

## **UN Secretary-General's Study on Violence against Children Information from Norway according to questionnaire**

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# **UN Secretary-General's Study on Violence against Children – Information from Norway in response to the questionnaire**

## **I. LEGAL FRAMEWORK**

### **International human rights instruments**

**1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.**

Norway has a long tradition of rules prohibiting violence against children and promoting children's rights. In many areas Norwegian legislation been ahead of the legal framework developed on the basis of international instruments. When it ratified the Convention on the Rights of the Child, Norway found that its legislation already fulfilled the requirements of the convention. No changes were therefore initiated as a result of ratification. However, this does not mean that international human rights instruments have not had any impact on the Norwegian legal framework as regards this issue.

In 2003 the Convention on the Rights of the Child and its optional protocols were incorporated into Norwegian law through an amendment of the Human Rights Act of 21 May 1999 no 30. All rules in these instruments aimed at protecting children from violence are thus part of our domestic law.

At the same time as the Human Rights Act was amended, the definition of children in the provision in the Penal Code concerning child pornography was amended with reference to the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. According to section 204 of the Penal Code, every person under 18 years of age, or who appears to be under 18, is a "child" with respect to child pornography.

In 2004 the Act relating to genital mutilation was amended to strengthen the protective measures against this practice, also with reference to the Convention on the Rights of the Child.

Even when explicit reference is not made to international human rights instruments, these international standards are part of the general background and social climate that give rise to the new rules.

We have not found any examples of cases of violence against children where the national courts have referred to international human rights standards.

### **Legal provisions on violence against children**

**2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and where appropriate, customary law.**

*Cf. Norway's initial report to the United Nations Committee on the Rights of the Child, 1993, para. 258 and following, Norway's second report to the United Nations Committee on the Rights of the Child, 1998, para. 124 and following, and Norway's third report to the United Nations Committee on the Rights of the Child, 2003, para. 305).*

Physical and sexual violence against children is criminalized under the Penal Code of 22 May 1902 No 10. Chapter 19 relates to sexual felonies, chapter 20 regulates felonies concerning family relationships (abuse, battering, child marriage), and chapter 22 relates to felonies against another person's life, body or health. Excerpts from the Norwegian General Civil Penal Code are enclosed.

According to the Act prohibiting female genital mutilation, section 1, any person who wilfully performs an operation on a woman's genitalia that damages the genitalia or inflicts upon them permanent changes is liable to punishment. The penalty is imprisonment, cf. also the answer to question 19.

The general provisions concerning violence protect children as well as adults, and there are some additional provisions relating only to violence against children. The Child Welfare Act of 17 July 1992 No. 100 protects children from all types of violence and abuse in the home and by their families.

There are also several preventive and protective provisions in different areas of legislation, such as the obligation to report suspected instances of abuse to the child welfare authorities and the requirement of a certificate of good conduct from the police for certain jobs involving contact with children. Such provisions will be described in more detail under the next question.

Through the Human Rights Act of 21 May 1999 No 30, all rules protecting children from violence in central human rights instruments are made part of Norwegian domestic law. This applies to the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights and the UN Convention on the Rights of the Child.

### **3. Provide detail of any specific legislative provisions on;**

- Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;**
- Protection of children from all forms of violence;**
- Redress, including compensation, for child victims of violence;**
- Penalties for perpetrators of violence against children;**
- Reintegration and rehabilitation of child victims of violence**

There is an overlap between provisions *to prevent* violence and provisions *to protect* children from violence. For example, section 29 of the Penal Code provides that a person found guilty of a criminal act may be sentenced to loss of office or "the right to hold office or carry out any activity or occupation that the offender has by the criminal act shown himself unfit for or unworthy of", see the enclosed translation. This type of sanction can help prevent or make it less likely that a specific person commits a fresh offence of violence against children if the first offence took place in a work-related situation.

Victims have in general a right to compensation from the offender for financial loss and damages for injury of non-pecuniary character. This is regulated by the Act of 13 June 1969 No 26 relating to damages. Victims can choose to pursue their claim through civil action independently of the criminal prosecution of the offender, or they can pursue their claim in connection with the criminal case. In the latter case, much of the presentation of evidence can be left to the prosecutor.

Physical and sexual violence against children is punishable pursuant to the provisions in the Penal Code. A translation of the most relevant sections is enclosed with this report. For a short summary of the penalties for sexual abuse of children, reference is made to Norway's third report to the United Nations Committee on the Rights of the Child, paragraph 560. In brief, one can say that the Penal Code generally operates with a broad sentencing framework, which means that much is left up to the courts to decide in each specific case. Guidelines based on earlier practice are used in conjunction with the provisions of the Penal Code.

**4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which takes place in:**

- **The family/ home;**
- **Schools and pre-school care and education (both formal and non-formal, state and private);**
- **Military schools;**
- **Institutions including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prisons;**
- **The neighbourhood, street and the community, including in rural areas;**
- **The workplace (informal and formal);**
- **Sports and sporting facilities.**

The provisions of the Penal Code concerning violence against children extend to all such incidents regardless of where they happen, whether at home, at school or in connection with sport. The fact that there is no specific provision relating to for example violence at school does not mean that such incidents are not criminalized or punished.

The circumstances surrounding the offence, such as where it took place, in what situation, by whom, etc., are considered relevant in assessing the offence and in sentencing. There are also penal provisions that apply to abuse of a relationship or a position. These provisions apply to many of the situations described in question 4. Sometimes several provisions can be applied at the same time (concurrence of penalties), which will aggravate the penalty in the case in question.

**5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.**

Corporal punishment of children is explicitly prohibited in the Act of 8 April 1981 No. 7 relating to children and parents, section 30: "The child must not be subjected to violence or

in any other way be treated so as to harm or endanger his or her mental or physical health.” Violation of this provision is punishable under penal law.

Corporal punishment, including in the family, is viewed as regular violence or abuse. This is illustrated by a Supreme Court decision, published in the report series for 1990, Rt. 1990, page 1155. In this case a father was convicted after having reprimanded his son once by pinching his lip. The Supreme Court stated that such behaviour could not be accepted. The incident was viewed as a regular violation of section 228 of the Penal Code.

In addition to the Penal Code and the Children Act, the Child Welfare Act of 1992 regulates situations where a child is subjected to violence. The purpose of the act is to ensure that children and young people who live in conditions that may be detrimental to their health and development receive the necessary assistance and care at the right time, cf. section 1-1. Care orders, cf. section 4-12 c, may be made if the child is mistreated or subjected to other kinds of serious abuse at home.

**6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.**

Neither corporal punishment nor capital punishment is accepted in Norwegian criminal law, regardless of the offender’s age.

**7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.**

Sexual harassment is explicitly addressed in the Act of 9 June 1978 No. 45 relating to gender equality, section 8a: “No person may subject another person to sexual harassment. The term “sexual harassment” shall mean unwanted sexual attention that is offensive to the object of such attention. Sexual harassment is considered to be differential treatment on account of gender. The employer and management of organizations or educational institutions shall be responsible for preventing and seeking to preclude the occurrence of sexual harassment within their sphere of responsibility. The Gender Equality Ombud and the Gender Equality Board of Appeals shall enforce the provision in the third paragraph pursuant to the provisions of sections 12 and 13.”

