

Supplementary report to the periodic report of Norway on the OPSC as part of its reports on the implementation of the CRC regarding

**“Sexual Exploitation of Children in Norway”**

for the examination of the implementation of the Convention on the Rights of the Child in Norway

Submitted by

**ECPAT Norway**  
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## Acronyms

CSAM	Child Sexual Abuse 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
KOM	Koordineringsenheten for ofre for menneskehandel/ Norwegian Coordination Unit for Victims of Human Trafficking
KRIPOS	National Criminal Police Unit for Combating Organized and other serious Crime
NGO	Non-Governmental Organization
OCSE	Online Child Sexual Exploitation
OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution Child Pornography
SEC	Sexual Exploitation of Children
SECTT	Sexual Exploitation of Children in the Context of Travel and Tourism

## Context of this Supplementary Report

1. This report is meant to supplement the information on the implementation of the CRC provided in Norway's State Party Report to the CRC Committee, submitted 6 October 2016 (CRC/C/NOR/5-6).<sup>1</sup>

## Methodology and Scope

2. This submission is based on a desk review conduct as well as the outcomes from ECPAT Norway's International Expert Consultation<sup>2</sup> and findings from ECPAT Norway's report on sexual exploitation of children in travel and tourism (SECTT).<sup>3</sup>
3. The main focus of this submission is the sexual exploitation of children (SEC) and its different manifestations, including: online child sexual exploitation (OCSE) (including grooming; online sexual extortion of children; live streaming of child sexual abuse); the possession, production and dissemination of child sexual abuse materials (CSAM); and trafficking of children for sexual purposes and sexual exploitation of children in the context of travel and tourism (SECTT).

- The Norwegian Government has expressed political will to combat all forms of violence against children, but in national and foreign policy sexual exploitation of children, including SECTT, is not addressed directly or an expressed focus area.

## Current status and developments of sexual exploitation of children in Norway

4. Norway is ranked the highest in human development in the global ranking.<sup>4</sup> The risk of children becoming victims of sexual exploitation is generally perceived as quite low in Norway, however the risk is increasing with the reach and use of the internet and mobile technologies. Norway is one of the most connected countries in the world, this includes children. 91% of children aged 9-16 years of age have access to a smartphone, the greatest increase in smartphone accessibility has taken place among 9-11 year olds.<sup>5</sup> 6 out of 10 children and youth use social media daily. There are vulnerable groups in Norway that run a greater risk of becoming victimised both online and offline. Such groups include children on the move, in particular unaccompanied and separated children and children from minorities and indigenous groups.

<sup>1</sup> Committee on the Rights of the Child, 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 (Received 6 October 2016). 27 July 2017, CRC/C/NOR/5-6.

<sup>2</sup> In November 2016, an International Expert Consultation was held in Oslo, Norway, to inform the ECPAT Norway study on SECTT as well as this report. The Consultation included experts from a wide range of fields such as Norwegian Ministries, Norwegian police and judiciary; local and international NGO's; international organizations and UN offices; civil society partners and the private sector, including travel and tourism.

<sup>3</sup> A contribution to the ECPAT Global Study: ECPAT International (2016). "Offenders on the Move – Global Study on Sexual Exploitation of Children in Travel and Tourism". ECPAT International: Bangkok, Thailand. Found at: <http://www.globalstudysectt.org/global-report/>

<sup>4</sup> For the purpose of this submission, the term 'child pornography' will be sparingly used, as advised by the Luxembourg guidelines. See: p 40, 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 (Luxembourg Guidelines), 28 January 2016.

<sup>5</sup> UNDP (2016). "Human Development Report 2016: Human Development for Everyone". UNDP: New York. Accessed at: [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

<sup>6</sup> Medietilsynet (2017). "Barn og Medier 2016: 9-16 åringers bruk og opplevelse av medier". Accessed at: <https://www.medietilsynet.no/globalassets/publikasjoner/barn-og-medier-undersokelser/barn-og-medier-2016-komprimert-ensidig.pdf>

