Investigation Service (NCIS) and has been so since its inception. All victims and offenders of child sexual abuse that are identified by the NCIS should therefore be added to the ICSE to support the global identification in child sexual abuse crimes. In Norway's report to the Global Alliance, it was reported that 177 victims and 56 offenders had been added to the database as of 2014.² However, this does not reflect the number of victims and perpetrators that are actually known within the Norwegian judicial system. To facilitate the speedy processing of victim and perpetrator identification, the NCIS has developed a categorization system paired with a specialised software and hardware solution that facilitates the evaluation of both photographic and cinematic evidence. Therefore the NCIS aim to create a more detailed system than is available through the ICSE, by avoiding duplication in local cases concerning known offenders within the Norwegian system.

Norway is a member of CIRCAMP- the 'COSPOL Internet Related Child Abusive Material Project', a project initiated by the European Police Chiefs Task Force (EPCTF) - aimed at combating organized groups behind commercial sexual exploitation of children. CIRCAMP developed the Child Sexual Abuse Anti-Distribution Filter which has been implemented by the Norwegian Police since 2004. The filter deploys a STOP page when an internet user is attempting to access a site containing child sexual abuse material. According to KRIPOS, since the initiation of the filter, the number of times it was being deployed decreased annually from about ten million in 2008 to about one million in 2012.³ This is Norway's main tool in

1. Norway's report to the Global Alliance Against Child Sexual Abuse Online, (2014). Accessed at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/reports-2014/ga_report_2014_-_norway_en.pdf

2. *ibid.*

3. Barndommen kommer ikke i repris, *op.cit.* p 71

combatting the dissemination of abuse materials. This however does not manage to stop the sharing of abuse materials through the use of private file sharing systems or by accessing the dark web. Also, since its deployment the use of commercial sites to access child abuse materials has been in decline and the accessing of such material has largely moved onto the dark web (Deep web and Darknet) and the commercial distribution of child sexual abuse material has largely been moved over to so-called 'locked' set ups.⁴ Payments and transfers are also being made through untraceable online currencies and transactions, which are anonymous and therefore very difficult to identify. The police has therefore increased cooperation with payment service providers and credit card companies to prevent payments for abuse materials.

The Norwegian police has also developed a "red button" system that websites and web communities can apply. This allows users to easily report or tip the police off on cases of abuse, sexual exploitation, racism, human trafficking and more. Since 2012 the "red button" hotline has generated 2071 tips concerning the sexual exploitation of children. This includes websites containing abuse materials as well as cases where victims have reported abuse committed against them, or of cases concerning third parties.⁵ The authors of this report are, at the time of writing this report, unaware of whether any 'red button' reports concern specifically SECTT. Norway is not a member of INHOPE- the International Association of Internet Hotlines.

Norway was the initial creator of the IWOL- the Interpol Worst of List of domains containing very severe child sexual abuse material that is shared with all INTERPOL countries and available, free of charge, to any Internet Services Provider (ISP) to prevent access to child sexual abuse material. IWOL is used by commercial providers on a large scale. For example, the Norwegian ISP Telenor is operating in several countries where there is no police operated, national legislation based, blocking system in place.

Via Telenor ownership in abroad telecommunications companies, and companies' policy based use of the list, more than 140 million subscribers and internet users are prevented from accessing child sexual abuse material on domains in the IWOL.

The police patrols the internet in their work to prevent abuse and exploitation of children online.⁶ In 2013/14 the police conducted an operation that included the investigation of 99 cases called "Operation Share" a peer-to-peer operation on the eDonkey2000 file sharing network. Suspects were chosen based on their access to children in the family or through work/volunteer work, their prior criminal record and age- all factors known to increase the chance of physically offending.⁷ As a result, the number of Norwegian IP addresses distributing abusive materials decreased by half in the time following the police action, however the number is believed to have increased significantly since then.⁸ In the last decade, only a few instances of child sexual abuse material have been found on Norwegian servers or in the care of Norwegian hosts in Norway.⁹

Norway is a member of the Green Notice system which is meant to provide warnings and intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries. A Green Notice can be used for convicted sex offenders with a high risk of reoffending. It will alert immigration officers at international borders as they perform an automated check against INTERPOL databases.¹⁰ So far, Norway has not been using the system efficiently. Also, the intelligence shared may be very difficult to use as evidence in court. Sex offenders are also known to evade the Green Notice system by using a third country as a stop-over that does not use the system, hence their trace is lost and they are able to move on to countries where SECTT is known.¹¹ The Norwegian police expressed the need for a clearer definition of who is eligible for a Green (or new color) Notice; that it be restricted to the 'worst-off' sex offenders; the possibility to exclude a specific

4. European Financial Coalition against Commercial Sexual Exploitation of Children Online (2010). "14 months on: A Combined report from the European Financial Coalition, 2009-2010. An Intelligence assessment on the commercial distribution of child sexual abuse images. A progress Report on the work of the Financial Coalition against Commercial Sexual Exploitation of Children Online" accessed at: https://www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010_080910b%20FINAL.pdf

5. Barndommen kommer ikke i repris, p 70.

6. *ibid.*

7. Norwegian report to the global alliance, *op.cit.*

8. KRIPPOS Trendrapport 2016, *op.cit.*

9. *ibid.*

10. Peter van Dalen, Presentation at Consultation on SECTT in Oslo, November 2016

11. *ibid.*

country or countries; additional training for operational units; and that the subject of the Notice should be informed.¹²

CONVICTED CASES OF SECTT IN NORWAY

A review and compilation of Norwegian jurisprudence related to SECTT was conducted and synthesized for the purpose of this study. A total of 10 court convictions of perpetrators of SECTT were identified and analysed.

The offenders

The cases include 13 primary perpetrators that have been convicted in these 10 cases. Most cases included convictions on multiple charges, including: sexual exploitation and abuse against children; the production, possession and distribution of child sexual abuse materials; grooming; and human trafficking. In most of the cases the perpetrators were found to be in the possession of vast amounts of child sexual abuse materials, one perpetrator had in his possession as much as 35'000 child sexual abuse images and as many as 1300 films.¹³ Only two of the cases reviewed, did not include the charges of production or possession of child sexual abuse materials. The countries of destination included: the Philippines (5), Thailand (4), Brazil (1), Romania (1), the Czech republic (1), Gambia (1) as well as one case of buying and ordering child pornography from India.