Section 1.2, sixth paragraph, of the Education Act states that “All persons associated with schools or with training establishments shall make efforts to ensure that pupils, apprentices and trainees are not injured or exposed to offensive words or actions.” In November 2002 a number of provisions in the Education Act were amended, including those relating to the psychosocial environment, cf. Proposition No. 72 (2001-2002) to the Odelsting. The new provisions apply to the pupils’ learning environment: all primary and secondary schools are to have a physical and psychosocial environment that promotes pupils’ health, well-being and learning. The amendments came into force in April 2003. Reference is made to *Norway’s third report to the Committee on the Rights of the Child (CRC/C/139/Add.1)* para 126-131.

**8. Provide information on the way in which harmful or violent traditional practices including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.**

Misuse of force, coercion or violence is punishable as such, regardless of whether or not it takes place as part of a traditional practice. If the traditional practice is violent, it is illegal and punishable in accordance with the general penal provisions concerning violence. There are also some provisions relating specifically to particular traditional practices, for example genital mutilation and child marriage.

Marrying someone under the age of 16 or assisting in or aiding such marriage is a criminal offence and punishable according to the Penal Code, section 220. According to the Penal Code, section 222, forced marriage is a criminal offence regardless of age. Genital mutilation is illegal and punishable pursuant to the Act of 15 December 1995 No 17 on genital mutilation. On the question of traditional practices, further reference is made to *Norway's third report to the Committee on the Rights of the Child (CRC/C/139/Add.1)* para 46-52 and 381-385.

**9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.**

The rules protecting children from violence and abuse apply to everyone in Norway, regardless of citizenship or whether or not they have a residence permit.

**10: Provide information on any difference in the definition of violence and the applicable legal framework according to:**

- **The sex or sexual orientation of the victim and/or of the perpetrator;**
- **The age of the victim and /or of the perpetrator;**
- **The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.**

The sex or sexual orientation of the victim and/or the perpetrator does not affect the provisions concerning violence against children.

The legal age of consent is 16. Sexual activity involving a person under this age is illegal and punishable pursuant to specific provisions relating to this in the Penal Code. If the parties are at an equal level of development and close in age and the act took place with mutual consent, the penalty may be remitted. The statutory minimum age of criminal responsibility is 15. Differences in age may also be an important factor in the context of other penal provisions concerning sexual relations between unequal parties.

For some offences, the relationship between the victim and perpetrator is in itself the main reason for or factor in criminalization and punishment. This is for example the case with incest and with sexual activity resulting from the abuse of a position or relations of dependency or trust. For other offences similar factors may be taken into account in connection with sentencing.

There are some special provisions in section 234 of the Penal Code relating to the situation where a mother kills her infant at birth or within 24 hours of birth. In such situations, the minimum punishment is one year with a maximum of eight years in prison, whereas the

punishment for infanticide in other cases is a minimum of six and a maximum of 15 years in prison.

**11. Provide information on any recent comprehensive review of the legal framework to address violence against children.**

There has been no recent comprehensive review specifically directed at the legal framework to address violence against children. There are, however, several examples of such reviews and amendments in particular areas. In 2000 chapter 19 of the Penal Code was revised, partly in order to strengthen the protection of children from sexual violence. Reference is made to *Norway's third report to the Committee on the Rights of the Child* (CRC/C/139/Add.1) para 560. There have also been amendments to the Genital Mutilation Act. Reference is made to *Norway's third report to the Committee on the Rights of the Child* (CRC/C/139/Add.1) para 381.

The definitions and descriptions of all criminal acts in the Penal Code are under revision. This applies to all penal provisions in the Penal Code, including the provisions relating to violence against children.

**12: Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.**

No study or survey has been carried out to assess the impact of legal measures to address violence against children in general.

**Courts tasked with addressing violence against children**

**13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.**

In Norway we have no specific family or juvenile courts. Cases regarding violence against children are treated by the ordinary courts with some adaptations.

The rules protecting children from violence and abuse apply to everyone in Norway, regardless of citizenship or whether or not they have a residence permit.

Norway has 12 social welfare boards, which are administrative agencies and not courts of law. Although they are not considered part of the court structure, the social welfare boards make decisions in cases concerning involuntary child welfare measures pursuant to the Act of 17 July 1992 No. 100 on child welfare services and in other kinds of cases; for example, these boards address cases where the risk of violence against children is one of the reasons for intervention.

**Minimum age for sexual activity**

**14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?**

The legal age of consent is 16. Reference is made to *Norway's third report to the Committee on the Rights of the Child* (CRC/C/139/Add.1) para 99 and 560.

**15. Provide information on the minimum age of marriage for women and men.**

A person under the age of 18 may not marry without the permission of the persons who have the parental responsibility and the county governor.

**Sexual exploitation of children**

**16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.**

In Norway sexual exploitation of children is prohibited under the penal provisions in chapters 19 and 21 of the Penal Code. According to the Criminal Procedure Act, judicial examination must be conducted of children under the age of 14 so that they will not have to appear in court and be subjected to the extra strain this entails. In Norway it is a criminal offence to purchase or sell the sexual services of persons under the age of 18. As regards child pornography, see our answer to questions 1 and 17.

**Pornography and harmful information**

**17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.**

The National Criminal Investigation Service (NCIS) has established its own intelligence unit for sexual assault. The unit investigates child pornography on the Internet and works closely with the Norwegian Computer Crime Centre on developing methods for effectively combating this type of activity on the Internet. NCIS has also co-operated with an Internet provider (the Norwegian telecommunications company Telenor) on developing a filter designed to prevent access to sites containing pictures depicting sexual abuse of children. Reference is also made to *Norway's third report to the Committee on the Rights of the Child* (CRC/C/139/Add.1) para 238-240 and 575-576.

**18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.**

Reference is made to *Norway's third report to the Committee on the Rights of the Child* (CRC/C/139/Add.1) para 578-580.

**Reporting obligations relating to violence against children**

**19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.**

Physical and sexual violence against children is criminalized under the Penal Code. For more details, see the answer to question 2. As regards certain specified crimes, every citizen is obliged to try to prevent these crimes or to give a timely warning to the proper authorities. Among the crimes specified are sex crimes including rape, sex with a person below the age of 14, incest, sex with a person below the age of 18 who is under one's care, authority or supervision, and serious injury to the body or to health. According to the Penal Code, section 139, any person is liable to fines or imprisonment if they fail to try to prevent or give a timely warning of these crimes to the proper authorities, such as the child welfare service or the police.