5. ECPAT Norway's study on SECTT, as well as other studies, have indicated that sexual crimes against children are closely interlinked, and often found to overlap, (see also para. 9) such as sexual abuse in the home; the production, possession and dissemination of 'child pornography'/CSAM; OCSE and extortion; and SECTT.<sup>7</sup>
6. **Sexual abuse of children:** 15% of adult Norwegian men and women report that they have been victims of one or several forms of sexual abuse before the age of 18.<sup>8</sup> Sexual abuse against children is seldom reported. One out of four indicates that they have not reported instances of sexual abuse that they have been victims of. Boys are less likely to report being victimized.<sup>9</sup> Between the years 2010 and 2014 the police noted a slight increase in the reports concerning acts that are categorized under sexual relations and acts involving children under the age of 16 years of age (including those under 14 and 10 years of age).<sup>10</sup> In 2015 the police noted a significant increase in the number of reports of crimes related to sexual acts with children under the age of 16. Even though this increase does not reflect the number of convicted cases, it is also a trend that has been noted in international self-reporting studies that point toward an increase in the sexual abuse of children.<sup>11</sup> For instance the National Criminal Investigation Services KRIPOS received 1800 reports from other countries in 2017 concerning the sexual abuse of children, compared to 900 in 2016.<sup>12</sup> In 2018 the government expects over 3000 reports. They believe that this drastic increase is a result of increased connectedness to the internet where children come into contact with offenders.
7. **Sexual exploitation of children:** there is a lack of data on different forms of sexual exploitation of children in Norway.<sup>13</sup> Very little is therefore known about forms of sexual exploitation, however, particularly KRIPOS is acquiring an increasing number of reports of cases of sexual exploitation online, as well as well as 'child pornography'/CSAM.
8. **Online child sexual exploitation:** An increased number of children are being sexually exploited online. KRIPOS has expressed concern for the growing incidents of grooming taking place on social networking sites where children are active.<sup>14</sup> The number of incidents of grooming is believed to be significantly greater than the number of incidents that are actually reported. The Norwegian jurisprudence indicates that perpetrators of these kinds of offences can exploit a large number of victims during the same period.<sup>15</sup>
9. **Online child sexual extortion:** 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.<sup>16</sup> Perpetrators include those that manipulate children into producing sexualised pictures to then use them as blackmail for further sexual favours.<sup>17</sup> The police believes that these crimes are committed to a much larger extent than is

<sup>7</sup> ECPAT Norway's report on SECTT, op.cit.; see also: Politiet Kripos (2016). "Trendrapport 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/trendrapport-2016.pdf>

<sup>8</sup> Barne-, ungdoms- og familiedirektoratet, Found at:

[https://www.bufdir.no/Statistikk\\_og\\_analyse/Oppvekst/Vold\\_og\\_overgrep\\_mot\\_barn/Seksuelle\\_overgrep\\_mot\\_barn/](https://www.bufdir.no/Statistikk_og_analyse/Oppvekst/Vold_og_overgrep_mot_barn/Seksuelle_overgrep_mot_barn/)

<sup>9</sup> Ibid.

<sup>10</sup> Politiet Oslo Politidistrikt, Sætre, M. Hofesth, C., Hansen, I., Bakosgjelten (2015). "Trender I Kriminalitet 2016-2017: Udfordringer I den globale byen". Found at: <https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/kriminalitetsutvikling/trendrapport-2016-2017.pdf>

<sup>11</sup> ibid. See also: Skilbrei, M-L. And Stefansen, K. (2018). "Seksuell vold: en samfunnsvitenskapelig innføring". Cappelen Damm Akademisk: Oslo, Norway.

<sup>12</sup> <https://www.regjeringen.no/no/aktuelt/-vi-ma-kunne-beskytte-barna-vare-mot-overgrep-pa-nett/id2578758/>

<sup>13</sup> KRIPOS trendrapport, 2016, op.cit.

<sup>14</sup> Politiet Kripos (2016). "Trendrapport 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/trendrapport-2016.pdf>

<sup>15</sup> KRIPOS trendrapport 2016, op.cit.; Case TGJOV-2015-164934; ECPAT Norway report on SECTT

<sup>16</sup> KRIPOS Trendrapport, 2016, op.cit.; 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](https://www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010_080910b%20FINAL.pdf)

<sup>17</sup> Including showing themselves naked or performing sexual acts in front of a webcam.

known today and they are believed to increase in the future.<sup>18</sup> 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.<sup>19</sup>

