



POLITIET
KRIPOS - NCIS NORWAY

ONLINE SEXUAL EXPLOITATION OF CHILDREN AND YOUNG PEOPLE



Contents

CHAPTER 1: INTRODUCTION	10
1.1 Purpose and reason for the report	10
1.2 The structure of the report	11
1.3 Limitations	11
1.4 Source material	11
1.5 Terminology	12
CHAPTER 2: THE INTERNET AS A SOURCE OF SEXUAL ABUSE MATERIAL AND A CHANNEL FOR COMMUNICATION BETWEEN PERPETRATORS	16
2.1 Sexual abuse material volume and sharing	16
2.2 Chatting	18
2.3 Seizure of sexual abuse material	20
2.4 Commercialisation of sexual abuse material	22
CHAPTER 3: INTERNET AS A COMMUNICATION CHANNEL FOR CHILDREN AND YOUNG PEOPLE	24
3.1 Deception of children online	24
3.2 Sexual coercion and extortion	26
3.3 Sexualised contact online with the aim of perpetrating physical sexual abuse	29
3.4 Live-streamed sexual abuse on demand	30
CHAPTER 4: PERPETRATORS	34
4.1 Sex	34
4.2 Young perpetrators	35
4.3 Perpetrators handling sexual abuse material	37
4.4 Perpetrators who use the internet to contact children and to sexually abuse them, online or offline	37
4.5 The link between use of sexual abuse material and physical sexual abuse	39
CHAPTER 5: SHARING OF SEXUALISED MATERIAL AMONG YOUNG PEOPLE	44
5.1 Relevant judgments	45
5.2 Commonly asked questions	47
CHAPTER 6: CHILDREN AND YOUNG PEOPLE AT RISK	50
6.1 Category 1: Children depicted in sexual abuse material online	50
6.2 Category 2: Children tricked into sexual contact over the internet, including sexual extortion	54
6.3 Category 3: Children subjected to live-streamed sexual abuse on demand	58
6.4 Category 4: Children and young people photographed/filmed by their peers in a sexualised situation, including during sexual abuse	59
6.5 Category 5: Children and young people voluntarily producing sexualised images or videos of themselves	60
6.6 Police detection of historical abuse	61
6.7 Costs to society	62

CHAPTER 7: PREVENTIVE POLICE WORK AND FOLLOW-UP	64
7.1 Follow-up in connection with investigations	64
7.2 Preventive police work through police online presence	65
7.3 Preventive police work through technical online solutions	66
7.4 Police prevention through other measures	67
7.5 International campaigns	70
 CHAPTER 8: PROBLEMS FACING THE POLICE AND THE PROSECUTING AUTHORITY	 72
8.1 No rules requiring storage of IP address subscriber information	72
8.2 Duty to delete the link between IP addresses and subscribers after 21 days	73
8.3 Lack of regulations governing VPN providers	73
8.4 Absence of regulations governing cryptocurrency	73
8.5 Lack of defined procedural rights for victims abroad	74
8.6 Shortened statutory limitation period for prosecution in the Penal Code 305b	75
8.7 Low maximum penalty for offences under the Penal Code section 311	75
8.8 No duty to avert offences under the Penal Code sections 310 and 311	76
8.9 No duty to report discovery of sexual abuse material	77
8.10 Complex legal process when exchanging IP addresses between the US and Norway	77
8.11 Need for closer international police cooperation	78
8.12 Practical issues in cases involving many victims	78
 CHAPTER 9: OUTLOOK	 80
9.1 Global digitalisation will increase the number of potential victims and perpetrators	80
9.2 The volume of self-produced sexualised depictions of children on the internet will continue to grow	80
9.3 Persons wishing to exploit children sexually through the internet will use new technology to protect their identities	80
9.4 Increased commercialisation of sexual exploitation via the internet	81
9.5 A stronger focus on prevention among persons with a sexual interest in children may prevent new abuse, both online and physical.	81
9.6 Considerable costs to society resulting from more children being sexually exploited via the internet	81

Preface

Norway is one of the most digitalised countries in the world, and social media have become an integrated feature in the lives of many Norwegians, including children and young people. The current generation of young people are growing up in a world that is, in many ways, fundamentally different from the world in which their parents grew up, in particular as regards communication and the new information sharing culture.

This digitalised world also contains threats, in real life and online, which children and young people encounter daily. The threat actors may be both people they know and strangers. Some of them are adults who use the internet and other digital platforms to make contact with children and young people they then attempt to exploit sexually using brutal and ruthless methods. Others are profit-motivated and organised actors based abroad. However, even people close to them, such as a girlfriend or boyfriend, can cause irreparable harm by distributing very personal images or videos online.