All of the convicted perpetrators were men, aged between 27 and 64 years of age at the time of the crime. It is known that also women engage in SECTT, such as in West African countries¹⁴. However, the overwhelming majority of known offenders are male, and as of the writing of this report there are no known Norwegian cases of women travelling abroad to engage in SECTT and no convicted cases including a female primary offender.¹⁵

All of the perpetrators were preferential offenders. In most cases a psychiatric evaluation was conducted as part of the legal process, and in all these cases the perpetrators received the clinical diagnosis of 'paedophile'. In the cases where the case file did not include such a diagnosis, the offenders have been classified as 'preferential' based on their repeated offences and preference to engage sexually with children, as well as the fact that most had in their possession large amounts of child sexual abuse materials.

One of the more recent cases concerns the sexual exploitation of children via webcam (in the case referred to as 'cybersexprostitution'). The offender had been found guilty of sexual assault of children, based on the interaction he had with them on the internet both by livestreaming abuse, as well as ordering specially filmed abuse sequences. The offender had ordered the sexual services of the children in the Philippines from their family members, whereby the children were forced to perform sexual acts alone, as well as with other children, in front of a webcam or cameraphone and on the instructions of the perpetrator.¹⁶ Besides the instructions to perform sexual acts, the offender's communication with the children during these 'sessions' was highly aggressive and demeaning.

As the Norwegian jurisprudence exemplifies, child sexual abuse committed in the context of travel and tourism will often entail the co-occurrence of a number of different types of offences, such as the procuring of sexual acts for remuneration by a minor, human trafficking offences- such as aiding a third party to procure a minor with the intent to sexually exploit the child; offences related to child sexual abuse materials- where the child victim/s has been filmed or photographed during the sexual act or while performing sexual acts; grooming; online sexual extortion; as well as sexual assault in domestic settings.

Based on the reviewed case law, a clear trend emerges- the convicted cases of Norwegian citizens committing SECTT, most commonly include a burden

12. Ibid.

13. HR-2008-1856-A

14. ECPAT Global study, op.cit. p 54.

15. There were cases where the secondary offender, the person to procure the child for exploitation, was a female. None of these were of Norwegian nationals.

16. TBERG-2016-61974

of proof based on the perpetrator having documented the abuse in some way, either by photographing, filming or live streaming and also recording streamed sexual abuse material. Since there is a lack of research in this area in Norway, it is not clear if this is common practice among perpetrators of SECTT. However, based on the case law that exists, the conclusion that can be drawn is that conviction and identification of perpetrators is facilitated when the perpetrators have saved abuse material, shared or distributed it online, and also where perpetrators have procured the sexual exploitation of children online, as these interactions leave traces online. What this may suggest is that the segment of perpetrators being caught and convicted is more likely those perpetrators that are preferential offenders and therefore situational perpetrators are less likely to be caught, and the burden of evidence supporting a victim's claim will be more limited.

All the Norwegian cases reviewed concern preferential offenders, however studies in countries and regions of destination indicate that situational offending is far more common¹⁷. This is not reflected in the case law and one of the underlying reasons is, as previously discussed, due to the burden of proof available to the prosecutor in cases where preferential offenders document their crimes. Situational offenders are less likely to document their crimes online; they are also less likely to possess and distribute child pornography generally. Therefore, these offenders will be very difficult for Norwegian police to detect and prosecute. Other related issues were uncovered in the search of Norwegian cases of SECTT offending, that of other types of victims or situations of exploitation and abuse that do not fall within the frame of SECTT directly. There were several cases in which offenders were found to have sexually abused children in their own care, such as stepchildren or grandchildren. This included children that were Norwegian citizens who had both been abused in Norway, but also when travelling abroad in the care of the offender. One case concerned a stepchild who was born in Thailand and whose mother married a Norwegian man. The child was then brought to Norway where he was sexually abused by his stepfather who was also later convicted for the sexual exploitation of other children abroad.

The child victims

The victims ranged in age between about 9-15 years of age. However, the court has had to guess the age of many of the victims based on the recorded material that the perpetrators had in their possession depicting the abuse, since many victims remain unidentified. This includes the material where the perpetrator had produced the material himself. At least 25 male victims had been identified, and 7 female victims. Many more children were not identified and in several cases the court file states that there were an unspecified number of victims, and that the perpetrators had travelled for the purpose of sexually exploiting children many times, as such the number of victims was believed to be of significant proportions. Male victims of sexual abuse and exploitation were far more common in the cases than female victims. Considering that most of the offenders had in their possession significant amounts of child sexual abuse materials, the number of actual victims is of course much larger, and the gender, age and countries of origin of these victims is unknown.¹⁸

In five of the cases, a total number of 14 child victims of SECTT received victim compensation as a result of the convictions. The monetary compensation ranged from 30'000 NOK to at most 150'000 NOK, and in one case a total of 11 victims received compensation.¹⁹ In five of the cases the ruling did not include victim compensation, also in those cases where victims did receive monetary compensation as a result of conviction, not all victims were identified, and thus did not receive compensation. However, also in cases where the victims were identified, the case file does not specify that the conviction resulted in awarding the victims compensation. Many of the cases included domestic victims as well, where perpetrators had abused other children in their care, or children they had been in contact with via the internet.

17. ECPAT (2014). The Commercial Sexual Exploitation of Children in South Asia: Developments, progress, challenges and recommended strategies for civil society, November 2014: ECPAT International. ECPAT (2013). Protection of children against sexual exploitation in tourism: Capacity building and awareness raising activities in Thailand, Cambodia, Philippines, Gambia and Dominican Republic. ECPAT and Defence for Children: A project funded by the Ministry of Foreign Affairs of the Netherlands.

18. In some of the cases the case files there are attempts at guessing the origin of the victim such as stating that the child 'looked asian'.

19. The Supreme Court confirms that the norm for compensation for the child victim following rape is to be set at 100'000 NOK

The complex vulnerability of SECTT victims

It is important to note that victims of SECTT tend to be children that are particularly vulnerable, due to such circumstances as poverty, homelessness or abuse and neglect²⁰. The Special Rapporteur on the Sale and Sexual Exploitation of Children points out that when dealing with these kinds of offences, there is need to be sensitive to and understand the socio-economic dynamics which enable these offences.²¹ All of the identified victims in the Norwegian cases came from very poor socio-economic situations and were deemed as extremely vulnerable. One case included children living and working on the streets of Bangkok, where the perpetrator procured their sexual services through a local pimp²². In most of the cases reviewed, the child was procured for prostitution either in person or via the internet, by one, or several family members. In several of the cases the family members also facilitated the sexual act by, for example, providing the webcam and internet connection, actually holding the camera and filming of the sequences of abuse, conveying the 'orders' being put forward to the child by the perpetrator, as well as providing a bedroom in which the child victim was then sexually abused. In some cases it was a parent or a family member that had produced and sent the perpetrator pornographic pictures depicting the child victim.