10. **Child pornography/CSAM:** Based on Interpol's database with known pictures of abuse they were able to identify that approximately 15'000 people in Norway attempted to download pictures of abuse on a daily basis.<sup>20</sup> Domestically there are hundreds of traceable IP addresses that are in possession of, and known to distribute, CSAM and the police are receiving an increasing number of cases. 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. Therefore, the investigation of the possession and/or distribution of child sexual abuse materials also leads to the uncovering of offline sexual abuse and exploitation.<sup>21</sup>
11. **Trafficking of children for sexual purposes:** 139 suspected victims of trafficking under the age of 18, had been in contact with the police, the foreign ministry or the Child Welfare Services between 2012 and 2015.<sup>22</sup> These victims are believed to have been trafficked primarily for sexual purposes, but also to be exploited for criminal purposes such as thievery, extortion and in the drug business. Many agencies have reported concern for the hidden statistics of child victims of trafficking in Norway, especially in regards to the great increase in asylum seekers in 2015, as well as unaccompanied minors.<sup>23</sup> The KRIPOS trendrapport 2016 reports that there is need for more knowledge on new forms of trafficking of children related to the internet as a new arena of abuse. The report therefore recommends that the state increases knowledge on how children are being abused online, how they are recruited and exploited through human trafficking and also to increase knowledge on new forms of exploitation of children in human trafficking.

## Data

12. There are various State institutions gathering information pertaining to violence against children (VAC) in various settings,<sup>24</sup> however, there is still a lack of reliable data on important issues such as, SEC, OCSE and SECTT. There is currently no systematic and coordinated effort to collect data on the violations of children's rights in regards to the OPSC.

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<sup>18</sup> 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 in the Philippines filmed by webcam.

<sup>19</sup> KRIPOS trendrapport 2016, op.cit.

<sup>20</sup> Harald Skjønsvell, the National Criminal Investigation Services (KRIPOS), Expert Consultation ECPAT Norway, Oslo, Norway, 2016.

<sup>21</sup> KRIPOS Trendrapport 2016, op.cit.

<sup>22</sup> Tyldum, G., Lidén, H., Skilbrei, M-L., From DAIseng, C. And Takvam Kindt, K. (2015). "Ikke våre barn – Identifisering og oppfølging av minderårige ofre for menneskehandel i Norge". Fafo- rapport 2015:45. Ikke våre barn – Identifisering og oppfølging av minderårige ofre for menneskehandel i Norge

<sup>23</sup> In 2015 Norway received a total of 5000 unaccompanied asylum seeking children, and in 2016, a total number of 320 were registered to have arrived

<sup>24</sup> Such as: Norwegian Centre for Violence and Traumatic Stress Studies; KRIPOS, the Ministry of Children and Equality; Koordineringsenheten for ofre for menneskehandel/ Coordination Unit for Victims of Human Trafficking (KOM); Ministry of Justice and Public Security; Ministry of Health Care Services.

#### Recommendations:

- 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.

### General measures of implementation

#### National Plans of Action, Policy and overall strategy

13. The GoN has implemented a number of national strategies and plans of action that are geared at, or include efforts to combat and prevent VAC. In 2013, the Government published its strategy, *Childhood Comes but Once*, and its action plan, *A Good Childhood Lasts a Lifetime*, in 2014. These were the first plans that contain specific initiatives to address violence against children and young people. Their primary goal was 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.<sup>25</sup> 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* contained measures for strengthening the police's efforts to investigate and prevent crimes, the *escalation plan* against violence and sexual abuse describes, among other things, plans to develop digital training resources covering web-based abuse for front-line staff and guardians. However, one shortcoming in the plan 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.<sup>26</sup> Another shortcoming is the lack of adequate resource allocation to implement it. There is currently no policy on the sexual exploitation of children committed by Norwegian offenders in travel and tourism.
14. A new *plan of action to prevent and combat human trafficking*, including trafficking of children was launched in 2016 (targets 16.2; 16.2)<sup>27</sup>. In this plan one of the central goals is to investigate and streamline suspected cases of trafficking involving children. This includes increasing the Norwegian Child Welfare Services' (barnevernet) training and knowledge in this area.

<sup>25</sup> Norway's fifth and sixth periodic reports to the Committee on the Rights of the Child, CRC/C/NOR/5-6, para 82

<sup>26</sup> The Norwegian Forum for the Convention on the Rights of the Child, Supplementary report to Norway's fifth and sixth periodic report to the UN Committee on the Rights of the Child, 2017, p. 19

<sup>27</sup> 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](https://www.regjeringen.no/contentassets/2b3b502659e348189abd086306ef0d19/jd_regjeringens-handlingsplan-mot-menneskehandel.pdf)

#### Recommendations:

None of the above policy developments address or encompass Norwegian perpetrators that specifically target child victims in other countries or the role of travel and tourism , telecom, finance, and IT sectors.