According to the Act prohibiting female genital mutilation, professionals and persons employed in child care centres, the child welfare service, the health and social welfare service, schools, day care facilities for schoolchildren and religious communities who wilfully fail to seek to avert female genital mutilation are liable to fines or imprisonment for a term not exceeding one year. The same applies to elders or religious leaders of a religious community. The duty to avert such an act applies regardless of the duty of confidentiality. Failure to do so is not punishable if the female genital mutilation is not completed or does not constitute a punishable attempt. Also cf. the answer to question 2.

All forms of violence against and abuse of children have to be reported to the child welfare service. Anyone can report a suspicion that a child is being subjected to violence to the child welfare service. The Child Welfare Act requires that the child welfare services review such reports as soon as possible, and no later than one week after the report has been received. According to section 6-4 of the Act, notwithstanding the duty of confidentiality, the public authorities have an obligation to inform the child welfare services if there is reason to believe that the child is subject to severe neglect. Persons subject to professional secrecy, such as doctors, nurses and psychologists, also have the same obligation to provide such information.

Reference is also made to information given to question 20 on "complaints procedures".

**20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:**

- the family/home
- institutions, state and private, including care, residential, health and mental health.

As reported on question 4, the Norwegian provisions concerning violence against children are not specifically directed at or limited to violence against children that happens at home, at school, etc. The general penal provisions relating to violence against children cover all such incidents. Similarly, there are no special complaint procedures that vary according to where the incident took place.

Anyone can report suspected abuse or violence to the police. The police can also initiate an investigation on the basis of other types of information or suspicion of criminal activity.

In principle all criminal acts are subject to public prosecution. This means that the public prosecutes crimes independently of any action from the victim. For some offences, an application for a prosecution from the victim is necessary. In these cases, public prosecution cannot take place unless the victim does this.

For violence regulated by section 228 of the Penal Code, an application for a prosecution is usually necessary prior to public prosecution of less serious incidents. If the crime is committed against the offender's children, it is automatically subject to public prosecution. This is a strengthening of the measures to protect children from violence. Such violence is viewed as a serious crime.

#### Child welfare procedures

Reference is made to *Norway's initial report to the United Nations Committee on the Rights of the Child*, 1993, paragraph 219-227).

Complaints procedures relating to all forms of violence against children perpetrated in the family/home or an institution may be handled by the child welfare service pursuant to the Act relating to child welfare services of 1992.

The purpose of the child welfare service is to ensure that children and young people who live in conditions that may be detrimental to their health and development receive necessary assistance and care at the right time, and to help ensure that they are brought up in a secure environment, cf. section 1-1.

#### Information to the child welfare system

Anyone can report a suspicion that a child is being subjected to violence to the child welfare service.

According to section 6-4 of the Act, "Notwithstanding the duty of secrecy, public authorities shall on their own initiative disclose information to the municipal child welfare service when there is reason to believe that a child is being mistreated at home or is subjected to other serious deficit of parental care". Cf question 19.

#### The child welfare system and the duty of secrecy

The child welfare service may, in cases where a child is being subjected to violence at home, contact the police, notwithstanding the duty of secrecy, cf. section 6-7: "Information may only be disclosed to other public administrative agencies, cf. section 13 b, subsections 5 and 6 of the Public Administration Act, when necessary to facilitate the functions of the child welfare service or the institutions, or to prevent material danger to life or serious harm to a person's health."

#### The duty and the right to make investigations

Section 4-3 of the Act regulates the right and the duty of the child welfare service to make investigations in the following cases:

“If there is reasonable cause to assume that circumstances obtain which may provide a basis for measures pursuant to this chapter, the child welfare service shall investigate the matter at the earliest opportunity; cf. time limits set out in section 6-9.

The investigation shall be carried out in such a way as to minimize the harm it causes to anyone affected, and it shall not have a wider scope than justified by its purpose. Importance shall be attached to preventing the unnecessary spreading of information about the investigation.

The parents or the person with whom the child is living may not oppose an investigation as mentioned in the first paragraph being carried out in the form of a visit paid to the home.

The child welfare service, and experts whom it has appointed, may demand to interview the child alone in a separate room. If there is suspicion that the child is being mistreated or subjected to other serious abuse at home, cf. section 4-12, first paragraph, *litra c*, the child welfare service may order that the child shall be taken to hospital or elsewhere for examination.”

### Care orders

Section 4-12 of the Act specifies when a care order may be made:

- “a) if there are serious deficiencies in the daily care received by the child, or serious deficiencies in terms of the personal contact and security needed by a child of his or her age and development,
- b) if the parents fail to ensure that a child who is ill, disabled or in special need of assistance receives the treatment and training required,
- c) if the child is mistreated or subjected to other serious abuses at home, or
- d) if there is every probability that the child's health or development may be seriously harmed because the parents are incapable of taking adequate responsibility for the child.

An order may only be made pursuant to the first paragraph when required by the child's current situation. Hence such an order may not be made if satisfactory conditions can be created for the child by assistance measures pursuant to section 4-4 or by measures pursuant to section 4-10 or section 4-11.

An order pursuant to the first paragraph shall be made by the county social welfare board pursuant to the rules of chapter 7.”

The care order must be implemented as soon as possible, cf. section 4-13. If the order is not implemented within six weeks of the date the order was made, it ceases to apply. The chairperson of the county social welfare board may extend the time if there are special reasons that require this. When an order is made, the child is placed in a foster home or in an institution or in a training or treatment institution when this is necessary because the child is disabled, cf. section 4-14.

### Institutions

If a child is subjected to violence in one of the institutions regulated by the Child Welfare Act, chapter 5 becomes applicable. Section 5-9 regulates the rights of a child while he or she is in an institution. It is not permitted to punish a child physically or to lock the child in a room on his or her own or employ similar coercive measures unless authorized by regulations issued by the Ministry of Children and Family Affairs. The county governor oversees that institutions are run in accordance with the Child Welfare Act. If the county governor considers that the institution is not being properly run, he or she may order that the conditions be rectified or that the institution be closed down, cf. section 5-7.

**21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.**

Victims cannot access court sessions or other meetings during a police investigation. Nor are victims of violence considered to be parties in the criminal proceedings against the perpetrator. The victim is viewed primarily as a witness, and they or their representatives or counsel may access the court hearings on the same conditions as other witnesses. Victims have no right of access to closed proceedings.

Victims do, on the other hand, have a way of achieving further rights to access and participation in criminal proceedings against the perpetrator. If they pursue a claim for damages against the perpetrator jointly with the criminal prosecution, they then have the same rights as a plaintiff has in normal civil lawsuits. This means that the victim will have the right to be present throughout the proceedings, to ask questions, call witnesses and present evidence as long as this is related to the claim.

In some cases concerning sexual abuse of minors, victims have a right to free legal aid. The lawyer will assist the victim during the investigation and main hearing.

In other cases, free legal aid is subject to a means test pursuant to the Act of 13 June 1980 No 35 relating to free legal aid.

**22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.**

Reference is made to *Norway's third report to the United Nations Committee on the Rights of the Child*, 2003, para 62-65.