Norwegian, Swedish²³, as well as Russian²⁴ cases of the sexual exploitation of children show situations of exploitation that are very complex, where the victims' families build a relationship with the offender over time and become financially reliant on them. Offenders have been known to remunerate the sexual exploitation of children by buying gifts and paying for various costs for the child's family or relatives, that then in turn procure the child to be exploited. These types of offenders will then return over time to sexually exploit the same children and ensure that the families become reliant on their financial support.

In 9 of the 10 cases families of the child victims were identified to have received some kind of remuneration from the perpetrators in order to gain access to the child. In one of these cases, however, the family claimed that they were unaware that the child was being sexually abused, even though the child was staying with the perpetrator for many days at a time in his hotel upon his visits to Gambia.²⁵ In another case the perpetrator travelled to Thailand and had there sought contact with the victim through a bar in an area where prostitution was common, and where the bar acted as a front for initiating contact with the pimp. In this case the mother of the child victim was the pimp who negotiated the deal with the perpetrator to sexually exploit her daughter, then 13 years of age. The perpetrator then returned many times to Thailand to sexually exploit the girl. As a result of the abuse the child victim became pregnant and birthed a child, that was proven through DNA testing to be the biological child of the perpetrator.²⁶

In the case of a Norwegian offender who sexually exploited children in the Philippines by use of webcam, the man had established a network in the Philippines of several middle men that procured children, these families and middle men were recruited under the guise of wanting to 'help' these families.²⁷

Emerging concerns

An emerging issue in Norway is the matter of sex offenders that have been convicted in Norway for sexual abuse against children that then travel abroad, where they can continue to sexually exploit children in other countries.²⁸ For instance, 73 convicted Norwegian sex offenders travelled to Thailand in 2015, a known country of destination for Norwegian travelling child sex offenders. However, it is not known if any of these travelled there to commit abuse. Even though the collaboration between Norwegian Police and authorities in countries of destination to combat SECTT have been good, these efforts are very costly.²⁹

20. Luxembourg terminology guidelines, op.cit.

21. UNSRSC Expert paper, op.cit.

22. HR-2011-1554

23. ECPAT Sweden report on Travelling Sex offenders, op.cit.

24. ECPAT country specific report Russia, op.cit.

25. LB-2006-177713

26. TOSLO-2016-40125

27. TBERG-2016-61974; and https://www.nrk.no/urix/domt-for-overgrep_-knytter-seg-til-barn-i-utlandet-1.12991926

28. Harald Skjonsfjell, Expert Consultation.

29. *ibid.*

Among the cases reviewed,³⁰ as well as in cases covered by the media, there are instances where previously charged child sex offenders, upon completing their prison sentences, travel abroad to with the purpose of re-offending. The media recently reported of a convicted offender of child sexual abuse who had travelled to the Philippines immediately following his release from Norwegian prison, where he was later charged with aggravated sexual assault of a 16 year old girl. The man had brought gifts to her family and gradually pressured the family into allowing him to take the girl with him. The girl was then allegedly kept in his apartment as a sex slave, as the Filipino police alleges the man physically abused her and raped her.³¹

Eurojust³² and Interpol, have raised concern that western child sexual abusers are increasingly using humanitarian operations to access vulnerable children with the intent to sexually abuse them. The NRK investigated 125 convicts of the most serious forms of sexual abuse, and found that many had also been convicted for child sexual exploitation in countries such as the Philippines, Thailand, Kenya and Afghanistan. In several of these cases it was found that these offenders had been working closely with children in these places, for example as teachers or volunteers for aid organizations.³³

It is therefore crucial that active steps are taken to prevent re-offending in other countries, as well as ensure that Norwegian expatriate staff and volunteers, are well informed about the risks of SECTT and that there are clear plans of action if SECTT is suspected is suspected among staff or volunteers.

30. TBERG-2016-61974

31. https://www.nrk.no/urix/tiltale_-nordmann-holdt-16-arig-som-sexslave-pa-filippinene-1.13537129

32. EUROJUST (2011), op.cit.

33. https://www.nrk.no/urix/domt-for-overgrep_-knyttet-seg-til-barn-i-utlandet-1.12991926

CHAPTER 6

ACCESS TO JUSTICE FOR CHILD

ACCESS TO JUSTICE FOR CHILD VICTIMS OF SECTT ABROAD

The International childrens' rights framework,¹ the basic human rights treaties,² regional treaties,³ as well as a number of specially dedicated international guidelines,^{4 5} provide clear requirements for states to ensure that children who are victims of SECTT, 'child pornography' and trafficking, can access effective and child sensitive judicial procedures, and that child victims of such crimes receive adequate redress and reparation such as compensation, rehabilitation and support for their social reintegration.⁶ This includes transnational offences,⁷ where the offender may not be a national of the state in which the offence has been committed and/or where the victim resides. However, transnational offences, as previously discussed, provide a number of obstacles to effective prosecution, and so too in regards to victims accessing justice and reparation. An ECPAT report focusing on child survivors' experiences in accessing judicial remedies and other reparations for sexual exploitation, "Barriers to Compensation for Child Victims of Sexual Exploitation", recognized that despite the international legal recognition of the right of

child victims of sexual exploitation to access justice as well as obtain remedy for violations to which they have fallen victim, very few children seek or obtain any kind of compensation when they have fallen victim to SECTT.⁸ The report identified the following obstacles to child victims accessing justice and reparation: "the lack of information made available to child victims about their rights; the lack of support throughout the compensation-seeking process; conditions imposed by government-managed victim compensation funds; challenges facing victims in the court environment; and difficulties in enforcing court ordered compensation against an offender".⁹

Child victims of sexual abuse and exploitation within Norway benefit from access to 'Children's houses', one-stop-shops where child victims can access multidisciplinary teams of professionals, during the investigation and prosecution of these crimes. These services do not, however, extend to children victimized by Norwegian perpetrators abroad, but the Children's house model could well be promoted in destination countries, through Norwegian international aid, as well as police and judiciary cooperation.