- ECPAT therefore recommends that the GoN 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.
- 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, well resourced and multi-disciplinary policy and practice that includes both public and private sectors at national and international levels.
- There is also a lack of national strategy, as well as international cooperation, to combat the financial transactions resulting from SEC and SECTT. The GoN should look to Sweden's efforts in this area.
- ECPAT Norway reiterates the recommendations previously made by the CRC Committee to the GoN to increase efforts to cooperate on a regional and international level regarding issues related to SEC and SECTT.
- ECPAT Norway supports the recommendation made by the Norwegian Forum for the Convention on the Rights of the Child, that there is need to ensure that the police has increased resources and expertise to enable more investigations into OCSE and prevent more child sexual abuse and exploitation cases.
- ECPAT Norway urges the new government to ensure that effective follow-up of previous national strategies and plans do not lag behind, and that new strategies and plans of action are adopted that include a strengthening of efforts to prevent and respond to all forms of SEC, SECTT and trafficking of children for sexual purposes.
- ECPAT Norway supports the recommendation made by the Norwegian Forum for the Convention on the Rights of the Child, to support and protect children against OCSE in their own online spaces.

#### Coordination

15. **SEC, OSCE and SECTT:** KRIPOS is the main body working on OCSE and SECTT related investigations (primarily within the area of OCSE) as well as with preventive work in these areas. It is also KRIPOS that operates the national hotline to combat the dissemination of CSAM. Although KRIPOS has managed to achieve important work within this area, they are operating under a limited budget, and the skills and knowledge that they are accruing needs to be spread.
16. **Trafficking in children for sexual purposes:** there is no specifically designated agency with the responsibility for identifying, ascertaining the victims' age and investigating whether the person has been a victim of trafficking.<sup>28</sup> There is significant variation in the follow through with

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<sup>28</sup> Fafo-report, op.cit.

suspected cases of trafficking where the victim is believed to be child as the application of the law varies greatly in different municipalities and depending on which case worker the victim comes into contact with<sup>29</sup>. There is need to strengthen the cooperation between the child protection agency, the police and the migration department concerning the emergency placement of children/taking into custody of children in danger of human trafficking. However, following a parliamentary discussion, in June of 2017, the government has been asked to implement a central unit / task force with the responsibility to follow up on children suspected to be victims of trafficking and to support and facilitate their transition and contact with the Child Protection agency (barnevernet).

#### Recommendations:

- ECPAT Norway recommends that the GoN ensures that KRIPOS is well funded and has the possibility to expand and intensify its efforts to prevent, investigate and combat SEC related crimes.
- 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.
- 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.
- Ensure follow-through on the implementation of a central task force for child victims of trafficking.

### Prevention of the sale of children, child prostitution and child pornography (art. 9 (para. 1 and 2))

#### Measures to prevent and address online child sexual exploitation

33. Norway works to investigate and combat SEC related crimes, mainly through KRIPOS and its work on OSCE (see also section on international cooperation).
34. **Combatting‘child pornography’/CSAM online:** KRIPOS 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.<sup>30</sup> This is Norway’s main tool in combatting the dissemination of abuse materials. 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.<sup>31</sup>
35. The anti-distribution filter does not, however, manage to stop the sharing of abuse materials through

<sup>29</sup> ibid.

<sup>30</sup> ibid. p 71; 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.

<sup>31</sup> 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 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.<sup>32</sup> 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 increased cooperation with payment service providers and credit card companies to prevent payments for abuse materials, however more concrete and formalised collaboration is necessary to ensure that as many private actors as possible are engaged in this work.

36. The Norwegian police has also developed a “red button” system that websites and web communities can apply. This allows users to 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 reports 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.<sup>33</sup> This represents a very low number of reports, and indicates that the ‘red button’ hotline in Norway is ineffective.<sup>34</sup> In Norway it is only KRIPOS that is currently permitted to operate a hotline.
37. **Combatting OSCE:** The police patrols the internet in their work to prevent OSCE.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> Even though there are previous and current<sup>39</sup> efforts that are making significant progress in investigating crimes related to OSCE, there is still a lack of focus on prevention on a broad scale.
38. In accordance with current legislation ISPs are only allowed to store IP addresses for 21 days after which they must be deleted, often they are stored for even shorter periods or not at all, making police investigations very difficult in cases related to child sexual abuse and exploitation online. It is crucial to increase the storage time of IP addresses in order to effectively combat child sexual abuse and exploitation online.

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<sup>32</sup> 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](https://www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010_080910b%20FINAL.pdf)

<sup>33</sup> Barndommen kommer ikke i repris, op.cit. p 70

<sup>34</sup> Compare this to for example ECPAT Sweden that received 6558 reports to their hotline in 2016 alone. See ECPAT Sweden’s most recent Hotline report: <https://www.ecpat.se/uploads/2.PDF/Rapporter/ECPAT-Hotlines-rapport-om-dokumenterade-sexuella-övergrepp-mot-barn-på-internet-2.pdf>

<sup>35</sup> ibid.