**23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.**

Section 239 of the Criminal Procedure Act sets out specific rules for when children under the age of 14 are to be examined in connection with a criminal case. There are also regulations concerning the proper procedures.

Children under the age of 14 are examined in a separate interview and not at the court hearing if this is considered to be in the interest of the child or for other reasons. A judge is responsible for the examination, but he/she may decide that the child should be examined by an appointed expert. In most cases, a specially trained police officer conducts the examination. The examination is supervised by a judge, and both the defence lawyer and the counsel for the prosecution may be present. They may also pose questions to the child via the police officer. In general, these rules apply to children between the ages of 6 and 14.

A judge may decide that because of the witness's age or other special circumstances, the witness is to be placed under observation instead of or prior to an examination by a police officer. In practice, children under the age of 6 are placed under observation. Observations are conducted by experts in child psychiatry or psychology. In general, the judge, the defence lawyer and the counsel for the prosecution are not present during the observation.

Both examinations and observations are recorded on video, which is shown at the court hearing.

Section 239 of the Criminal Procedure Act reads as follows:

“In the case of an examination of a witness who is under 14 years of age or a witness who is mentally retarded or similarly handicapped in cases of sexual felonies or misdemeanours, the judge shall take the statement separately from a sitting of the court when he finds this desirable in the interests of the witness or for other reasons. The judge shall in such cases as a general rule summon a well-qualified person to assist with the examination or to carry out the examination subject to the judge's control. When it is possible and due consideration for the witness or the purpose of the statement does not otherwise indicate, the examination shall be recorded on a video cassette and if necessary on a separate tape-recorder. On the same conditions the defence counsel of the person charged shall as a general rule be given an opportunity to attend the examination.

The same procedure may also be used in cases concerning other criminal matters when the interests of the witness so indicate.

When the witness's age or special circumstances so indicate, the judge may decide that instead of or prior to an examination pursuant to the first paragraph the witness shall be placed under observation. The provisions of sections 152, 153 and 159 shall apply correspondingly to such an observation. The third sentence of the first paragraph of this section shall apply correspondingly.

Examination pursuant to the first paragraph and observation pursuant to the third paragraph of this section shall be undertaken no later than two weeks after the criminal offence has been reported to the police, unless special circumstances indicate that the examination and/or observation should be undertaken later.

The King may prescribe further regulations relating to the procedure for examinations conducted separately from a court sitting and for observations.”

**24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).**

No comprehensive survey has been made of the usual outcome of all types of complaints of violence against children. Statistics Norway compiles and publishes annual statistics on penalties for specific areas of criminal law. Their data provide some indicators regarding the usual outcome of some reported offences, for example sexual abuse of children, but for other penal provisions the figures do not differentiate between children and adult victims of violence and are therefore of little use here.

Norway has a public compensation scheme to assist victims who have suffered injury and loss as a result of violent crimes. During the first half of 2004 the Norwegian Criminal Injuries Compensation Authority granted compensation in 48 out of 56 applications made on behalf of children below 16 years.

**Perpetrator rehabilitation:** There are currently a number of public and private bodies which provide help and treatment for men who commit domestic violence. Help is available from the family counselling service, the mental health care service, the probation service and private organizations. However, these services have an uneven geographical distribution, are funded in different ways (public, semi-public, private sectors) and have not been adequately evaluated. There is a lack of measures and strategies for dealing with perpetrators at an early stage.

Through the plan of action to combat domestic violence that was launched in June 2004, the Government is promoting the systematic development of support and treatment services for abusers and perpetrators of violence. Its objective is to prevent the use of violence and ensure that help is available as close as possible to home or work. The Government wishes to increase the scope and quality of the treatment available to perpetrators of violence and abuse.

**25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).**

The general provisions of the Penal Code and the Criminal Procedure Act apply to offenders of sound mind above the age of 15, and basically the entire system of reactions can be applied. There are, however, certain special rules for juveniles between 15 and 18 years and more extensive use of alternative reactions. A number of such measures are being further developed, such as

- The use of **arbitration** and **youth contracts** in return for a suspended sentence or a waiver of prosecution for the 15-18 age group is being extended.
- **Community service sentences** as an alternative to prison are to be adapted to the individual situation to a greater extent than at present.

A number of legislative amendments that were adopted and implemented in 2003 have provided the judicial authorities with new instruments for their work with young offenders. For example, the police may carry out a special interview with children up to the age of 18 and their parents. Moreover, the prosecuting authority may prohibit a child under the age of 15 from being in places where there is a significant risk of the child being drawn into committing a criminal offence. Work is in progress on the best way of applying these legislative amendments.

Two pilot projects on administrative co-operation are in the initial phases. Six subsidiary projects with different approaches will be carried out for developing binding allocation of responsibility, targeted co-operation between administrative units and continuity in the follow-up of young offenders before and after imprisonment or sentence. Responsibility for young offenders must be clearly allocated in each individual case.

Experience gained from the pilot projects will be incorporated into work on a new, follow-up plan of action, which will be launched in 2005.

## **II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN**

**26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?**

Reference is made to the answer to question 20 above, and to *Norway's initial report to the United Nations Committee on the Rights of the Child, 1993, para 258-267.*

**27. Is there a lead Government authority tasked with the responsibility for addressing violence against children?**

The Ministry of Justice and the Police co-ordinates national policies against violence. The Ministry of Children and Family Affairs co-ordinates national policies for children and young people. In simple terms, policies for combating violence against children are developed through dialogue between these two ministries, other ministries and subordinate government agencies.

**28. Are specific financial and/or human resources allocated by your country to address violence generally? If YES, indicate the extent of these allocations.**

The responsibility for co-ordinating the Government's efforts to combat domestic violence lies with the Ministry of Justice and the Police. However, there are a number of issues involved which cannot be solved by the use of criminal policy instruments alone. An effective fight against violence requires close co-operation with other central government authorities with responsibility for health, social welfare and gender equality issues. To meet the need for co-ordination at central government level, an inter-ministerial working group has been set up, consisting of representatives of the Ministries of Health and Care Services, Labour and Social Affairs, Children and Family Affairs, and Justice and the Police. As well as ensuring the implementation of the present action plan, the group will draw up proposals for future efforts to combat domestic violence.

A national resource centre on violence and traumatic stress (*Nasjonalt kunnskapssenter om vold og traumatisk stress – NKVTS*) was established on 1 January 2004. The purpose of this centre is to strengthen research, education and guidance for the public services in the field of violence and trauma. The centre has a separate section that deals with violence, family violence and sexual abuse. The centre will play a central role in the Government's endeavours to improve the level of knowledge about domestic violence with regard to children, women and perpetrators. However, in its current form the centre is not sufficiently close to the support services. The Government also considers it necessary to establish strong regional resource centres to promote the development of expertise and services for dealing with violence at local and regional level.

The great majority of the services that are relevant for victims of violence are provided at the municipal level. There are also some private/voluntary services, such as shelters for battered women and certain treatment programmes for perpetrators of violence.