1. Art 39 CRC: States Parties shall take all appropriate measure to promote physical and psychological recovery and social reintegration of a child victim of; any form of neglect, exploitation or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child., OPSC art 9(4)

2. Universal Declaration of Human Rights (1948). General Assembly resolution 217 A. ; and the International Covenant on Civil and Political Rights (1966). General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976.

3. Council of Europe Convention on Action against Trafficking in Human Beings victims of trafficking and the Lanzarote Convention art 14.1

4. UN General Assembly (1985). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. RES/40/34, 29 November 1985; the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, UN Economic Assembly (2005), Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross violations of International Human Rights Law and Serious Violations of International Humanitarian Law. RES 60/147, 16 December 2005; see also: United Nations Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Access to justice for children, Human Rights Council Twenty-fifth session, 16 December 2013, A/HR/C/25/35; UN Common Approach to Justice for Children, March 2008, accessed at: <https://www.un.org/ruleoflaw/blog/document/un-common-approach-to-justice-for-children/>

5. The UN Guidelines on Justice in Matters involving Child Victims and Witnesses op.cit. They build upon the principles set forth by the CRC and the CRC Committee, to ensure that children who are victims of crime should be able to access a justice process which is child-friendly, and take into consideration the special circumstances and needs of the individual child. The UN Guidelines outline that child victims "should wherever possible, receive reparation to achieve full redress, reintegration and recovery"

6. UN Economic Assembly (ECCOSOC) (2005). "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross violations of International Human Rights Law and Serious Violations of International Humanitarian Law". RES 60/147, 16 December 2005.

7. UN Guidelines on Justice on Matters Involving Child Victims, op.cit.

8. ECPAT International (2017). "Barriers to Compensation for Child Victims of Sexual Exploitation: A discussion paper based on a comparative legal study of selected countries". ECPAT International, Swedish International Development Cooperation Agency (Sida). Bangkok, Thailand.

9. ibid. p 6

Barriers to accessing justice and reparation

As mentioned earlier, the transnational nature of offences related to online sexual exploitation is a complicating factor, which often leads to police opting to not follow up on international aspects of these types of offences. Similarly, since SECTT crimes are often committed by situational offenders, there needs to be a detection system in place to detect, and prosecute such offenders. It is here crucial to recognize the added difficulty of a child victim of sexual exploitation to prove that exploitation has taken place, due to the child's vulnerability, lack of information on their rights, and on how to access justice or reparation.

Child victims of sexual exploitation often lack the financial means and knowledge to seek legal remedy when they have been sexually exploited. The ECPAT report on barriers to compensation for child victims of sexual exploitation points out that in many countries children often lack the capacity to represent themselves in legal judicial or administrative proceedings, and that as such they must be represented by their parents or other persons.¹⁰ As seen in many of the Norwegian cases concerning the child victims of SECTT as well as sexual exploitation online, this creates an additional barrier to accessing justice for those children whose parents, guardians or caretakers are the ones procuring them for exploitation. Children have the right to "appropriate support services (...) throughout the legal process".¹¹ Unfortunately, free legal aid is not generally accessible to children victims of sexual exploitation, even though it is encouraged.¹²

In many of the SECTT destination countries, cultural attitudes as well as institutionalized attitudes toward children prove very problematic in ensuring child victims can access justice and reparation. The age of sexual consent is very low in many countries, which means that victims of SECTT are often seen as consenting

sexual partners, or willing sex workers by authorities.¹³ As child victims of SECTT often find themselves in precarious and extremely vulnerable situations, they are often found in illegal types of establishments and risk being labelled by authorities as delinquents and criminals instead of victims.¹⁴ Child victims of SECTT often do not speak the majority language and therefore can not access information about their rights to justice and remedy.¹⁵ Since many children are unable to report the offences, and are commonly dependant on the person offering them for exploitation, these crimes are often only reported several years after the actual event, by a third party. As there is often a statute of limitations to claim compensation, child victims risk forfeiting their right to access justice and reparation.¹⁶ The transnational nature of SECTT offences involving Norwegian offenders entails a number of significant barriers to identification of victims. EUROJUST mentioned that the "identification of witnesses and victims", as well as "establishing and maintaining contact with them" were common obstacles in the prosecution of transnational offences related to SECTT.¹⁷ Furthermore, the financial aspects of such transnational investigations and the lack of treaties between involved states were also pointed out as important obstacles for effective investigation and prosecution.

The need for international jurisdiction and cooperation in ensuring victims' access to justice and reparation

The transnational nature of SECTT crimes as well as sexual exploitation online requires effective international cooperation both in the investigation, judicial proceedings as well as the assistance of victims to physical and psychological recovery.¹⁸ In cases of sexual exploitation offences by foreign nationals EUROJUST recommends the pursuit of a 'multiple prosecution strategy' that would entail the coordinated action between the country of origin of the offender and

10. *ibid.*

11. OPSC, *op.cit.* art 8(d)

12. Guidelines on Child Victims and Witnesses, *op.cit.* para 22 and 25.

13. ECPAT Global Study, *op.cit.* p 67.

14. *Ibid.*

15. Barriers to Compensation for Child Victims of Sexual Exploitation, *op.cit.*, p 24

16. Government of Thailand, Office of the Council of State (2001). Damages for the Injured Person and Compensation and expense for the Accused in the Criminal Case Act, §22. Unofficial translation accessed at: <http://asean-law.senate.go.th/file/law/pdf/file-260-22.pdf>

17. EUROJUST (2011) *op.cit.* p 6.

18. OPSC *op.cit.* art 10(2).

the destination country. So that the destination country, executing the arrest of the perpetrator, would remove the child from the situation of exploitation, thereby further securing the gathering of evidence and ensuring that the child victim is not for example threatened or pressured, financially or otherwise, into silence.¹⁹

Most states have established state funds for victims of violent crimes, however not all sexual exploitation offences fall within this category. This was pointed out in the study "Global Survey of Country Efforts to Ensure Compensation for Child Pornography victims" that found that not all child victims of sexual exploitation through sexual abuse materials were covered by the definition of 'violent crime' and thus excluded from state fund compensation schemes²⁰. In Norway, the depiction of children for sexual purposes is criminalised, and the crime is defined as violent, based solely on the fact that it is committed toward a child. Therefore, an act of coercion or violence is not required. The Norwegian court also recognized that the amount of compensation to foreign child victims of sexual offences, should be equal to the compensation sums a child within Norway, victim of the same crime would have received.²¹ However, this highlights the importance of facilitating transnational jurisdiction, where Norwegian offenders are tried for child sexual exploitation offences committed in other countries, or where the victim is in another country, to ensure that these child victims are able to access compensation, even if their countries of origin have not established state funds that broadly cover sexual exploitation offences, also in cases where the offender is unable to pay the amount him/herself.