<sup>36</sup> 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](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)

<sup>37</sup> KRIPOS Trendrapport 2016, op.cit.

<sup>38</sup> ibid.

<sup>39</sup> For example Operation Dark Room, see ECPAT Norway’s report on SECTT, op.cit.

#### Recommendations:

- That efforts are stepped up to concretize cooperation with payment service providers and credit companies. For this purpose ECPAT Norway recommends establishing a Financial Coalition towards combatting the sexual exploitation of children in Norway (see Sweden's example at: finanskoalitionen.se).
- That the law on the storage of IP addresses should be revised, taking into consideration the time needed for police to investigate and prosecute crimes related to OCSE and SECTT.
- That specific, relevant and competent NGO's should be given the support from the police to establish hotlines to increase efforts within Norway to combat the dissemination of CSAM online as well as OCSE.
- Efforts should be increased to prevent OSCE and SEC related crimes on a national level.
- Support and implement campaigns 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.

### **Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3,4(2) and (3) and (5-7))**

#### **Existing criminal or penal laws and regulation**

39. Norway has ratified key international and regional legal instruments to protect children from SEC in general.<sup>40</sup> However, although Norway signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) in October of 2007, it has yet to ratify the Convention.

40. 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. Since the CRC Committee last reviewed Norway's implementation of the OPSC in 2005, significant changes have been made to the Penal Code to bring it more in line with the provisions of the OPSC. The age of sexual consent in Norway is 16 years. Therefore, in the section on sexual offences under the new Criminal Code 2005 (LOV -2005-05-20-28) when referring to minors the law means persons under the age of 16.<sup>41</sup> Consequently, children under the age of 16 are in Norwegian law considered to be unable to give sexual 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.<sup>42</sup> However, in the case of the production, possessions and dissemination of CSAM, and the purchasing of sexual services from children, 'child' is defined, as in Norwegian law in general, to be a person under the age of 18 (in line with the OPSC).<sup>43</sup> The Ministry of Justice and Public Security has developed a suggestion for a change of the Penal Code 1902 article 195 together with 2005

<sup>40</sup> Such as : CRC; the OPSC, ILO no.182; the UN Convention against Transnational Organized Crime; the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Council of Europe Convention on Action against Trafficking in Human Beings; and the Council of Europe Convention on Cybercrime.

<sup>41</sup> *Under international law, legal protection from sexual abuse and exploitation of children must apply for all children under 18. In other words, a 16 year old can never consent to any of the crimes described in OPSC or the Lanzarote Convention.*

<sup>42</sup> Barne-, Likestillings- og Inkluderingsdepartementet, *Barndommen kommer ikke i reprise: Strategi for å bekjempe vold og seksuelle overgrep mot barn og ungdom* (2014-2017). Accessed in August 2017 at:

[https://www.regjeringen.no/globalassets/upload/bld/brosjyrer\\_bua/barndommen\\_kommer\\_ikke\\_i\\_reprise.pdf](https://www.regjeringen.no/globalassets/upload/bld/brosjyrer_bua/barndommen_kommer_ikke_i_reprise.pdf)

<sup>43</sup> Skilbrei, M-L. And Stefansen, K. (2018). "Seksuell vold: en samfunnsvitenskapelig innføring". Cappelen Damm Akademisk: Oslo, Norway.

article 299 so that all sexual relations with children under the age of 14 would be considered rape.<sup>44</sup>