There are a number of national strategies and action plans for addressing violence, especially violence against children. Examples are:

- National plan of action to combat domestic violence
- National action plan to address violence against women (and in the home)
- National action plan to address violence and sexual abuse of children (forthcoming)
- National action programme to prevent female genital mutilation
- National action programme to prevent forced marriage
- National programme to prevent harassment in schools

There are also national strategies and plans for promoting children's health, particularly their psychological health.

**29. Does your country allocate specific financial and/or human resources to activities to address violence against children?**

Financial resources are allocated to the national action plans, national programmes, training and competence-building, research, information campaigns, and national and local projects, and also to NGOs working against violence.

The Ministry of Children and Family Affairs is financing a national programme called "Children living with domestic violence" (2004-2006). It includes therapy for children who have experienced domestic violence, either by witnessing violence or by being physically abused themselves. The programme also includes measures to promote scientific research and dissemination of knowledge to the relevant parts of the welfare system.

**30. Do international or bilateral donors provide resources to your country for activities to address violence against children? If YES, indicate the extent of these resources and the way in which they are used.**

Norway does not receive resources from such donors.

**31. Does your country provide any assistance to other countries efforts to respond to the problem of violence against children?**

Protection of children in general is an overriding priority in Norway's foreign and international development policy. Approximately 18 per cent of Norwegian bilateral development assistance has children as its main target group. Norway also contributes to multilateral programmes targeted at children, including through UNICEF.

On the specific issue of violence against children, the following activities are of particular relevance:

- Earmarked support to UNICEF's programme for the protection of children against, for example, abuse and violence.
- Support to the UN SRSG on Children in Armed Conflict, international NGOs and several initiatives aimed at reducing the use of child soldiers.
- The implementation of government action plans against trafficking in women and children, and female gender mutilation.

- Support for the rehabilitation of children in post-conflict situations.

**32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?**

Norway established an Ombudsman for Children in 1981. The duties of the Ombudsman are to promote the interests of children vis-à-vis public and private authorities and to monitor the conditions under which children grow up. In particular, the Ombudsman shall monitor law, policy and practice, promote the full implementation of the Convention on the Rights of the Child, provide a channel for children's views, respond to individual problems and complaints by children and facilitate their access to advocacy and complaints systems, including those in institutions, schools and courts.

**33. Are there any particular parliamentary structures (for example special committees) to address violence against children?**

The following parliamentary committees address violence against children: the Standing Committee on Justice, which is responsible for the Penal Code, and the Standing Committee on Family, Cultural Affairs and Government Administration, which is responsible for matters relating to families, children and youth.

**34. Have there been any recent parliamentary initiatives to address violence against children? IF YES, provide details and describe any gender-specific provisions included in the policy**

The expression "parliamentary initiative" is interpreted as meaning an official initiative decided on by the parliament.

Norway's second (paragraph 294) and third (paragraph 564) reports to the UN on the Rights of the Child describe its legislation concerning the requirement of police certificates for applicants for positions in day-care institutions, primary and lower secondary schools and the child welfare service. In June 2004, the parliament requested the Government to examine and evaluate the use of police certificates in schools, and during this process to pay attention to research results on child sexual abuse. The parliament also requested that the assessment of the use of police certificates in the future should take account of the use of police certificates in sectors other than education.

In response to an initiative by the parliament (in 2003) the Government is developing a comprehensive plan to combat sexual and physical abuse against children. The plan will include measures to prevent and uncover physical and sexual abuse against children, assistance and treatment measures, research and measures to improve expertise. The Government has also launched an action plan to combat violence in close relationships (2004) and an action plan to combat trafficking in women and children (2003).

**III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN**

**35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).**

- In January 2004 the Norwegian Centre on Violence and Traumatic Stress was established. The focus of the centre is on research and development, education, competence-building, supervision and information for all services in this field. Children and young people are a priority group. Reference is also made to our answer to question 28.
- The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) was established in July 2004. The Directorate, together with its five regional offices and the 26 professional teams, is the government agency for the welfare and protection of children and families. Its main objective is to provide appropriate, high-quality services for children, young people and families in need of assistance and support regardless of where they live.
- Alternativ til vold (“alternative to violence”), ATV, is a research and treatment centre that offers professional treatment to violent offenders and people who have witnessed or been exposed to violence in close relationships. Denmark and Finland also have centres under this name. ATV’s treatment centre for male batterers, the first in Europe, was established in 1987. ATV is an NGO with funding from the Norwegian Government and local authorities. Special programmes for children witnessing violence have been implemented since 1999. ATV has three main objectives: treatment, education and research, mainly in the fields of family violence and gender equality. The web address is: [www.alternativtilvold.no](http://www.alternativtilvold.no).
- The Norwegian Red Cross has run a contact line for children and adolescents for more than 15 years. The aim is to combat isolation among children and youth and provide help for those in need. The contact line can also be reached via SMS and Internet.
- There are 18 support centres against incest in Norway. These centres are private self-help organizations financed by grants from the state and the municipality in which they are located. The organizations are both run and led by women who have experienced sexual abuse and the mothers of child victims. The centres are a supplement to the public services, not a part of them.
- Shelters for battered women and their children provide a safe refuge for women who have experienced physical and/or psychological abuse. Women seeking help may themselves decide whether they want to stay for a night or two, or over a longer period. They may also choose to just visit and speak to a shelter worker for a few hours, or only seek counselling over the telephone. Shelters work on the principle of helping people to help themselves. The shelters provide a safe refuge, support and counselling, help with the social services, doctors, lawyers, housing authorities and

other services, and a meeting ground where battered women can meet others in a similar situation.

**36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.**

The organizations mentioned in our answer to question 35 all receive regular funding from the public authorities.

**37. Describe the role played by the media in addressing violence against children.**

The media, often regional and national newspapers, quite frequently write about domestic violence. For example, in August 2003 one of the largest national newspapers wrote several articles about the scope of violence against children and women and the consequences this has.

A three-year research project called “Presentation of family violence in the media” is to be completed at the end of 2004.

#### **IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE**

**38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.**

In connection with the preparations for the UN Special Session on Children, funding was allocated for a participatory project which involved children and young people. The goal was to collate experience and shed light on the situation of children in special life situations: young people in reception centres for asylum seekers and refugees, children with disabilities, children who have been the victims of sexual abuse, and children in contact with the child welfare authorities and outreach services. Approximately 100 children and young people were involved in the participatory processes, which took place in May-June 2001. One-day or two-day meetings were arranged with children and young people from a large number of organizations. As a result of the project, the book *Hello – is anyone there?* has been published in Norwegian and English. The project was presented and the book distributed at a side event at the UN Special Session on Children in May 2002.

In connection with the preparation of Norway’s third report to the UN on the Convention on the Rights of the Child, a project was initiated in autumn 2002, entitled *Livet under 18* (Life before 18), in which children and young people were involved in the reporting process. The aim was to raise awareness and encourage involvement in the rights of children and young people and to involve various groups of children and young people in reporting to the UN Committee on the Rights of the Child.