The NCIS report *Online sexual exploitation of children and young people* shines a light on a large and growing area of crime. Downloading and sharing of sexual abuse material, sexual deception and extortion and ordering of live-streamed sexual abuse are some of the phenomena described in the report. The report also points out the consequences that the sharing culture among young people may have for the individual when it involves criminal sharing of sexualised images and videos. In this connection, developing the digital expertise of children and young people is important.

The speed of the digital developments makes major demands on the police and the prosecuting authority, and this report presents several issues encountered in the investigation of sexual crimes committed online or using digital tools. These are issues communicated by key lead investigators in the police districts during the preparation of this report.

The National Criminal Investigation Service (NCIS) plays a key role in this area as the centre of expertise and support agency as regards combating online sexual abuse of children. With the report *Online sexual exploitation of children and young people*, the NCIS will help raise knowledge about this crime area, an area that will demand increasingly more from the police and other relevant agencies.

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Ketil Haukaas

The report highlights 12 specific issues encountered by police and prosecutors handling such crimes. These issues are described in further detail in chapter 8.

- Lack of requirements relating to the storage of IP address subscriber information
- Duty to delete links between IP addresses and subscribers after 21 days
- Lack of regulations governing VPN providers
- Lack of regulations governing cryptocurrency
- Lack of defined procedural rights for victims abroad
- Shortened statutory limitation period for prosecution under the Penal Code 305b
- Low maximum penalty for offences under the Penal Code section 311
- No duty to avert offences under the Penal Code sections 310 and 311
- No duty to report discovery of sexual abuse material
- Complex legal process when exchanging IP addresses between the US and Norway
- Need for closer international police cooperation
- Practical issues in cases involving many victims

Summary

For years now, the Norwegian police have seen how the internet has become an increasingly key aspect of sexual crime cases. The 2017 and 2018 revised national budgets allocated extra funding to the NCIS's efforts to combat sexual crime and violence against children and young people. One of the results of the extra funding is this report, which aims to shed light on how use of the internet facilitates various forms of sexual abuse of children and young people. The report aims to help raise knowledge about and create a shared understanding of this crime category. Shared understanding and knowledge boost our ability to develop efficient preventive measures.

The first chapter defines the subject matter of the report: sexual exploitation of children and young people under the age of 18 while also providing an overview of the crime category. It also lists key terms. The terms applied in this report conform with ECPAT International's *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. Uniform and deliberate use of terminology is important, not only to communicate well across organisational and national boundaries, but to ensure that the terms highlight rather than play down the seriousness of these crimes. For instance, the report discusses the term *child pornography*, and recommends, in spite of the term's frequent use in international and national legislation, its replacement with terms that more clearly flag what is involved. This report therefore uses the term child sexual abuse material.

Perpetrators and methods

Police authorities all over the world have long since ceased to be surprised by how persons with a sexual interest in children use available internet technology to obtain abuse material, share recorded material from abuse perpetrated by themselves or establish sexualised contact with children, often posing as someone else. The internet has grown into an inexhaustible source of sexual abuse material, on the open, deep and dark webs. Chapter 2 describes the volume and content of online sexual abuse material. Little material is deleted and new material is continuously added, meaning that the volume grows day by day. An increasing amount of this material is produced by children or young people who have been duped or threatened into performing sexual acts on themselves.

The technological solutions of social media and other platforms change all the time, and anonymisation and encryption methods and deletion software lower the risk of being discovered when sharing or storing files. Furthermore, persons with a sexual interest in children find each other on various online forums, where they legitimise sexual abuse of children and incite each other to commit physical sexual abuse.

Chapter 3 describes how perpetrators use the internet to establish sexualised contact with children and young people. Developments in social media and children's access to smartphones make it easier to engage in direct and sexualised dialogue with them. Criminal cases in Norway and abroad show that by using false profiles and their adaptive and manipulative abilities, as well as specific threats, perpetrators can manoeuvre children and young people into very humiliating and traumatic sexual situations.

In recent years, the Norwegian police have investigated large cases where a single reported crime has resulted in several hundred children becoming identified as the victims of one single perpetrator.

Increasingly efficient technological solutions result in direct communication between people all over the world becoming more and more seamless. Perpetrators exploit this to watch real-time physical sexual abuse. In recent years, there have been several cases in which Norwegian nationals have ordered and paid for aggravated abuse of small children, and several of the perpetrators have been convicted. It has been noted, both in Norway and elsewhere, that live-streamed abuse is often performed in the Philippines, but our information indicates that this also takes place in other countries and on other continents. How many such on-demand, live-streamed abuse sessions take place is unknown, but probably far more than we detect.