The Global Study on SECTT found that law enforcement in countries like Nepal, the Philippines and Thailand rarely act pro-actively to find and rescue sexually exploited children and rely heavily on NGOs. Furthermore, local police may be more apt to take action in cases in which the offender is foreign and the investigation initiated by foreign law enforcement.²² Possible

explanations are that investigation teams such as those from Norway have more resources and expertise and are less vulnerable to corruption.²³

Access to justice and reparation in SECTT cases involving Norwegian offenders

Norway is one of the few countries to have awarded foreign child victims compensation for crimes committed in other countries. In five of the cases, a total number of 14 child victims of SECTT received victim compensation as a result of the convictions. The compensation ranged from 30'000 NOK to at most 125'000 NOK, and in one case a total of 11 victims were awarded monetary compensation.²⁴ In five of the cases the ruling does not include victim compensation, also in those cases where victims did receive compensation as a result of conviction, not all victims were identified, and thus did not receive compensation. However, also in cases where the victims were identified, they did not receive compensation.

The review of Norwegian SECTT cases revealed that preferential travelling child sex offenders can be very avid travellers and travel to many different countries for the purpose of exploiting children, and may also return regularly to the same country, as well as to the very same victims to exploit them repeatedly. The real number of victims is unknown, and believed to be very large. Considering also that the number of opportunistic offenders is unknown, the number of child victims is far beyond what we can ascertain today. It is promising that the Norwegian court has awarded victim compensation to children living abroad in SECTT cases, but there are many victims that remain without justice or reparation. In contrast, ECPAT Russia conducted a study on travelling sex offenders who sexually abuse children abroad and concluded that even when offenders (who were exclusively men) were convicted for their offences, the child victims did not receive any assistance, compensation or support.²⁵

19. EUROJUST (2011) op.cit.

20. Binford, W. (2015). A Global Survey of Country Efforts to Ensure Compensation for Child Pornography Victims", 13 Ohio St.J. Criminal Law, 37, 28 April 2015.

21. LB-2008-171842, accessed from lovdata.nu 11.10.2017. The Court of Appeal ruled the perpetrator to compensate the child victim, a boy from Thailand, to an amount of 60'000 NOK, pursuant to the Damages Act (skadeerstatningsloven) §3-5 (b). In the case file the Court of Appeals points out that when assessing the compensation amount, the fact that the child victim comes from a 'low-cost country' should not be taken into consideration when determining the amount of compensation.

22. ECPAT Global Study, op.cit. p 69

23. Ibid.

24. The Supreme Court confirms that the norm for compensation for the child victim following rape is to be set at 100'000 NOK

25. ECPAT Global Study Country Specific report Russia, op.cit.

As reflected in the Norwegian case law, child victims of SECTT are commonly from very vulnerable socio-economic milieus and they, their families, and other middle men, are often completely reliant on the financial remuneration that results from the exploitation. Victims of SECTT therefore seldom have the financial means to bring a case against a perpetrator, on their own. Child victims are also in very complex situations of vulnerability as it is common that victims are being procured for exploitation by their families, the financial dependance resulting from the exploitation is therefore a strong incentive for families to ensure that children remain in situations of exploitation. In cases where charges are nonetheless brought against the perpetrator by another party, the financial inequality between the perpetrator and the victims and their families, means that perpetrators often pay for their silence.²⁶ As mentioned by the Special Rapporteur on the Sale of Children, this situation of vulnerability and precarity needs to be taken into consideration in regards to how victim compensation is paid and received, as well as child protection measures are enforced as a result of uncovering the exploitation. Especially as child victims of SECTT may still be in the care of the persons who have partaken in the exploitation. Therefore, when child victims of SECTT are identified, and where victim compensation is granted, judiciary and police need to collaborate to ensure that the child receives adequate protection and care, and also ensure that the reparation that is paid out as a result of conviction cannot come to benefit those who have aided in the crime.

In line with section 107(a) of the Norwegian Criminal Procedure Act²⁷, in certain cases concerning sexual offences the aggrieved person is entitled to legal counsel remunerated by the state.²⁸ 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 victim must first seek compensation for his/her loss from the offender or from a national or private insurance scheme.²⁹ In cases that involve child victims legal counsel should support the victim's application for compensation, whether it be directly from

the offender or state.

The Norwegian Court of Appeals, noted that victim compensation should not take into consideration the fact that the victim abides in a low-cost and low-income country when setting the sum of victim compensation.³⁰ In other words, a child victim of SECTT by a Norwegian offender shall, in principal receive the same standard sum of compensation that a Norwegian victim would receive. Furthermore, the Court of Appeal presupposes that one should ensure that the payment of the victim compensation should occur in such a manner that it comes to contribute to the life of the victim, to ensure better living conditions and secure his or her schooling.³¹ However, how this is to be ensured is not specified. It is also not specified how, or if, the victims are being further protected as a result of the ruling, nor how the Norwegian authorities are cooperating with local authorities to ensure the child victims' access to information on their rights; if they are being kept informed of the judicial proceedings; the plan for reparation such as compensation, rehabilitation and reintegration.

Child victims should have access to assistance by trained professionals, such as financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child's reintegration.³² In the cases reviewed, where the child victims of Norwegian perpetrators have been identified, there is no mention in the court documents of any such assistance being provided for the children, within or as a result of the Norwegian judicial procedure. In the case where an identified child victim in Thailand was granted monetary compensation, there is no indication that the child received any further support or services to ensure their rehabilitation and reintegration.³³ Also, there is little to indicate that steps were taken to ensure that the children would be victimized further, or that any steps were taken to ensure that they were protected from those that had victimized them or aided in their victimization.³⁴ Nor is there any indication that in the few

26. LB-2006-17713; see also Härkänen, *op.cit.*

27. Accessed in November 2017 at: <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19810522-025-eng.pdf>

28. Section 107(b) and (d) of the Criminal Procedures Act. Accessed in November 2017 at: <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19810522-025-eng.pdf>

29. OPSC CRC concluding observation: Norway, *op.cit.*

30. LB-2008-171842, accessed from lovdata.nu 11.10.2017

31. *ibid.*

32. Para 22, UN Guidelines on Justice in Matters involving child victims and witnesses, *op.cit.*

33. LB-2008-171842

34. See para 38, UN Guidelines on Justice in Matters involving child victims and witnesses, *op.cit.*

cases where victims were identified that there were any special measures adopted to ensure that their needs as children in the justice process were met. Lastly, it is important to note that very few children were identified, and therefore very few received any reparation or justice at all.