**39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.**

Children are not involved in the development of procedural or evidentiary rules. However, children's organizations, such as Save the Children, are always asked for comments on proposals for new legislation.

**40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.**

The Ministry of Children and Family Affairs administers a grant scheme entitled "Urban Youth Projects", aimed at improving the conditions in which adolescents live and grow up in large cities. Emphasis is placed on young peoples participation in activities preventing undesirable social behaviour, including violence, bullying, crime, substance abuse and racism, combating prejudices and discrimination, and promoting mutual acceptance.

**41. Does your Government have a comprehensive policy concerning violence against children? If YES, provide details and describe any gender-specific provisions included in the policy**

Most forms of violence against children are addressed in Report No. 40 (2001-2002) to the Storting on child and youth welfare. Other important policy documents in this respect are Report No. 29 (2002-2003) to the Storting on the family, and parts of the Government's action plan to combat violence in close relationships (2004-2007).

The implementation of measures to combat violence against children is tailored to the different needs of boys and girls, and gender-specific provisions are therefore not specified in central policy documents. These documents do, however, take account of the fact that according to a number of studies, there seems to be a difference in the kind and extent of violence inflicted on girls and boys and that the effects of the same kind of violence are often gender-specific.

Regarding details of this policy see our answer to question 29. Two other ongoing measures should be mentioned.

It has been debated for a long time whether children are sufficiently protected against certain forms of abuse in the provisions of the Children Act concerning the division of responsibility for day-to-day care between divorced or separated parents. A working group under the Ministry of Children and Family Affairs has produced a report entitled "Measures to protect children against abuse. Proposed amendments to the Children Act, etc". The report concludes that children's interests are not sufficiently safeguarded in the provisions of the Children Act concerning day-to-day care, the child's main place of residence, and parental access in situations where there is a high risk of child abuse. The report proposes amendments to several acts and a number of measures including training courses for professionals involved in such cases. The Ministry of Children and Family Affairs will evaluate the proposals and make recommendations in the course of 2005.

The issue of children who are exposed to domestic violence and the related issue of the children accompanying their mothers to shelters for battered women have received increased attention in the last few years. In 2005 a regional project is to be implemented for trying out models and routines for co-operation between shelters for battered women and child welfare

and family counselling agencies in order to build competence concerning the treatment of children at shelters.

**42 Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children? If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:**

The government is providing support for several programmes.

See answers to questions 28 and 29

	Physical	Sexual	Psychological	FGM	Other
<b>Family</b>	x	x		X	
<b>School</b>	x	x	x		
<b>Institution</b>	x				
<b>Community</b>					
<b>Workplace</b>					
<b>Law enforcement</b>	x	x		x	x

The URL where many of the relevant programmes and legislation can be found is [www.odin.dep.no](http://www.odin.dep.no). Websites for many of the NGOs and community-based services can be found on [www.ungghelse.no](http://www.ungghelse.no) and [www.ung.no](http://www.ung.no). A plan of action combat domestic violence was launched in June 2004. The plan consists of several measures to ensure that children who witness violence in the family are given the necessary protection and follow up. Expertise on domestic violence is being built up in the child welfare service, in the family counselling service, at women's shelters, among general practitioners, at community child health clinics, in school health services, in school counselling services and in mental health care services for children and young people.

**43. Does your Government monitor the impact of these policies and programmes directed towards violence against children? If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.**

Please see the answer to question 42 above. Most documents are only available in Norwegian.

**44. Does your Government participate in any internationally coordinated activities concerning violence against children?**

Please see the answer to question 31 above.

## VI DATA COLLECTION, ANALYSIS AND RESEARCH

**45. Over the past five years, has there been any victimization, epidemiological or another population-based surveys of any forms of violence against children in your country? If YES, provide details or references, or attach.**

Most of the research on violence and sexual abuse of children was carried out in the mid-1990s. A new survey on violence in the family has been carried out by Norwegian Social Research (NOVA) in 2003. NOVA has also initiated a special research programme on children's welfare and living conditions. More information can be found at [www.isaf.no/NOVA/](http://www.isaf.no/NOVA/)

**46. Has there been any small-scale or representative interview studies with parents and children on violent victimisation of children?**

A few studies have been carried out on the victimisation of children. One was on how children cope with domestic violence (witnessing violence against their mother). Another focused on child abuse seen from different angles: health service personnel and parents of small children.

A national programme called "Children living with domestic violence" is being started to study children's experiences in an environment of domestic violence, how they feel about the situation, what kind of help they need and want.

For more information reference is made to the answer to question 47.

**47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children? If YES, indicate the subject of research and where the findings of these projects may be consulted more in detail.**

As mentioned above, the Ministry of Children and Family Affairs is financing a national programme called "Children living with domestic violence", which includes scientific research.

Empirical research on the following topics is being carried out by institutions financed by government ministries and general research funding:

- the penal law system and child sexual abuse,
- men who have been convicted of child sexual abuse,
- children as witnesses in pre-trial court hearings,
- alternative therapeutic measures in cases where child sexual abuse is suspected but not proved
- the attitudes of young adults concerning whether or not minors are legitimate partners in sexual acts; this study (completed 2001) is now being followed up by a co-ordinated project involving several countries;
- children's ways of coping with domestic violence (ongoing),
- physical child abuse seen from different angles: health service personnel and parents of small children (ongoing).

To find out more details about these projects, please contact the Norwegian Research Council, Programme on Welfare Research, at [www.program.forskningsradet.no/vfo/english.php3](http://www.program.forskningsradet.no/vfo/english.php3) or the National Knowledge Centre on

Violence and Traumatic Stress (NKVTS), e-mail: [postmottak@nkvts.unirand.no](mailto:postmottak@nkvts.unirand.no) (the English website of this recently established centre has not yet been developed).

In addition, there are two projects relating to sexual exploitation of minors that are being financed directly by the Ministry of Children and Family Affairs (one of these also has sources of financing). The projects address issues such as young people's own perception of the sale/exchange of sexual services and the meeting points or communication channels between buyers and sellers. One of them, "The right to their own lives, commercialised and sexualised adolescence", was carried out by the Youth Research Group at Norwegian Social Research (NOVA) ([www.nova.no/english/english.htm](http://www.nova.no/english/english.htm)). The resulting report, NOVA rapport 13/04, has an English summary. The other project is ongoing: "Youth at risk: growing up, self images and relationships which are sexualised" and is being carried out at the Department of Sociology and Human Geography, University of Oslo ([www.iss.uio.no/english](http://www.iss.uio.no/english)).

A project on sudden infant death, "Better investigations into unexpected and sudden deaths in infants and small children", is being carried out by Professor Torleif Rognum at the Institute of Forensic Medicine, University of Oslo in co-operation with the police. It is supported by the Norwegian SIDS Society and Health and Rehabilitation. A report was submitted in February 2004 to the Director of Public Prosecutions, which will be made public when it has been evaluated.