Chapter 4 is about those who are behind this kind of crime. We have limited knowledge about the perpetrators, including how likely it is that persons who handle sexual abuse material also have committed or will commit other forms of sexual abuse against children. The available knowledge indicates that a significant, but unknown percentage of persons who involve themselves with sexual abuse material have also committed other forms of sexual abuse. This correlation and the concern for the depicted children warrant taking this form of crime seriously. The fact that so many obtain and share abuse material also means that the police must prioritise where to concentrate their efforts, both as regards prevention and prosecution.

Smartphones and social media have created a sharing culture in which sharing images and videos with others, both friends and strangers, is an integral part of everyday life.

Chapter 5 looks at instances in which this sharing culture has had criminal results. The chapter deals with issues encountered daily by young people, and refers to court judgments from recent years. The consequences can be great for young people who have sexualised images or videos distributed on the internet.

The vulnerable children

Chapter 6 looks at the children that fall victim to this type of crime. They are divided into five categories. The three first mainly include children who have either been subjected to physical sexual abuse or who have been duped or threatened into performing sexual acts on themselves. Common for all of them is that the abuser has recorded the abuse and probably shared it online. Both research and the experience accumulated at the NCIS indicate that it is the particularly vulnerable children who are subjected to abuse. However, experienced investigators emphasise that you may also find children that would be considered far from vulnerable among the victims, and that “anyone” can become a victim.

While we have a lot of knowledge about the consequences of being sexually abused, we know less about the harm caused when images of the abuse are shared with others and about the fact that they will never be completely eradicated from the internet. Research does, however, suggest that the sharing of the images causes great additional harm, and that many victims say they feel that the abuse never ends.

The final two categories include children and young people who voluntarily share sexualised material, only to see it become distributed online afterwards without their consent. There is always a risk when you send a sexualised image of yourself to another person.

Follow-up and prevention Chapter 7 deals with police follow-up and prevention. The victims are often in an exceptional position in that they have not reported the matter themselves, but have been identified as victims by the police. In these cases, the children and their parents are in need of individual follow-up. Specially trained police interviewers and staff at the Children's Houses, centres for treatment, counselling and expertise within the field of child sexual abuse, regularly encounter new and unusual problems in these cases.

According to the Police Instructions section 2-1 "the police will in all cases be most effective if the force can prevent or avert crimes or disturbances of the peace". This is also the case for crimes that take place online. The police work to prevent sexual exploitation of children on the internet in several ways, including by making contact with children and young people on social media and by using technical solutions that speak directly to the perpetrators online. In 2019, the NCIS and the police districts launched an awareness campaign called "Shareable?", aiming to prevent illegal image sharing among young people. Through the Proteus project and the SOBI investigation unit, Trøndelag Police District collaborates with the expertise centre for forensic, security and prison psychiatry to uncover sexual abuse and offer treatment to people who have downloaded abuse material.

Challenges

Cases involving sexual abuse of children and young people through the use of the internet are given priority by the police and prosecuting authority. Investigation and prosecution of these cases are important to safeguard the interests of the victims, but also from a prevention perspective, to maintain the general deterrent effect for individuals and in society in general. Chapter 8 highlights 12 specific problems the police and the prosecuting authority encounter when handling these cases. Several of them are linked to investigation, including the fact that service providers are not required to store subscriber information for IP addresses. The police have seen how the rules relating to IP addresses result in failure to identify many Norwegians who exploit children sexually online. In some connections, these rules also make Norway a less attractive partner for foreign police agencies when leads point to Norway or Norwegian VPN services.

Looking forward

In conclusion, the report discusses some aspects of expected developments in various areas described in the report. When looking forward, there is every reason to expect that persons with a sexual interest in children will continue to use available technology to exploit children sexually as long as the police do not succeed, in collaboration with other partners, in their preventive efforts aimed at perpetrators, victims and their families. This type of crime will continue to challenge the police and the prosecuting authority and require significant resources for investigation and prosecution.

A close-up photograph of a spider web, showing the intricate spiral and radial patterns. The web is illuminated with a blue and purple gradient, creating a glowing effect. The background is a soft, out-of-focus mix of these colors.

Introduction 1

Chapter 1

Introduction

1.1 Purpose and reason for the report

In 2017, 98 per cent of Norwegians aged 9 to 79 had internet access.¹ In 2017, 91 per cent had smart-phone access.² Internet has become an integral part of everyday life, and the border between the real and virtual worlds has become blurred. This is particularly the case for people under the age of 20.³

For years now, the Norwegian police have seen how the internet has become an increasingly key aspect of sexual crime cases. This report concerns *online sexual exploitation of children and young people*. This term is used generically about all types of sexual crimes against children by means of the internet, including the handling of images or videos that sexualise children. The report also discusses issues relating to production, storage and sharing of sexualised material among young people.

