

Input to the “List of Issues” prior to the periodic report of Norway on the OPSC as part of its reports on the implementation of the UN CRC regarding **“Sexual Exploitation of Children in Norway”**

Submitted by  
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## Contents

1.	Terminology	3
2.	Online child sexual exploitation	3
3.	Nude images and Sale of Children	4
4.	Offenders	5
5.	CSAM cases and lack of victim identification	5
6.	Trafficking of Children for Sexual Purposes	6
7.	SECTT cases and impact of the Transparency Act	6
8.	Child Marriage	7
9.	Government strategies and coordination	7
10.	Measures to prevent and address OCSEA	8
11.	Protection of the rights of child victims and access to justice	9

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## Methodology and Scope

This submission is based on a desk review of reports, media sources and Norwegian case law including the ECPAT Norway review of Online Child Sexual Exploitation and Abuse (OCSEA) jurisprudence. The main focus of this submission is the sexual exploitation of children (SEC) and its different manifestations, including: OCSEA, child sexual abuse material (CSAM), sexual exploitation in travel and tourism (SECTT) and the trafficking of children for sexual purposes.

## 1. Terminology

### Background

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (ECPAT International 2016), (the Luxembourg Guidelines) set out what terminology is harmful and why. In Norwegian terminology such as 'barneporno' (child porn), 'barnesexturisme' (child sex tourism), 'nettovergrep' (internet abuse) or 'hevnporno' (revenge porn) risk downplaying the seriousness of these crimes and the harm to the victims will not be fully recognised. While KRIPOS, have started using terminology in accordance with the Luxembourg Guidelines, such as 'overgrepsmateriale av barn', (CSAM) not all actors and authorities are following this approach.

### Questions

1. What efforts are being made to prevent the use of harmful terminology being utilised by researchers, authorities and other actors working with and to prevent the sexual exploitation and abuse of children?

## 2. Online child sexual exploitation

### Background

The risk of children and young people becoming victims of online sexual exploitation and abuse has been increasing.<sup>1</sup> Norway is one of the most connected countries in the world with ninety-seven per cent of 9–18-year-olds having their own mobile phones – increasing the risk of children and young people becoming victims of OCSEA.

The ECPAT Norway's OCSEA report has demonstrated an increasing tendency that more serious and aggravated forms of abuse depicted in CSAM are against very young children – involving significant levels of torture. The Norwegian media authority has reported that 50% of 13–18-year-olds have watched porn online. Light Up Norway and the Media Authority have detailed concern regarding the connection between violent content in mainstream pornography and the normalisation of sexual abuse.<sup>2</sup> In Norwegian jurisprudence, sections 300 and 299 of the Penal Code 2005 are interpreted in such a way that the definition of rape (otherwise referencing a physical encounter) is considered applicable also if the victim has been pressured, threatened or misled to perform the sexual act on him or herself over the internet.

Unaccompanied and separated children are placed at significant risk of being sexually exploited or selling sex both during transit as well as in Norway.<sup>3</sup> Media reports detail that 432 unaccompanied children and young people have gone missing since 2015 after they apply for asylum in Norway and the police rarely search for them.<sup>4</sup> In addition, digital environments are becoming areas of increasing

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<sup>1</sup> <https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/seksuelle-overgrep-mot-barn/seksuell-utnyttelse-av-barn-over-internett.pdf>

<sup>2</sup> <https://www.medietilsynet.no/globalassets/publikasjoner/barn-og-medier-undersokelser/2022/barn-og-medier-2022-porno-desember-2022.pdf>

<sup>3</sup> <https://data.unicef.org/resources/harrowing-journeys/>  
<https://bufdir.no/Bibliotek/Dokumentside/?docId=BUF00003858>

<sup>4</sup> <https://www.nrk.no/vestland/432-barn-og-ungdommer-har-forsvunnet-fra-norske-asylmottak-politiet-leter-sjelden-etter-asylokerne-1.16184402>

vulnerability for certain groups of children within society including - LGBTQI+ children, children with disabilities or mental health issues and children belonging to minorities and indigenous groups.

### **Questions**

1. What effective procedures are in place to combat the increase in OCSEA crimes including very young children in Norway and abroad?
2. What actions have been taken to address increased vulnerabilities experienced by specific groups in Norway?
3. Unaccompanied children often 'disappear' from their asylum residences in Norway – what measures have been taken to reduce their vulnerability, search for them and provide them support?
4. Is there a national plan in place to effectively protect children from the harmful exposure to violent and degrading online porn, which also exacerbates the risk of sexual exploitation?