**48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children? If YES, provide details or references, or attach.**

The study of sudden infant death (see the reply to question 47 above) is only investigating incidents in Eastern Norway, and not the entire country. We hope it will result in a better understanding and overview of this issue.

**49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part? Provide details.**

Norway has no such system.

**50. Are regular (e.g. annual reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?**

Not relevant, see answer to question 49.

**51. If reports on the national profile of known and suspected violent deaths are published by your government, indicate how the data is broken down for the purpose of reporting.**

Not relevant, see answer to question 49.

**52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.**

Cases of violence against children reported to the police are not registered specifically. However, the reasons for intervention by the child welfare services are registered. Reference is made to the English websites of Statistics Norway, [www.ssb.no/english](http://www.ssb.no/english), under “Child Welfare”. The numbers of “new” (not registered the previous year) cases/children, with the reason or one of the reasons for intervention, are given below:

Reasons for intervention by the child welfare services (number of “new” cases/children):

Year	2000	2001	2002	2003
Physical abuse	168	232	261	298
Sexual abuse	99	107	112	89
Mental abuse	96	110	118	155

Source: Statistics Norway

**53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.**

See the answer to question 52.

## **VII AWARENESS, ADVOCACY AND TRAINING**

**54. Over the last five years has your government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?**

There has been one major campaign against harassment targeted at Norwegian schools. The campaign included raising awareness among Norwegian school personnel, providing material for use by teachers and pupils and carrying out special programmes involving the parents in the annual national school week in 2003. Printed material, information on the internet, peer education and training in self confidence, especially for girls, were the main methods used.

Some NGOs have carried out local campaigns and campaigns on the Internet. See for example [www.settgrenser.no](http://www.settgrenser.no)

**55. How were the campaign messages and information disseminated?**

Reference is made to the answer to question 54.

**56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children? If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training.**

Reference is made to the answer to question 54.

## **Attachment**

### **Excerpts from the Norwegian General Civil Penal Code of 22 May 1902 No. 10.**

**29.** When it is so required in the public interest, any person who is found guilty of a criminal act may be sentenced to:

1. Loss of any public office that the offender has by the criminal act shown himself to be unfit for or unworthy of.
2. Loss for a specific period not exceeding five years or forever of the right to hold office or to carry out any activity or occupation that the offender has by the criminal act shown himself to be unfit for or might conceivably misuse, or for which a high degree of public confidence is required. Any person thus deprived of the right to carry on any activity may not conduct such activity on behalf of another person either. He may be ordered to surrender any document or other object that has served as evidence of the said right.

**§ 192.** Any person who

- a) commits a sexual act by means of violence or threats, or
  - b) commits a sexual act with any person who is unconscious or incapable for any other reason of resisting the act, or
  - c) by means of violence or threats compels any person to engage in a sexual act with another person, or to carry out similar acts with himself or herself,
- shall be guilty of rape and liable to imprisonment for a term not exceeding 10 years. In deciding whether the offender made use of violence or threats or whether the aggrieved person was incapable of resisting the act, importance shall be attached to whether the aggrieved person was less than 14 years of age.

A penalty of imprisonment for not less than two years shall be imposed if

- a) the said act was sexual intercourse, or
- b) the offender has rendered a person in such a state as is specified in the first paragraph, item b, in order to commit a sexual act.

Imprisonment for a term not exceeding 21 years may be imposed if

- a) the rape has been committed by two or more persons acting together,
- b) the rape has been committed in a particularly painful or offensive manner,
- c) the offender has previously been convicted and sentenced pursuant to this provision or section 195, or
- d) as a result of the act the aggrieved person dies or sustains serious injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, subsection 3, of the Act relating to the transmission of infectious diseases, cf. subsection 1, shall always be deemed to be serious injury to body or health pursuant to this section.

Any person who through gross negligence is guilty of rape pursuant to the first paragraph is liable to imprisonment for a term not exceeding five years. If such circumstances as are specified in the third paragraph subsist, the penalty shall be imprisonment for a term not exceeding eight years.

**§ 193.** Any person who commits or is accessory to another person's committing a sexual act by misuse of a position, or a relationship of dependence or trust shall be liable to imprisonment for a term not exceeding five years.

Any person who commits or is accessory to another person's committing a sexual act by exploiting any person's mental illness or mental retardation shall be liable to the same penalty.

**§ 194.** Any person who commits a sexual act with any person who is an inmate of or placed in any home or institution under the prison and probation service or the police or in an institution under the child welfare service and who is there subject to his authority or supervision, shall be liable to imprisonment for a term not exceeding five years.

The same penalty shall apply to any person who is accessory to another person's committing a sexual act with any person with whom he himself has such a relationship.

**§ 195.** Any person who commits a sexual act with a child who is under 14 years of age shall be liable to imprisonment for a term not exceeding 10 years. If the said act was sexual intercourse the penalty shall be imprisonment for not less than two years.

Imprisonment for a term not exceeding 21 years may be imposed if

- a) the act is committed by two or more persons acting together,
- b) the act is committed in a particularly painful or offensive manner,
- c) the act is committed against a child under 10 years of age and there have been repeated assaults,
- d) the offender has previously been convicted and sentenced pursuant to this provision or section 192, or
- e) as a result of the act the aggrieved person dies or sustains serious injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, subsection 3, of the Act relating to the transmission of infectious diseases, cf. subsection 1, shall always be deemed to be serious injury to body or health pursuant to this section.

Criminal liability shall not be excluded by any mistake made as regards age.

A penalty pursuant to this provision may be remitted or imposed below the minimum prescribed in the second sentence of the first paragraph if those who have committed the sexual act are about equal as regards age and development.

**§ 196.** Any person who commits a sexual act with a child who is under 16 years of age shall be liable to imprisonment for a term not exceeding five years.

Imprisonment for a term not exceeding 15 years may be imposed if

- a) the act is committed by two or more persons acting together,
- b) the act is committed in a particularly painful or offensive manner,
- c) the offender has previously been convicted and sentenced pursuant to this provision or section 192 or 195, or
- d) as a result of the act the aggrieved person dies or sustains serious injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, subsection 3, of the Act relating to the transmission of infectious diseases, cf. subsection 1, shall always be deemed to be serious injury to body or health pursuant to this section.

Criminal liability shall not be excluded by any mistake made as regards age, unless there is no element of negligence in this respect.

A penalty pursuant to this provision may be remitted if those who have committed the sexual act are about equal as regards age and development.

**§ 197.** Any person who commits a sexual act with a blood relation in the descending line shall be liable to imprisonment for a term not exceeding five years. Both biological and adopted descendants shall be regarded as blood relations in the descending line.

**§ 198.** Any person who has sexual intercourse with a brother or sister shall be liable to imprisonment for a term not exceeding one year. No penalty shall, however, be imposed on persons under 18 years of age.

**§ 199.** Any person who commits a sexual act with a foster-child, child in his care, step-child or any other person under 18 years of age who is under his care, or subject to his authority or supervision, shall be liable to imprisonment for a term not exceeding five years.