The volume and consequences of this type of crime have become very apparent in recent years. The police coding practice for criminal cases makes it impossible to generate figures for sexual abuse that occurs exclusively online. However, it is worth noting that the National Police Directorate's report on reported crime in 2018 shows that the number of sexual crime cases grew by 75.2 per cent from 2014 to 2018.

The number of cases grew by 5 per cent from 2017 to 2018. Online sexual crimes are stated to be an important cause of the increase.

Online sexual exploitation of children and young people is the subject of great concern on the part of several key NGOs and government agencies. The Director of Public Prosecutions' letter of priorities for criminal proceedings in 2018 gives priority to serious sexual crimes, including online sexual abuse of children. The letter also states that "efforts must be made to identify victims, to the extent possible, to provide them with the necessary help, support and protection, while strengthening the efforts to uncover and prosecute perpetrators".⁴

The 2017 and 2018 revised national budgets allocated extra funding to the NCIS's efforts to combat sexual crime and violence against children and young people, including internet-related sexual abuse⁵. This report is one of the results of this allocation, aiming to shed light on how use of the internet enables various forms of sexual abuse of children and young people. The report is intended to help raise knowledge about and create a shared understanding of this crime category. Shared understanding and knowledge boost our ability to develop effective preventive measures.

¹ <http://www.medienorge.uib.no/statistikk/medium/ikt/347>.

² <http://www.medienorge.uib.no/statistikk/aspekt/tilgang-og-bruk/388>.

³ <http://www.krokan.com/arne/2009/06/06/gamliser-digitale-immigranter-og-innfdrte>.

⁴ The Director of Public Prosecutions. 2018d

⁵ The justice committee of the Norwegian parliament. 2016.

1.2 The structure of the report

This report is divided into eight main chapters and a shorter concluding chapter which also discusses expected developments. Chapters 2 and 3 look at how perpetrators use the internet as a source of sexual abuse material and to establish sexualised contact with children. Chapter 4 presents our current knowledge on various perpetrator categories, while chapter 5 deals with some of the issues relating to children and young people's sharing of sexualised material. Chapter 6 looks at the children and the scale of the abuse and the harm caused to vulnerable children in five different categories. Chapter 7 deals with the police preventive efforts, nationally and internationally. Chapter 8 presents 12 challenges relating to this crime category. The final and concluding chapter of the report looks forward and presents some key developments.

1.3 Limitations

This report only provides an overall presentation of the situation. The crime area changes continuously; which is why the report does not focus on the technical solutions, applications or platforms used.

To protect ongoing investigations, our descriptions of the methods used by perpetrators are not detailed.

This report primarily deals with cases where the victims are *children or young people* under the age of 18. However, some of the phenomena described may also concern victims over the age of 18.

1.4 Source material

The main sources of the report are Norwegian and foreign law enforcement, other national and international actors and relevant research literature.

Norwegian police

In recent years, the Norwegian police have investigated a large number of very extensive cases and have gained considerable knowledge about this crime category. Some of these cases have been used as examples of how perpetrators operate. Quotes in the report are from final and enforceable judgments only.

Other key sources of information include police intelligence and interviews with lead investigators in large cases in Oslo, Vest and Trøndelag police districts. The NCIS, in its role as receiver of information from the public and coordinator of information from abroad, has been important in the gathering of information.

Interpol and Europol

Both Interpol and Europol are key sources for this report. Interpol is the world's largest international police organisation, with 192 member states, and plays a key role in combating online sexual abuse of children. Interpol publishes several types of products, including threat assessments and monthly, quarterly and annual reports.⁶

Europol is the European Union's crime-fighting agency. One of its core responsibilities is crime analysis, and Europol publishes several analysis products, including *Serious and Organised Crime Threat Assessment* (SOCTA) and *Internet Organised Crime Threat Assessment* (IOCTA).⁷ Europol established the European Cybercrime Centre (EC3) in 2013. The centre is a key European player in combating online exploitation of children.⁸

⁶ <https://www.interpol.int/Crime-areas/Crimes-against-children/Online-child-abuse-Q-As>.

⁷ <https://www.europol.europa.eu/about-europol>.

⁸ <https://www.europol.europa.eu/about-europol/european-cybercrime-centre-ec3>.

National and international actors

Qualitative interviews with relevant actors are important sources for this report. Interviews with staff at the Children's House in Oslo, The Ombudsman for Children and the V27⁹ treatment centre for young perpetrators in Bergen have been important in that they yielded better understanding of the children's situation. We have also collected information from international actors such as the Internet Watch Foundation (IWF)¹⁰, the National Centre for Missing and Exploited Children (NCMEC)¹¹, the WeProtect Global Alliance (WPGA)¹² and ECPAT¹³.