41. With the changes to the Penal Code in 2005 (entered into force 2015), the Code criminalizes acts that include inciting a child to perform sexual acts on his or herself that correspond to sexual intercourse with themselves.<sup>45</sup> This strengthens the law in cases including for example OCSE that may include sexual extortion, or the livestreaming of child sexual exploitation online, where the perpetrator may not be performing the physical acts him or herself, but rather the child performs the sexual on him or herself under the instructions of the perpetrator.
42. **Exploitation of children in prostitution:** Article 309 of the new Penal Code prohibits the purchasing of sexual services from persons under the age of 18, this includes inciting the child to perform sexual acts on his or herself. <sup>46</sup> The maximum term of imprisonment is two years, which is very low. We urge prosecutors and judges to interpret the law further, so that inciting a child under the age of 16 and 14 to perform sexual acts on themselves, should be considered rape.<sup>47</sup> Article 315 specifically prohibits ‘pimping’ or the controlling and facilitating of prostitution.<sup>48</sup> This includes when the sexual acts may be performed by the victim on his or herself. However, this provision does not specifically refer to the ‘pimping’ or sale of *children* for sexual purposes.
43. **The sale of children:** The Norwegian Penal Code lacks an explicit prohibition on the sale of children.
44. **Exploitation and abuse of children through child pornography/CSAM:** The new Penal Code prohibits the display/showing of; the viewing of; the production of and the ordering of; the sale of; the dissemination/sharing; publishing; offering; selling; transfer; making available to others or other means of distribution; the acquiring; or possession of material depicting sexual abuse of children or the sexualized depiction of children, (CSAM), this includes all children under the age of 18 years.<sup>49</sup> It also includes inciting or tricking a person under the age of 18 to produce CSAM with commercial intent (photos and video).
45. ECPAT notes that the new Penal Code does not refer to ‘child pornography’ but rather refers to ‘fremstilling av seksuelle overgrep mot barn eller fremstilling som seksualiserer barn’/depiction of the sexual abuse of children or depictions that sexualise children. This is line with the Luxembourg terminology guidelines.<sup>50</sup> ECPAT notes the placement of the production, dissemination, possession and consumption of CSAM in the Penal Code where it is defined as a sexual offence, and consequently that perpetrators of these offences will be defined as child sex offenders. Noting that in many States this is not yet the case.
46. **Trafficking of children:** the new Penal Code 2005 defines human trafficking under articles 257 and 258. The punishment under this law, for the crime of trafficking in human beings, is 6 years imprisonment, and 10 years for aggravated human trafficking. The trafficking of a minor is considered an aggravating factor, regardless if the act involved violence, threat or taking advantage of a vulnerable situation.<sup>51</sup> A total number of 46 cases have lead to conviction based on the law against human trafficking in Norwegian courts. Of these 14 concern 8 of these cases concern the sexual exploitation of a child. There is also case law that exemplifies how the court has applied the trafficking sections in cases involving livestreaming of child sexual abuse from other

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<sup>44</sup> Ibid.

<sup>45</sup> Penal Code 2005, §302 Seksuell omgang med barn mellom 14 och 16 år.

<sup>46</sup> Penal Code 2005 §309 (c), §311.

<sup>47</sup> Prosecution in Sweden has made this interpretation in recent cases involving OCSE.

<sup>48</sup> Unofficial translation of the Norwegian Penal Code: <https://lovdata.no/dokument/NLE/lov/2005-05-20-28/>\*

<sup>49</sup> Penal Code 2005 §310. Fremvisning av seksuelle overgrep mot barn eller fremvisning som seksualiserer barn. *This was not the case before the changes made in 2005 (entered into force in 2015), when the penal code did not cover all children under the age of 18.*

<sup>50</sup> 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 (Luxembourg Guidelines), 28 January 2016.

<sup>51</sup> KOM (2017). ”Rapport fra Koordineringsenheten for ofre for menneskehandel 2016”. Accessed at:

<http://kriminalitetsforebygging.no/dokumenter/rapport-koordineringsenheten-ofre-menneskehandel-2016>

countries.<sup>52</sup> The Norwegian legislation does not include slavery as part of the trafficking definition, although slavery is included in a separate provision.

47. There are big discrepancies in how municipalities apply the definition of trafficking in human beings, which is reflected in how such cases are reported by case workers. This results in failures in investigating and assisting minors in cases where a child is believed to be a victim of human trafficking. This is particularly so in cases concerning children who are not yet Norwegian residents<sup>53</sup>.
48. **Protection against SECTT:** Norwegian legislation lacks an explicit prohibition against SECTT. Nonetheless, 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.<sup>54</sup>

#### Recommendations:

- Finalise the preparatory steps towards the ratification of the Lanzarote Convention.
- That the criminal code is brought in line with the international definition of trafficking, which includes slavery.
- Streamline the interpretation of the prohibition against trafficking so that it is applied without discrepancies throughout Norway.
- Include an explicit prohibition of SECTT in the law.
- ECPAT Norway supports the governments previously expressed ambition to ensure that all sexual acts performed with a child under the age of 14 be considered rape.