### **3. Nude images and Sale of Children**

#### **Background**

It is increasingly common for children to send sexualized and nude images of themselves to others. Of the young people who have sent nude images, 37 percent of the girls have felt pressured or threatened, while only 11 percent of the boys have felt such pressure or threat.<sup>5</sup> A growing trend however is occurring in which self-generated images which have been freely shared are subsequently shared by young people without consent to a wider group via phones and online networks.

A report by the non-governmental agency NGO 'Barnevakten' estimated that 4500 children in Norway have received money for sharing nudes online.<sup>6</sup> Section 309 of the Norwegian Penal Code 2005 on the purchase of sexual favours from a minor is rarely applied in OCSEA cases although many include purchasing aspects. In addition, there is a low sentencing penalty for the crime of purchasing children.

#### **Questions**

1. What measures will be implemented to prevent non-consensual sharing of images online and provide clear avenues of recourse to minimise how far non-consensual images can be shared?
2. How can age-verification tools be implemented or strengthened in online apps or payments services to prevent children from being victims of commercial sexual exploitation?
3. There remains a need to address the increasing phenomena of young people being exploited by adults who purchase sexualised images and encourage them to produce additional and

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<sup>5</sup> Medietilsynet [Norwegian Media Authority] (2020). Barn og Medier 2020, En kartlegging av 9–18-åringers digitale medievaner, October 2020. Oslo: Medietilsynet.

<sup>6</sup> <https://www.barnevakten.no/barn-selger-nakenbilder/>

more extreme content.<sup>7</sup> How will this demand be addressed to target the adults who are committing crimes?

4. Will legal practice in Norway be brought in line with the OPSC in recognising the gravity of the purchasing of sexual favours from a minor and apply this as an aggravating factor in OCSEA cases?
5. How will the phenomenon of sugar dating be effectively addressed, especially in the instances which children are being exploited by adults due to difficult financial situations.

#### **4. Offenders**

##### **Background**

Norwegian jurisprudence reveals that many offenders are repeat offenders and only stop offending upon arrest or once they are taken into custody. This applies to both offline and online abuse of children. Many offenders abuse children within their circle of trust e.g. through sports and leisure activities.

Offenders can be convicted of attempting to commit a sexual offence online. If all the requirements of the criminal act have been committed by the offender, he or she can be convicted as if the intended act had come to fruition. However, lack of police resources means prioritising certain cases and offenders over others.

The numbers of cases concerning young offenders in Norway is increasing, occurring in instances in which young people do not fully understand the penal code and the criminality of their actions both in Norway and abroad. Some are autistic or have other challenges, which places them at risk of receiving a criminal record.

##### **Questions**

1. How effective are punishments in deterring adult offenders from repeat offending?
2. In many cases a relationship of trust can exist between the offender and the victims, which is then exploited – what steps are being taken to minimise this?
3. What prevention measures have been put in place to stop offenders using the internet to sexually abuse and exploit children?
4. To what extent is the government providing adequate education to young people ensuring they understand what actions are illegal and legal under Norwegian law? This includes both in the online environment and buying sex from minors abroad, which can be prosecuted in Norway.

#### **5. CSAM cases and lack of victim identification**

##### **Background**

Large numbers of Norwegians who download CSAM and not prosecuted – although financial detection is an important tool in uncovering offenders purchasing CSAM.<sup>8</sup> In convictions concerning exclusively CSAM related offences (involving no prior contact with the victim) millions of child victims are not included in the justice process as they have not been identified. The police have

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<sup>7</sup><https://www.politiet.no/globalassets/dokumenter/kripas/seksuelle-overgrep/barn-som-selger-egenproduert-overgrepsmateriale.pdf>

<sup>8</sup>[https://www.nrk.no/tromsogfinnmark/dette-er-politiets- rode-flagg\\_mot-nettovergripere-1.15985425](https://www.nrk.no/tromsogfinnmark/dette-er-politiets- rode-flagg_mot-nettovergripere-1.15985425)

identified that the abuse depicted in the material is becoming increasingly more violent/extreme and involving very young children.

### Questions

1. What measures will be put in place to increase victim identification and improve the opportunity for victims to receive justice and be removed from an exploitative situation?
2. How can private sector engagement, including payment services such as VIPPS, Western Union and other services be improved to increase detection, reporting, removal and prevention of CSAM?
3. Will legislation include a requirement for social media- and technology companies to protect their users, and prevent and respond to OCSEA?