Research

General publication of research is outside of the NCIS's remit. However, parts of the report are based on research literature, mainly publications that gather results from multiple stand-alone studies in meta-analyses and literature reviews relating to topics that are key to the NCIS's understanding of the crime situation¹⁴. A few stand-alone articles about topics not covered by meta-analyses and literature reviews have also been used.

Reference is also made to research conducted at centres of expertise such as the Norwegian centre for violence and traumatic stress studies (NKVTS) and Barnafriid. The latter is a Swedish centre of expertise which works to gather and disseminate

knowledge about violence against and abuse of children.

Limitations

The report provides no figures for internet-related sexual crimes reported to the police. As mentioned, it is not possible to generate figures for cases that exclusively concern online sexual abuse. This is due to the fact that offences are coded in line with the provisions of the Penal Code, which does not generally distinguish between locations and technologies; this allows application of the same penal provisions regardless of whether the abuse is physical or takes place online.

1.5 Terminology

Combating online sexual exploitation of children requires international collaboration and uniform terminology. Shared formulation standards have proven to be important to achieve optimal communication across national borders. An international working group was therefore formed in 2014 to prepare common terminology for this crime area. In 2016, ECPAT International published *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. The guidelines discuss key terms and are an important tool to achieve more uniform and efficient communication, both nationally and internationally. The terminology of this report complies with the recommendation of the guidelines.

1.5.1 Key terms in the report

The deep web: The deep web is all information that cannot be indexed by regular search engines. To find information on the deep web, you need a specific URL address or access via a private invitation or login information. Examples of content on the deep web include private files shared via cloud services, email and social media.

9 V27 is a clinical resource unit under the Children's and Young People's Psychiatric Out-Patient Clinics (BUP) in Western Norway, and is associated with the Betanien BUP at Betanien Hospital in Bergen. Its target group is children and young people who engage in problematic or harmful sexual behaviour against other children.

10 The IWF is an independent UK organisation that identifies and removes both British and foreign websites containing sexual abuse material.

11 The NCMEC is a US NGO with government funding, working to prevent sexual exploitation of children and the sharing of sexual abuse material. As part of its efforts, the NCMEC receives tip-offs from internet service providers in the US. The NCMEC does not investigate cases, but forwards information to law-enforcement agencies in various countries. (Source: www.missingkids.com/about.)

12 The WePROTECT Global Alliance is an international collaboration to combat online exploitation of children. Originally a UK initiative, it has become an extensive international project supported by UNICEF and others.

13 ECPAT, established in Thailand in 1990, is an international network of organisations working to combat sexual exploitation of children. ECPAT Norway was established in 2015 and works with 104 sister organisations in 93 countries. See www.ecpatnorge.no.

14 A meta-analysis uses statistical methods to cumulate the results of a number of independent studies on the same issue. The objective is to find better parameters for what can be considered to be reliable, valid and robust research results than can be found from each individual study. (Sources: <https://snl.no/metaanalyse>.)

The dark web: The dark web consists of encrypted networks and can therefore not be indexed by regular search engines. The dark web includes marketplaces for illegal services and goods, often paid for with cryptocurrency and sent in a manner that protects both the recipient and the sender. The dark web also requires special browsers, such as the Onion Router (TOR), where you can find forums and marketplaces for child sexual abuse. The encrypted networks are also used by sex offenders to share abuse material.

The open web: The open web consists of all the information that can be indexed by regular search engines and that appears when you search for it on e.g. google, bing, yahoo and the like.

Live-streamed sexual abuse of children over the internet: Sexual exploitation of children streamed live over the internet. With live streaming, the abuse does not leave evidence in the form of images or videos unless the perpetrator or receiver records it.

Live-streamed abuse on demand: Live streaming of physical sexual abuse on demand. The term is used in this report to describe situations where a person orders specified abuse over the internet. The person ordering the abuse is in a different location from the abused children, and the physical sexual abuse is organised and performed by a third person.

Domain name: A domain name is a unique, hierarchic name string used to give an address on the internet. Generally, all online communication uses IP addresses.

However, domain names are easier to remember as they commonly describe the website the user is searching for, as in www.kripas.no.

IP address: All computers that communicate over the internet or other computer networks have a unique IP address, e.g. 83.242.8.128. This address is the computer's unique identifier at the time it is observed. Both the sender's and the recipient's IP addresses are needed to send data packages on the internet. The IP address is allocated to the customer's computer equipment by the internet service provider.