## Impunity

49. **SECTT:** As the ECPAT Norway study SECTT concluded, very few cases of SECTT have been prosecuted and lead to convictions within Norway. The study found only 10 cases in total. However, reports from other jurisdictions, as well as reliable media reporting in Norway suggests that these numbers are in reality much more significant. As the ECPAT Global Study on SECTT concluded, perpetrators who travel abroad and commit SECTT tend to do so with very little risk of being caught, perpetrators' awareness of the impunity in this matter affords them greater freedom to act. As the Norwegian study suggests, the cases that have been prosecuted have largely relied on evidence found in the possession of the perpetrators in the form of CSAM. Therefore, increased efforts to identify Norwegian offenders through more effectively investigating and following up on suspected cases concerning CSAM, will most probably also lead to more convictions in the area of SECTT..<sup>55</sup>
50. The ECPAT Norway study on SECTT offending concluded that most convicted offenders were 'preferential offenders' and were clinically diagnosed as paedophiles.<sup>56</sup> In this regard psychological assistance and rehabilitation and follow-up after incarceration is crucial to prevent

<sup>52</sup> See Case TBERG-2016-61974

<sup>53</sup> Oppfølging av minderårige ofre for menneskehandel (fafo-notat 2016:09) på oppdrag fra Barne-og likestillingsdepartementet.

<sup>54</sup> See ECPAT Norway's report on SECTT 2018, op.cit.

<sup>55</sup> See also: KRIPOS Trendrapport 2016, op.cit.

<sup>56</sup> ECPAT Norway study on SECTT, op.cit.

reoffending. The length of incarceration should take into consideration the time needed for this treatment.

51. KRIPOS, as well as reliable media sources suggest that a large number of previously convicted child sex offenders travel abroad where they potentially continue to exploit and abuse children in other countries.<sup>57</sup> 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, travelers and tourists are well informed about the risks of SECTT and that there are clear plans of action if SECTT is suspected among Norwegian travelers .

**Recommendations:**

- 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.

### Liability of legal persons

52. Norwegian Penal law, as well as Civil law, covers the corporate liability of legal persons. In the new Penal code article 27,<sup>58</sup> 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, the frame of this liability is further elaborated on in article 28. In the Law on Damages (Tort Liability Act) article 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. The establishment of extraterritorial jurisdiction is of fundamental importance when enacting corporate liability rules.<sup>59</sup> The Norwegian Tort Liability Act is only territorially applicable. Thus, victims of SEC related offences in foreign countries do not have a right to bring claims in Norwegian courts.

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<sup>57</sup> See: KRIPOS Trendrapport 2016, op.cit.; and ECPAT Norway's report on SECTT 2016, op.cit.

<sup>58</sup> [https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL\\_1-4#KAPITTEL\\_1-4](https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_1-4#KAPITTEL_1-4)

<sup>59</sup> Ibid. p. 321

#### Recommendations:

- Although the law ensures corporate liability which also covers SEC related cases, this needs to be applied to a much greater extent to hold private actors accountable.
- GoN should therefore consider new broad legislation on corporate liability that would encompass and specify the responsibility and liability of private actors including travel and tourism operators in SECTT related crimes. Reiterating the recommendations previously made by the CRC Committee in regards to the implementation of the OPSC, this should also enable victims of crimes under the OPSC committed abroad to bring claims before the Norwegian Court.
- 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.

### Extraterritorial jurisdiction and extradition

53. The new Penal Code 2005 provides for the prosecution of offences covered by the OPSC perpetrated abroad when the offender is a national or resident of Norway, as well as when a crime was committed on behalf of an enterprise registered in Norway,<sup>60</sup> given that the requirement of double criminality is fulfilled.<sup>61</sup> Norway has taken some steps to ensure the possibility of prosecution of SEC and SECTT related crimes. For instance, 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.<sup>62</sup> Even though the Penal Code provides the possibility of extraterritorial prosecution the requirement of double criminality remains in the law and does not offer an exemption in regards to the crimes specified under the OPSC when committed in all parts of the world. ECPAT Norway recongizes this as a barrier to achieving the goals of the OPSC. Furthermore, many practical obstacles still remain, and prosecution remains very low.

#### Recommendations:

- Norway should revise its extraterritoriality legislation and extradition mechanisms, and abolish the requirement of double criminality.

<sup>60</sup> Penal Code 2005 article 5.9: [https://lovdata.no/dokument/NLE/lov/2005-05-20-28/\\*](https://lovdata.no/dokument/NLE/lov/2005-05-20-28/*)

<sup>61</sup> Penal Code 2005 article 5.1 op.cit.

<sup>62</sup> 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))

## Protection of the rights of the child victims (arts. 8 and 9(3) and (4))

### Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

54. The Child Welfare Act provides the legal basis for the protection and support of all children within Norway's jurisdiction who are in need of care, 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 should be provided in the same location.<sup>63</sup> There are 11 Children's houses across Norway, which may entail that children in rural areas may have to travel long distances to access these services.