## 6. Trafficking of children for sexual purposes

Agencies in Norway have detailed the difficulties in collating statistics for child victims of trafficking in Norway.<sup>9</sup> Bufdir has been working to improve competence within the Child Protection Authorities however this is a small agency with only 3 staff. Municipalities apply different definitions of trafficking in human beings, which is reflected in how such cases are reported by case workers – especially for children who are not yet Norwegian residents. Figures for domestic trafficking are unclear and potentially overlooked.<sup>10</sup>

There is a growing phenomenon of digital trafficking in which Norwegian offenders are paying from live streamed abuse material from countries such as the Philippines and Romania. The ECPAT Norway OCSEA report detailed how 251 victims in 5 different countries were recorded in 5 live streaming cases.<sup>11</sup>

### Questions

1. What measures will be put in place to increase detection of children who have been trafficked for sexual purposes?
2. Will there be increased capacity-building of police forces in Norway and an increased number of Norwegian police officers based abroad in countries where Norwegians commit sexual offences against children?
3. If municipalities begin reporting on trafficking and sexual exploitation cases in 2022/23, will these reports be publicly available?

## 7. SECTT cases and impact of the Transparency Act

Norwegians have been prosecuted for offences such as prostitution, rape, trafficking and online exploitation, however legislation lacks an explicit prohibition against SECTT. Current provisions do not address SECTT-related responsibilities of tour operators or voluntary organisations that organize or facilitate SECTT, abuse of children through 'voluntourism' or others that misuse travel and tourism infrastructure and services. While some Norwegian offenders who commit sexual abuse of children

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<sup>9</sup> The Coordination Unit for Victims of Human Trafficking 2021/2022 Annual Report

<sup>10</sup> <https://www.oa.no/skal-ha-hatt-samleie-med-14-aring-pa-hotell-i-gjovik/s/5-35-1593528?key=2022-08-22T07:59:06.000Z/retriever/5b5fc372d31cad810230eadac06871651efdb37c>

<sup>11</sup> Sylwander, K.R., Vervik, A-K. & Greijer, S. (2021). Online child sexual exploitation and abuse: A review of Norwegian case law. Oslo: ECPAT Norway.

abroad have been caught, the police believe that these crimes are underreported, with offenders not being detected.<sup>12</sup>

The Transparency Act, which came into force in 2022, has increased the opportunity for larger enterprises to strengthen the potential for safeguarding children within the travel and tourism industry. Under the Transparency Act, companies will be obliged to publish the findings of due diligence throughout their supply chain on their website and to respond to enquiries.

## Questions

1. Will legislation follow the Transparency Act in which employers (public and private) will be required to establish firm rules and mechanisms to prevent staff from committing any SEC or OCSEA crimes in the workplace, during business travels and by using the intranet and IT equipment?
2. Will new legislation or policy be developed to strengthen corporate responsibility, including obligations for employers to obtain police clearances and implement codes of conduct for employees going abroad and for Norwegians embarking on voluntourism travels to orphanages and other places with children?
3. Will the government commit to adopting legislation specifying the obligations of internet providers in relation to preventing CSAM, as well as obligations to actively detect and prevent grooming, sexual abuse and sexual extortion on their platforms?

## 8. Child Marriage

There is no synthesized data on the extent of the issue of child marriage in Norway. Concern has been raised that it can be difficult to be certain if a marriage has taken place in situations in which a couple may be engaged, living together and recognised as marriage by their community, although they may not have a valid marriage certificate. While child marriage is illegal in Norway, children who get married abroad and then travel to Norway oftentimes remain married.

## Questions

1. What measures will be implemented to protect children – girls and boys – from child marriage?
2. How will foreign children who travel to Norway after being married abroad be protected from sexual abuse and exploitation?
3. How can routines to detect and prevent child marriage be standardised across all Norwegian police forces and immigration authorities?

## 9. Government strategies and coordination

### Background

The government has implemented a number of national strategies and plans of action that are geared at, or include efforts to combat and prevent VAC. Norway has recently been criticised by the Organization for Security and Cooperation in Europe (OSCE) as it is currently lacking an action plan against human trafficking.<sup>13</sup> In August 2021 the former Norwegian Government launched a strategy

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<sup>12</sup> <https://www.nrk.no/innlandet/gudbrandsdol-domt-for-a-ha-bestilt-overgrep-mot-barn-pa-nett-1.15170245>

<sup>13</sup> <https://www.osce.org/cthb/525510>

against Internet-related abuse, however this has not been implemented nor funded by the new government.<sup>14</sup>

The We Protect Alliance National Model Response provides a framework for Norwegian government agencies, businesses and civil society to work together to address the growing problem of OCSEA. Efforts should be stepped up to remove CSAM online, in partnership with technology companies and relevant civil society organisations. As such, many countries have NGO run hotlines which provide a non-threatening access point to report suspicions of abuse which will then be shared with the police. In contrast, Norway does not have a hotline, as it is not a considered need in addition to the police run tipline, which is currently working to implement a secure chat function to increase engagement with the public and encourage reporting.