A computer with a dynamic IP address will be allocated different IP addresses each time it connects to the internet. Two computers will never have the same IP address simultaneously. IP addresses are normally allocated for a 24-hour period, but this depends on the provider. A static IP address means that the IP address is "reserved" for the customer's subscription or computer for extended periods of time or throughout the subscription period. Whether a computer has a static or dynamic IP address depends on the subscription type, the number of IP addresses owned/used by the provider, the number of customers etc.

Cryptocurrency: Digital currency using encryption to secure transactions. Enables international transfers of large amounts, often with low fees. Encryption is a mathematical process to secure content, giving access only to the recipient.¹⁵

¹⁵ National Joint Analysis and Intelligence Centre. 2018

Sexual abuse material: The Norwegian Penal Code section 311 covers both “depictions of sexual abuse of children” and “depictions which sexualise children”. In this report, *sexual abuse material*, is used as a generic term for images and videos depicting sexual abuse of children or sexualising children. A child is defined as anyone who is or appears to be younger than 18.

“Depictions of sexual abuse of children” means depictions that show or describe sexual abuse of children. Sexual abuse includes rape, sexual activity and sexual acts against the child.

“Depictions which sexualise children” means e.g. punishable images and videos showing nude children, children posing in a sexualised setting, and texts which sexualise children. Several judgments in Norwegian courts of first instance have found sexualised dolls with a childlike appearance to be depictions sexualising children. However, this interpretation has not yet been considered by the Supreme Court.¹⁶

The term *child pornography* is still used in some countries, and can also be found in international conventions and directives. The ECPAT 2016 Guidelines includes a detailed discussion of the term and recommends replacing it with terms that to a greater degree describe the actual content and clearly distinguishes abuse and sexualisation of children from pornography. In Norway in 2005, the legislator decided to exclude children from the pornography provision in force at the time.

Peer-to-peer networks: Networks enabling users to share files directly without the files being stored in a central server.

Proxy server: A proxy server acts as an intermediary between two computers or a computer and the internet, and can also be used to conceal the true location and identity of the user.

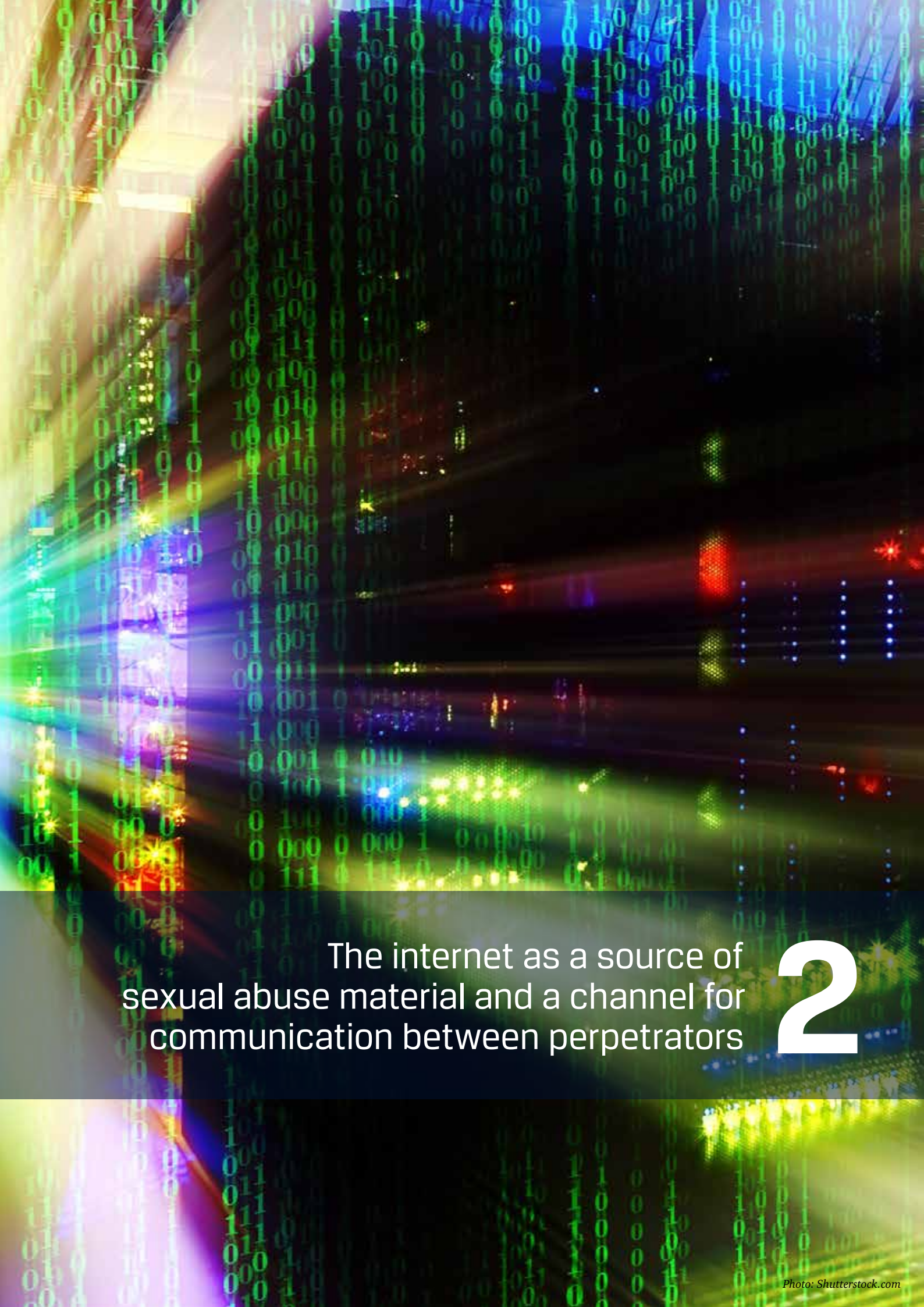
Sexual extortion: Entails blackmailing someone into sending money or sexualised images, in some cases after first having duped the victim into sending sexualised material. The extortion can take place by threatening to post the material on the internet or sending it to friends, parents and others whom the perpetrator have gained knowledge of, often when contact with the victim was first established.