**Victims of SEC and SECTT abroad:** Norway has awarded foreign child victims compensation for crimes committed in other countries.<sup>64</sup> The Norwegian court 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,<sup>65</sup> 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.<sup>66</sup> However, very few victims of SEC related crimes committed abroad are identified, even when the perpetrator has been convicted. A in cases where the victims are identified, they are not always awarded compensation.<sup>67</sup> Moreover, in the cases where victims were identified it is 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.<sup>68</sup> Some if not all destination countries do not provide the specialized care and counselling that CSEC victims need for their recovery. Victims in the Philippines and Thailand tend to be confined in restrictive shelters throughout the lengthy justice process, which may take years. Child victims report abhorrent conditions in many government shelters with inadequate therapy and little contact with the outside world. As a result, many child victims are unable to participate safely and effectively in the case against their exploiter or they run away before the case is complete, cutting off their access to justice.<sup>69</sup>

33. In line with the Norwegian Criminal Procedure Act<sup>70</sup>, in certain cases concerning sexual offences the aggrieved person is entitled to legal counsel remunerated by the state.<sup>71</sup> Victims of violent acts are also entitled to compensation from the state upon application.<sup>72</sup> In cases that involve child

<sup>63</sup> 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](https://www.regjeringen.no/globalassets/upload/JD/Vedlegg/Faktaark/barnehus_eng.pdf); See also Norway's State Party Report to the CRC 2016 op.cit. : <https://www.regjeringen.no/globalassets/departementene/bld/rapport-fns-barnekonvensjon-2016.pdf>

<sup>64</sup> See for example: LB-2008-171842, accessed from lovdata.nu 11.10.2017.; for further information see ECPAT Norway's report on SECTT, op.cit.

<sup>65</sup> 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. The Supreme Court confirms that the norm for compensation for the child victim following rape is to be set at 100'000 NOK*

<sup>66</sup> LB-2008-171842, accessed from lovdata.nu 11.10.2017

<sup>67</sup> See ECPAT Norway's report on SECTT, op.cit.

<sup>68</sup> See para. 38 of the UN Guidelines, op.cit.

<sup>69</sup> ECPAT International, Access to Justice for Child Victims of Sexual Exploitation in Travel and Tourism, 2016

<http://www.globalstudysectt.org/wp-content/uploads/2016/04/Expert-Paper-ECPAT-Barriers-to-Access-to-Justice.pdf>

<sup>70</sup> Article 107, Accessed in November 2017 at: <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19810522-025-eng.pdf>

<sup>71</sup> 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>

<sup>72</sup> Act of 20 April 2001 no. 13

victims legal counsel should support the victim’s application for compensation, whether it be directly from the offender or state. However, state funded legal counsel and compensation does not automatically and systematically extend to cases concerning victims of crimes committed abroad.

**Recommendations:**

- 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.
- Support should be extended for child victims of SEC related crimes committed abroad, in terms of legal counsel and victim compensation.
- 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

**International assistance and cooperation (art 10)**

34. Norway engages in a number of international efforts to combat the crimes covered by the OPSC. In particular crimes related to OCSE and ‘child pornography’/CSAM. In 2014, Norway together with 49 other states, endorsed the *Ministers’ Declaration: Facilitating International Cooperation in Online Child Sexual Abuse Investigations*.<sup>73</sup> The declaration aims at addressing the “transborder obstacles to identifying and rescuing victims of exploitation, and to identifying and prosecuting offenders”.<sup>74</sup> Norway is connected to ICSE (*the International Child Sexual Exploitation*) database through KRIPOS and has been so since its inception. All victims and offenders of child sexual abuse that are identified by the KRIPOS should therefore be added to the ICSE to support the global identification in child sexual abuse crimes.
35. 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). However, international cooperation in crimes related to SEC and SECTT are limited, and the police has noted that there are a number of limitations that impede the follow-up of leads with international character, such as the lack of specialized training within ICT, the lack of funding, the lack of routines and established cooperation.
36. 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

<sup>73</sup> Ministers’ Declaration Facilitating Cooperation in Online Child Sexual Abuse Investigations, Washington, DC 30<sup>th</sup> September 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/global\\_alliance\\_ministerial\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/global_alliance_ministerial_statement_en.pdf)

<sup>74</sup> *ibid.*



automated check against INTERPOL databases.<sup>75</sup> So far, Norway has not been using the system efficiently.

Recommendations:

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

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<sup>75</sup> Peter van Dalen, INTERPOL General Secretariat, Presentation at Consultation on SECTT in Oslo, November 2016