As concerns child victims of trafficking within Norway, the Child Welfare Act provides the legal basis for the protection and support of all children who are in need of care,³⁵ this however, does not encompass those children who are victims of sexual exploitation by Norwegian perpetrators outside of Norway.

Child victims of violence and sexual abuse in Norway benefit from access to 'Children's Houses' where all legal assistance as well as support services are provided in the same location. To ensure children receive child friendly "coherent assistance and treatment" by professionals within a variety of fields with special expertise on sexual and physical abuse.³⁶ Multidisciplinary teams converge under the umbrella of the 'Children's House' so that authorities and social services, such as healthcare services, child welfare services, legal counsel and police among others, can cooperate to further streamline the services child victims receive. The Children's Houses are accessible to children within the Norwegian jurisdiction, including residents, migrants and asylum seeking children. The model is being promoted as a best practice throughout Europe³⁷ and could also be promoted in other countries in the context of international cooperation.

The Norwegian case law contains promising examples of successful prosecutions of Norwegian offenders of SECTT and granting of monetary compensation to child victims in foreign countries, equivalent to the sum that would have been awarded had the crime been committed in Norway. However, many victims remain unidentified and never access justice or any kind of remedy or support for their recovery and social reintegration. In the cases where victims have been

granted monetary compensation, the court expressed the importance of ensuring that the child can access compensation in a manner that is beneficial for the child and that serves to protect the child. However, the court cases covered by this report did not specify if any steps were taken to ensure that the child would be protected from further harm, or that the monetary compensation would benefit the best interest of the child. The international tools and guidelines that exist could be more actively applied to ensure the cooperation necessary with authorities in destination countries, and to enable child victims of SECTT to access justice and reparation.

35. GRETA (2013). Council of Europe – "Report Concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway", First evaluation round, Strasbourg, 7 May 2013. Accessed at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/greta_report_norway_2013_en_0.pdf, p 11

36. Norwegian Ministry of Justice and the Police. "Children's houses". Accessed in November 2017 at: https://www.regjeringen.no/globalassets/upload/JD/Vedlegg/Faktaark/barnehus_eng.pdf

37. See Council of the Baltic Sea States at: <http://www.childrenatrisk.eu/promise/sample-page-2/>

CONCLUSIONS

The findings in this study show the significant efforts made with limited resources by the Ministry of Justice, including KRIPOS. However, SECTT is currently invisible in Norwegian domestic and foreign policy and is not reflected in Norway's implementation of the SDG agenda. Public and private stakeholders are not adequately aware of the problem or their responsibilities, and as a result, countless children continue to suffer in silence while Norwegian perpetrators enjoy impunity, and continue to sexually abuse and exploit children.

A human-rights based approach to the protection of children requires a well-resourced and comprehensive legal and policy framework that aims to work at national, regional and international levels. A criminalization approach and effective enforcement of the law is critical to end impunity, however, it will not solve the problem alone.

States have a human rights obligation to ensure that this heinous crime against children never happens. Prevention initiatives and programs should address both immediate- and root causes of SECTT, including the empowerment of children in their own protection. A multi-disciplinary approach which includes public and private actors, such as the travel and tourism industry, the media, NGOs and children themselves is therefore essential.

The recommendations below are based on the Global Study on SECTT. While being aligned with global efforts, they have been adapted to the Norwegian national context.

RECOMMENDATIONS

RATIFY INTERNATIONAL INSTRUMENTS THAT COMPLEMENT CURRENT OBLIGATIONS AND STRENGTHEN CHILDREN'S PROTECTION

Finalise the preparatory steps towards the ratification of the Lanzarote Convention

Consider the ratification of the UNWTO Framework Convention on Tourism Ethics UNWTO Convention to strengthen the responsibilities of all stakeholders in the development of sustainable tourism, including the rights of children to be respected by travellers and tourists.

STRENGTHEN NORWEGIAN DOMESTIC AND FOREIGN POLICY

Integrate SECTT into domestic and foreign policies, including the National Strategy to combat violence and sexual abuse against children and youth and the SGD agenda, and promote a holistic approach to ending all forms of sexual exploitation of children. Policies need to be well resourced and coordinated between different Ministries, including the Ministry of Justice and Public Security, the Ministry of Children and Equality and the Ministry of Foreign Affairs.

Expand Norway's policy on Human Rights and Business Principles to include implementation of the Children's Rights and Business Principles, including their protection from sexual exploitation.

Establish a national coordinator for SECTT within the Ministry of Justice and create a cooperation platform with the travel and tourism industry, the ICT sector and civil society for implementation of the policy.

All airlines and hotels with which the Government, the Parliament, the Ministry of Foreign Affairs, the Norwegian Agency for Development Cooperation and other government agencies- have concluded contracts should have signed The Code of Conduct for the Protection from Sexual Exploitation in Travel and Tourism.

All government agencies that place Norwegian staff abroad (including liaison police officers and staff at embassies and consulates) should train staff, including by e-learning and adopt policies and procedures to prevent and respond to SECTT in the event of suspected cases perpetrated by a Norwegian traveller/tourist or by a staff member.

REVIEW AND REFORM LEGISLATION

Clearly name SECTT as an offense in the Norwegian legislation and revise Norway's Extraterritoriality Legislation and Extradition Mechanisms (abolish the requirement of double criminality)

Strengthen corporate liability and enforcement in law and policy, including obligations for employers to obtain police clearances and implement codes of conduct for employees going abroad. Raise awareness of companies and travel and tourism providers on various risks of SECTT, including during business trips and voluntourism.

Adopt legislation specifying the obligations of internet providers in relation to child abuse materials, including the sharing of live content, the storing of such materials, and the distribution of such materials, as well as obligations to actively prevent grooming, sexual abuse and sexual extortion on their platforms.

PROMOTE CAPACITY BUILDING AND AWARENESS RAISING

Develop training programmes and guidance for law enforcement on the protection of children from all forms of sexual exploitation and integrate it into the curriculum at the Police Academy.