The Onion Router: The Onion Router (TOR) is a free and freely available anonymisation service used to hide communication on the internet. Users are allocated a fictitious IP address. Data traffic via TOR cannot be traced to any specific location, and both the activity and the identity of the user remain secret. Users also gain access to areas of the internet that are only available to TOR users.

Service providers: A telecom service provider is a company that provides telecom services in its own network and offers them to other telecom companies, which then refine and sell them to end-customers as virtual providers, or sells them directly to end-customers.

VPN (virtual private network): A technology used to open a secure and encrypted connection between two or more computers over a network (often the internet).

¹⁶ HR-2018-2306-U



The internet as a source of
sexual abuse material and a channel for
communication between perpetrators

2

Chapter 2

The internet as a source of sexual abuse material and a channel for communication between perpetrators

2.1 Sexual abuse material volume and sharing

It is impossible to say exactly how much sexual abuse material exists online. However, the volume is constantly growing, as none of the material published online ever disappears. In 2016, the Internet Watch Foundation reported finding 2416 domains containing sexual abuse material, an increase of 21 per cent on 2015. All services that support file sharing can be used to distribute sexual abuse material.

Most of the sexual abuse material online is produced by the perpetrators themselves. However, an increasing share is produced by children, often because they are victims of sexual extortion. This report refers to such material as *self-generated sexual material*.

Generally, any service that allows file exchange and/or which perpetrators perceive to have a certain level of security will be used to share sexual abuse material or communicate in writing about sexual abuse of children. Sharing of sexual abuse material takes place on the open, deep and dark webs. All activity and all users on the open web can be traced, via either the access provider or the service provider, and there is a number of easily available services and applications. However, the development of advanced smartphones and applications with end-to-end encryption provide ample opportunity to produce, download, store and share sexual abuse material without being easily exposed.

This results in sexual abuse material being available on a large number of open web platforms.

On the dark web, the basic functionality is geared towards protecting users against identification, and all communication and file exchange is encrypted. The Onion Router (TOR) is a much-used anonymisation service, and the number of users rose from one million in 2013 to more than four million in 2018.¹⁷

The lowered risk of being detected make perpetrators communicate more openly on the dark web, sharing even very extreme sexual abuse material. The perpetrators use forums of varying sizes. A threat assessment from the WePROTECT Global Alliance mentions a forum with more than 400,000 registered members where users communicate about and share sexual abuse material.¹⁸ On smaller forums, persons with very specific sexual preferences can find each other. For instance, there is a forum with 1800 registered members that are particularly interested in the abuse of infants and in images and videos showing such abuse. The figures from the WePROTECT Global Alliance tally with the NCIS's experiences.

The dark web is a key arena for sharing of sexual abuse material and communication between perpetrators about physical sexual abuse. However, a lot of the sharing of the sexual abuse material on the dark web takes place in the form of sharing of links to files on the open web. This is partly due to the

¹⁷ WePROTECT Global Alliance. 2018.

¹⁸ Ibid.

limited storage and bandwidth capacity of the dark web. This means that most of the available sexual abuse material online is on the open web, in cloud-based file storage services and open file sharing networks.