Any person who is accessory to another person's committing a sexual act with any person with whom he himself has such a relationship shall be liable to the same penalty.

**§ 200.** Any person who commits a sexual act with any person who has not consented thereto shall be liable to fines or to imprisonment for a term not exceeding one year.

Any person who commits a sexual act with a child under 16 years of age shall be liable to imprisonment for a term not exceeding three years. Any person who misleads a child under 16 years of age to behave in a sexually offensive or otherwise indecent manner as referred to in section 201 shall be liable to imprisonment for a term not exceeding three years.

In cases referred to in the second paragraph the offender may be sentenced to imprisonment for a term not exceeding six years if the act has been committed under especially aggravating circumstances. In deciding whether especially aggravating circumstances subsist, particular importance shall be attached to how long the relationship has endured, whether the act is a misuse of a blood relationship, care relationship, position, or relationship of dependence or close trust, and whether the act has been committed in a particularly painful or offensive manner.

Section 196, third and fourth paragraphs, shall apply correspondingly.

**§ 201.** Any person who by word or deed behaves in a sexually offensive or otherwise indecent manner

- a) in a public place,
  - b) in the presence of or towards any person who has not consented thereto, or
  - c) in the presence of or towards children under 16 years of age,
- shall be liable to fines or to imprisonment for a term not exceeding one year.

**§ 219.** Any person shall be liable to imprisonment for a term not exceeding two years who exposes any person belonging to his household to distress by being unwilling to perform his duty to provide support, or who by neglect, maltreatment, or similar conduct frequently or grossly violates his duties towards his spouse or children or any person belonging to his household or in his care who because of illness, age, or other circumstances is incapable of taking care of himself. If the felony results in death, or serious injury to body or health, imprisonment for a term not exceeding six years may be imposed.

Any person who misleads or incites another person to commit any of the acts referred to above shall be liable to the same penalty.

**§ 220.** Any person who enters into, or is accessory to another person entering into, a marriage or registered partnership with anyone who is under 16 years of age, shall be liable to imprisonment for a term not exceeding four years. A mistake as to age will exclude guilt only if there has been no negligence in this respect. Any penalty may be remitted in the case of spouses or registered partners who are about equal in age and development.

Any person who causes or is accessory to causing a marriage or registered partnership that is invalid because of the forms used to be entered into with any person who is not aware of its invalidity shall be liable to imprisonment for a term not exceeding four years.

**§ 228.** Any person who commits violence against the person of another or otherwise assaults him bodily, or is accessory thereto, is guilty of assault and shall be liable to fines or imprisonment for a term not exceeding six months.

If the assault causes injury to body or health or considerable pain, imprisonment for a term not exceeding three years may be imposed, but not exceeding five years if death or serious injury results.

If an assault is retaliated with another assault, or is provoked by a previous assault or insult, it may go unpunished.

A public prosecution will only be instituted when requested by an aggrieved person unless:

- (a) the felony has resulted in someone's death, or
- (b) the felony is committed against the offender's previous or present spouse or cohabitee, or
- (c) the felony is committed against the offender's child or the child of the offender's spouse or cohabitee, or
- (d) the felony is committed against the offender's kin in the direct line of ascent, or
- (e) the prosecution is required in the public interest.

**§ 229.** Any person who injures another person in body or health or reduces any person to helplessness, unconsciousness or any similar state, or who is accessory thereto, is guilty of occasioning bodily harm and shall be liable to imprisonment for a term not exceeding three years, but not exceeding six years if any illness or inability to work lasting more than two weeks or any incurable defect or injury is caused, and not exceeding eight years if death or serious injury to body or health results.

**§ 230.** The penalties specified in sections 228 and 229 may be increased by up to 50 per cent if the offender has previously been convicted of any felony of a violent nature.

**§ 231.** Any person who causes or is accessory to causing serious injury to the body or health of another person is guilty of occasioning grievous bodily harm and shall be liable to imprisonment for a term of not less than two years. If the act is premeditated, imprisonment for a term not exceeding 21 years may be imposed if the felony results in a person's death.

**§ 232.** If any felony mentioned in sections 228 to 231 is committed with intent in a specially painful manner or by means of poison or other substances which are highly dangerous to health, or with a knife or other specially dangerous instrument, or under other especially aggravating circumstances, a sentence of imprisonment shall always be imposed, and for a felony against section 231 a term of imprisonment not exceeding 21 years may be imposed in every case and otherwise the penalty may be increased by up to three years. The penalty prescribed in section 228, first paragraph, may, however, only be increased by up to six months' imprisonment, while at the same time fines may still be imposed. In deciding whether other especially aggravating circumstances exist, special regard shall be paid to whether the offence has been committed against a defenceless person, whether there was a racial motive, whether it was unprovoked, whether it was committed by several persons jointly, and whether it constitutes ill treatment.

**§ 233.** Any person who causes another person's death, or is accessory thereto, is guilty of homicide and shall be liable to imprisonment for a term of not less than six years.

If the offender has acted with premeditation or has committed the homicide in order to facilitate or conceal another felony or to evade the penalty for such felony, imprisonment for a term not exceeding 21 years may be imposed. The same applies in cases of repeated offences and also when there are especially aggravating circumstances.

**§ 233 a.** Any person who conspires with another person to commit any act referred to in section 231 or 233 shall be liable to imprisonment for a term not exceeding 10 years.

**§ 234.** If a felony mentioned in section 233 is committed by a mother against her own child during the birth or within 24 hours thereof, she shall be liable to imprisonment for a term of from one to eight years.

Under especially aggravating circumstances, a sentence of imprisonment for a term not exceeding 12 years may be imposed.

An attempt may go unpunished if the child is not seriously injured in body or health.

**§ 235.** A penalty pursuant to sections 228 and 229 shall not be imposed when the act is committed against any person who has consented thereto.

If any person is killed or seriously injured in body or health with his own consent, or if any person out of compassion deprives a hopelessly ill person of his life, or is accessory thereto, the penalty may be reduced below the minimum otherwise provided and to a milder form of penalty.

**§ 236.** Any person who aids and abets another person to commit suicide or to inflict upon himself serious injury to body or health shall be liable to the same penalty as for aiding and abetting homicide or the infliction of grievous bodily harm in the case of a person consenting thereto.

No penalty shall be imposed when death or serious injury to body or health does not occur.

**§ 237.** Any person who negligently causes such inability to work, illness, defect or injury as is mentioned in section 229 shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will be only instituted when requested by the aggrieved person.

**§ 238.** Any person who negligently causes serious injury to body or health, by the use of a weapon, motor vehicle, or in any other way, shall be liable to fines or to imprisonment for a term not exceeding three years.

**§ 239.** Any person who negligently causes the death of another person, by the use of a weapon, motor vehicle, or in any other way, shall be liable to imprisonment for a term not exceeding three years, or under especially aggravating circumstances for a term not exceeding six years. Under especially extenuating circumstances fines may be imposed.