Support campaigns such as the Don't Look Away campaign to reduce the demand for sex with children; challenge social norms that see children as a commodity; and strengthen reporting of sexual exploitation in Norway and abroad.

DATA, REPORTING AND RESEARCH

Undertake further research and implement consistent data collection to quantify the prevalence and dimensions of sexual exploitation of children in Norway and abroad; establish a monitoring system that can assess the situation and track progress.

Gather information on the risks concerning Norwegians who are convicted of sexual offences against children and who travel abroad; and continue to assess the effectiveness of different preventive measures, such as confiscation of passports; cooperation between the Norwegian police and consular services that issue visas to destination countries; and treatment of offenders to prevent recidivism.

INTERNATIONAL COOPERATION

Cooperate with destination countries in the implementation of international standards, including the UN Model Strategies on Violence against Children in order to promote due diligence to prohibit, prevent and investigate acts of SECTT, eliminate impunity, identify child victims of SECTT and ensure access to justice, restitution and rehabilitation.

Increase the use of INTERPOLs Green Notice system and make use of INTERPOLs International Police Certificate

In the context of development cooperation, **strengthen** child protection systems and promote one-stop shops (Children's Houses) that provide multi-disciplinary and child-sensitive support and services for recovery and reintegration of child victims in destination countries

Strengthen communication and coordination among the policy makers and practitioners from the Nordic countries to share information and good practices in prevention and response. Follow-up the Nordic Forum against Child Sexual Exploitation Online, held in Stockholm, November 2016 and the commitment of Nordic countries to lead the way.

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ANNEX 1

TERMINOLOGY

Child sex offender: “individuals involved in sex-based crimes against children”, this includes all forms of sexual offences, including online and offline.¹ This term is frequently used by international law enforcement agencies.

Child sexual abuse material: the Luxembourg guidelines note that the term ‘child pornography’ should be paid special attention², even though this is the established term in international legal instruments. The term ‘child sexual abuse material’ can be used as an alternative to ‘child pornography’ for material depicting acts of sexual abuse and/or focusing on the genitalia of the child.³

Child sexual abuse: “The sexual abuse of children requires no element of exchange, and can occur for the mere purpose of the sexual gratification of the person committing the act. Such abuse can be committed without explicit force, with other elements, such as authority or power, or manipulation being determining factors. (...) Furthermore, child sexual abuse can take the form of both contact and non-contact abuse.”

Child sexual exploitation material: the term can be used in a broader sense than ‘child sexual abuse material’ to encompass all other sexualised material depicting children.⁴

Child sexual exploitation: is distinguished from child sexual abuse by an underlying notion of exchange. “It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object”.⁵ The term “exploitation” refers to the unfair use of something/someone for one’s own advantage or benefit, which includes both monetary and non-monetary exchanges.⁶

Child: any person under the age of 18 years.

Commercial sexual exploitation of children: (special attention should be paid to how this term is used) it “constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery”.⁷ This form of exploitation focuses specifically on monetary benefit, often related to organised criminality where the primary driver is economic gain.⁸

1. Interagency Working Group on Sexual Exploitation of Children (2016). Terminology and Semantics. “Terminology Guidelines: For the Protection of Children from Sexual Exploitation and Sexual Abuse”, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016. p 85

2. The term ‘child pornography’ has been considered inappropriate because pornography is a term used for adults engaging in consensual sexual acts distributed to the general public for their sexual pleasure.

3. Luxembourg guidelines op.cit. p 40

4. ibid.

5. Stockholm Declaration and Agenda for Action, Stockholm, 1996, Paragraph 5.

6. Luxembourg guidelines, op.cit. p 27

7. Stockholm Declaration and Agenda for Action, Stockholm, 1996, paragraph 5

8. Luxembourg guidelines, p 27

Exploitation of children in/for prostitution: “In order to avoid the risk of stigmatising children exploited in/for prostitution, or of inadvertently legitimising such practices, it is preferable to use terms other than “child prostitution” to define phenomenon, in particular in non-legal contexts.(...) “Exploitation in prostitution” or “exploitation for prostitution” arguably represent a more appropriate way to address the issue, because it underlines the element of exploitation of the child and leaves no doubt as to the fact the the child is not to be held responsible for the acts that follow from his/her situation.”⁹

Grooming (online/offline) for sexual purposes: the solicitation of children for sexual purposes (online/offline). ““Grooming/online grooming” refers to the process of establishing/building a relationship with a child either in person or through the use of the internet or other digital technologies to facilitate either online or offline sexual contact with that person”.¹⁰

Live online sexual abuse: “this often represents a dual abuse of the child. She/he is coerced to participate in sexual activities, alone or with other persons –an act that already constitutes sexual abuse. The sexual activity is, at the same time, transmitted live through ICT and watched by others remotely. Often the persons watching remotely are the persons who have requested and/or ordered the sexual abuse of the child, dictating how the act should be carried out, and those persons may be paying for the abuse to take place”.¹¹ The Luxembourg guidelines notes that the term ‘webcam child sex tourism’ should be avoided, as it denotes deceptively the involvement of the tourism sector.

Online child sexual abuse (Special attention should be paid to how this term is used): this can be any form of sexual abuse of children, which is linked to the online environment. Thus, online sexual abuse can take the form of for instance, sexual molestation and/or harassment through social media or other online channels. Child sexual abuse also takes on an online dimension when, for instance, acts of sexual abuse are photographed or video-/audio-recorded and then uploaded and made available online, whether for personal use or for sharing with others. Each repeated viewing and/or sharing of such recorded material constitutes a new violation of the rights of the child.¹²

Online child sexual exploitation: “The line between child sexual exploitation online and offline is often blurred and, with the rapid evolution of ICTs, child sexual exploitation with some online component is increasingly common. While the term “online child sexual exploitation” can be used as an umbrella-term to indicate suh forms of sexual exploitation that have an online component or a relation to the internet, it should be recalled that the internet is a means, albeit very potent, to exploit children sexually; it is not, in and by itself, a distinct type of sexual exploitation.”¹³

Preferential (child sex) offender: (Special attention should be paid to how this term is used) “individuals with a predisposition or motivation to sexually engage with children”.¹⁴

Sexual exploitation of Children in travel and tourism (SECTT): “Acts of sexual exploitation (of children) embedded in a context of travel, tourism, or both”.¹⁵