### Questions

1. Will effective strategies at the national and local level be established to combat sexual exploitation and abuse of children, including SECTT – both within Norway and abroad?
2. Will new strategies preventing Violence against Children – including human trafficking, sexual exploitation and child marriage - and a national plan to combat OCSEA and internet related abuse and exploitation be fully funded at local and national levels, ensuring small municipalities have adequate resources and the opportunity to receive expert guidance?
3. How can the model of tripartite cooperation (authorities – tech industry and civil society) promoted by the WeProtect Global Alliance be effectively implemented in Norway?
4. How can Norway place children's rights at the heart of digital policies to ensure the necessary safeguards to prevent OCSEA from occurring?

## 10. Measures to prevent and address OCSEA

### Background

The police are increasingly present on the internet in their efforts to prevent internet-related sexual crimes, specialised units have arisen in different parts of the country such as Operation Dark Room in Bergen, South-West Police District and in Trøndelag Police District. There is, however, no overall overview in the police of what officers are present and where.<sup>15</sup>

In the Police National Strategy, running until 2025, Security in Digital Space is one of the four key strategic areas. The Police Online Patrol work to have a preventative effect online across different types of crime. The Norwegian police have their own educational programme for young people aged 13-16 'Delbart?'.<sup>16</sup>

Last year, auditor-general Per-Kristian Foss set out harsh criticism of the police and what he believed to be a lack of ability and capacity to investigate and prevent abuse and other crimes online.<sup>16</sup>

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<sup>14</sup> <https://www.regjeringen.no/no/dokumenter/forebygging-og-bekjempelse-av-internettrelaterte-overgrep-mot-barn/id2867539/>

<sup>15</sup> <https://www.riksrevisjonen.no/rapporter-mappe/no-2020-2021/undersokelse-av-politiets-innsats-mot-kriminalitet-ved-bruk-av-ikt/>

<sup>16</sup> [https://www.nrk.no/vestland/riksrevisjonen\\_-krass-kritikk-mot-korleis-politiet-jobbar-med-nettkrim-1.15355830](https://www.nrk.no/vestland/riksrevisjonen_-krass-kritikk-mot-korleis-politiet-jobbar-med-nettkrim-1.15355830)



## Question

1. How can there be improved capacity to investigate OCSEA crimes?
2. Will the national coordination between police districts, KRIPOS and the Financial Crimes unit (Økokrim) - especially the knowledge of these crimes and further threats - be strengthened?
3. Will the police cooperate more with NGOs that work to keep children safe online?

## 11. Protection of the rights of child victims and access to justice

Child victims of sexual abuse and exploitation in Norway will be able to attend a Barnehus in which they can seek support and non-traumatic environment in which to provide a children friendly investigation and forensic interviews.

The aim of non-economic redress to victims, is to provide compensation for their pain and suffering and form a deterrence towards the offender. However, the proposed differential treatment between child victims in Norway and children abroad, maybe contrary to the aims of the United National Convention on the Rights of the Child (UN CRC) with a hierarchy of victimhood in which foreign children are not afforded the same rights as Norwegian children. This will also risk making them more vulnerable to Norwegian offenders believing they will suffer less punitive punishments when child victims are based abroad.

## Questions

1. What measures regarding access to justice have been made more child friendly and designed to ensure effective redress and reparations – especially timely removal of CSAM images?
2. How can the police and Barnehus work to strengthen process to remove victims abuse images quickly and prevent them being reuploaded?
3. How can the system in Barnehus be improved to address geographical challenges faced by some victims and to improve the number of victims who engage with long term support?
4. Victims of OCSEA cases – especially boys – are unlikely to agree to long term support via the Barnehus. How can this gender issue be addressed to ensure boys can be effectively supported?
5. When will consultations with victims be carried out to improve this system?
6. How will best interests of the child assessments strengthen the rights of the child within the Barnehus and ensure this is at least equal to the police interests of the penal case?
7. How can the risk of a hierarchy of victimhood – in which certain ages and types of victims are perceived as being more in need of support - be effectively addressed?