9. Luxembourg Guidelines, op.cit., p 30

10. ibid. p 51

11. ibid. p 47

12. ibid. p 23

13. ibid. p 28

14. ibid. p 85

15. ECPAT Global Study, op.cit.

Sexual extortion of children: (Special attention should be paid to how this term is used) “the blackmailing of a person with the help of self-generated images of that person in order to extort sexual favours, money, or other benefits from her/him under the threat of sharing the material beyond the consent of the depicted person (e.g. posting the images on social media)”.¹⁶

Situational (child sex) offender: (Special attention should be paid to how this term is used) Individuals who victimise children but who do not have a sexual preference for children, unlike preferential offenders.¹⁷

Trafficking : The Palermo Protocol refers to “trafficking in persons, particularly women and children” and defines it as follows (Article 3(a)): “(t)he recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. Article 3(c) further set forth that “(t)he recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.”¹⁸

Travelling child sex offender: (Special attention should be paid to how this term is used) “a person who travels in order to commit sexual offences against children”. This may also include offenders who reside abroad.¹⁹

16. Luxembourg Guidelines, op.cit. p 52

17. ibid. p 85.

18. UN General Assembly, Protocol to Prevent, Suppress and Punish Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), 15 November 2000, available at: <http://www.refworld.org/docid/4720706c0.html> (accessed 18 November 2017)

19. Luxembourg Guidelines, p 88.

ANNEX 2

TABLE 1: MONITORING AND HUMAN RIGHTS TREATY BASED BODIES

INTERNATIONAL INSTRUMENTS

Human Rights Bodies Related to Child Rights	Comments
Working Group on the Universal Periodic Review – Human Rights Council	2014
Special Rapporteur on the sale of children, child prostitution and child pornography	No visit so far.
Special Rapporteur in trafficking in persons, especially in women and children	No visit so far.
Special Representative of the Secretary-General on violence against children	<p>Has worked closely with the Norwegian Government since the start of the mandate in May 2009. The office was represented at the consultation on SECTT held in Oslo in November 2016.</p> <p>Recommendation: Give SECTT a high priority. Incorporate the protection of children from SECTT into the implementation, monitoring and reporting on Agenda 2030.</p>

TREATY BASED BODIES

Committee on the Rights of the Child	<p>Main Recommendations on the implementation of articles 34 and 35 of the CRC (2010):</p> <p>Sexual exploitation and abuse: continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children as well as the outcome of other international conferences on this issue. To ensure that exploited and abused children receive help as soon as possible. To ensure that knowledge of sexual exploitation and abuse is integrated into training programmes of professionals working with and protecting children. To expedite the examination of cases of sexual abuse in line with the 14 day statutory deadline. Concerning Special protection measures including articles 32-36: (Section 8 of the Concluding observations)</p> <p>Main findings on the implementation of the OPSC (2005):</p> <p>The CRC Committee pointed out that due to a lack of research-based information about the areas covered by the protocol, it was difficult to estimate the need for measures on this topic and therefore the development of good routines and working methods. They also pointed out that there was a lack of disaggregated data, in the form of representative research, on the issues covered by the OPSC.</p> <p>At the time of the concluding observation there were no figures to show how many requests had been made for mutual legal assistance that concern the criminal offences listed in article 3 para 1 of the OPSC.</p> <p><i>“ The Committee recommends that (Norway) ensure that all children under the age of 18 are protected under the Penal Code and that this protection cover all acts and activities related to “producing, distributing, disseminating, importing, exporting, offering, selling or possessing for (the purposes contained in the OPSC) child pornography”.</i></p> <p>The Committee encourages (Norway) to separate child pornography from the general provision of pornography.</p> <p>The Committee recommends that Norway considers adopting specific legislation on the obligations of Internet service providers in relation child pornography on the Internet.</p> <p>The committee noted the absence of specialized services available for victims of child pornography crimes and urges the state to ensure that adequate services are available for victims of child pornography crimes</p> <p>On the protection of victims the Committee noted that Norway is very active in initiating prevention projects in the Baltic States, and encourages the State party to continue its efforts of cooperation at the regional and international levels</p>
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CHILDREN'S RIGHTS INSTRUMENTS

Convention on the Rights of the Child – 1989	Ratified 1991 Last reports submitted 6 October 2016 - concluding observations et to come 11 May 2009- concluding observations of the CRC received 2010
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – 2000	Ratified 2001 1st report submitted 16 December 2004 - concluding observations of the OPSC 20 October 2005.
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	21 Dec 2000
UN Convention against Transnational Organized Crime – 2000	Ratified 2003
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (Supplementing the UN Convention against Transnational Organized Crime)	Ratified 2003

REGIONAL INSTRUMENTS

The Council of Europe Convention on Action against Trafficking in Human Beings	Ratified 01 Jan 2008 Entry into force 01 May 2008
The Council of Europe Convention on Cybercrime (Budapest Convention)	Ratified 30 June 2006
The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)	Signed 25 Oct 2007. Has not been ratified

OTHER

<p>The Council of Europe expert group on action against human trafficking GRETA</p>	<p>Recommendations from the GRETA report 2013:</p> <ul style="list-style-type: none">- the need to adopt clear procedures and criteria for identifying victims of trafficking. The identification procedures should be improved so that victims of trafficking are not prosecuted for immigration related offences- adopt a proactive approach to identifying child victims of trafficking, including roma children,- GRETA notes that the effects of the criminalisation of the purchase of sexual services have been difficult to measure, and stresses that this measure does not specifically respond to the obligation under article 19 of the Convention to criminalise the use of services provided by a person with the knowledge that she/he is a victim of trafficking. GRETA is concerned about the lack of clear procedures and criteria for identifying victims of trafficking and urges the Norwegian authorities to adopt a formalised national referral mechanism defining the roles and procedures for all frontline actors. <p>Recommendations from the GRETA report (2017- second round):</p> <ul style="list-style-type: none">- To mandate a specific institution to assume responsibility for following up on children who have gone missing from care and asylum centres.- To set up and maintain a comprehensive and coherent statistical system on the trafficking of human beings by compiling reliable statistical data from all main actors, on measures to protect and promote the rights of victims as well as on investigations, prosecutions, convictions and compensations in human trafficking cases.- To further improve the identification of victims of trafficking by setting up a formalised National Referral Mechanism; harmonising the indicators and criteria used by authorities and civil society representatives to identify presumed victims of trafficking;- To adopt as a matter of priority a National Referral Mechanism for child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interest of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk.
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