The NCIS receives information daily from partners in other countries about Norwegian users who download or share sexual abuse material. In 2018, the NCIS received slightly less than 10,500 tip-offs from the National Centre for Missing and Exploited Children (NCMEC) and the National Child Exploitation Coordination Centre (NCECC)¹⁹. Information is also received via Europol and Interpol. In addition, the NCIS receives information from various organisations and individuals via its own online and telephone solutions²⁰ for reporting concerns and crimes.²¹

2.1.1 File sharing

An oft-used approach to gain access to files with large amounts of sexual abuse material is participation in open file-sharing networks. Such networks are probably the largest source of online sexual abuse material. The software used to join a file sharing network is freely available and free to use. There are no special requirements to hardware or software beyond an internet connection, and the software is user-friendly. This means that anyone with access to a computer with internet access can participate in these file-sharing networks. Users make the files they wish to share available from their own computer, and can search and download files shared by others users. The most common file-sharing networks use regular open protocols on the internet and are not encrypted or otherwise protected.

Closed file-sharing networks mostly work in the same way, but you need an invitation to join. Closed file-sharing networks also involve direct communication between users.

2.1.2 File sharing in Norway

Through collaboration with foreign law-enforcement agencies, the NCIS has access to very sophisticated tools for identifying computers that contain, provide access to and distribute files classified as sexual abuse material. These tools are used to make initial enquiries in potential criminal cases involving sexual abuse material.

One of these tools, used by police agencies all over the world, linked approx. 15,000 unique Norwegian IP addresses to sexual abuse material between 12 February 2017 and 12 February 2018²². Further investigation is required to verify whether the IP address users actually handle sexual abuse material. As several users can operate from one single IP address, and one user can have multiple IP addresses over the course of a year, the number of IP addresses cannot tell us how many persons have actually handled these files.²³

It is also possible to use open proxy servers or VPN solutions offering connection in Norway. With such a solution you can make your IP address appear to be Norwegian, while actually being located abroad. The use of VPN is increasing: VPN services were the eighth most commonly downloaded type of communication app for Android smartphones in 2017.²⁴ There are also all the users on PCs and other operating systems.

19 The NCECC is the point of contact for investigation of online sexual exploitation of children in Canada. (Sources: www.rcmp-grc.gc.ca/nccecc-cnccce/about-ausujet-eng.htm.)

20 www.tips.politiet.no.

21 See Aanerød and Mossige for an analysis of 600 tip-offs from 2015–2017.

22 15,000 unique IP addresses that can be linked to sexual abuse material is a higher number than those previously published by the NCIS. The reason is that the system which identifies IP addresses in possession of sexual abuse material has become increasingly able to identify these addresses. IP addresses that previously went undetected are now found and registered. There is in other words nothing to indicate that there are more Norwegian file-sharing network users; but the figures now reflect the real usage better.

23 For instance, one entire university can have only one IP address.

24 WePROTECT Global Alliance. 2018.



Figure 1: Overview from EMPACT of locations where there are persons who have downloaded files that appear to be sexual abuse material – globally.

We do not know how many real users have downloaded sexual abuse material. However, the NCIS chairs a European prevention project under the



Figure 2: Overview from EMPACT of locations in northern Europe where there are persons who have downloaded files that appear to be sexual abuse material.

direction of EMPACT²⁵. This project provides an overview of how many people download files with names that suggest they contain sexual abuse material. The files are in reality empty or contain information from the police.

Figures 1 and 2 illustrate the number of downloaders, in Norway and globally. Globally (figure 1), each dot represents somewhere between one and many hundred IP addresses. For Norway (figure 2), each dot represents anywhere between one and tens of IP addresses. Behind each IP address, there can be one or more persons (i.e. a university, a local council etc.).

2.2 Chatting

Perpetrators not only use the internet to gain access to images and videos, but also to communicate with like-minded people through chats. Chats which sexualise children are covered by the Norwegian Penal Code section 311.

²⁵ EMPACT is a collaboration platform for the EU member states' law-enforcement authorities. See chapter 7.3.2 for a more detailed description of the project.

Through investigation and on the basis of other sources, the Norwegian police have uncovered hundreds of users who appear to be Norwegians, chatting about sexual abuse of children on various online forums.

Such online forums can be found on the deep, dark and open webs, often as video-based software. The services are most commonly encrypted. Perpetrators tend to use hidden identities, making them able to freely share not only thoughts and fantasies, but also experiences of actual physical sexual abuse of children. There, they can find a community they would not be able to find in real life, and as such networks stretch across national borders, they can find someone to talk to at all hours of the day.²⁶ Some of the forums make it possible to exchange files, resulting in ongoing chats while sexual abuse material is being shared.

Norwegian investigations have uncovered the following topics:

- Discussions about and exchange of detailed descriptions of severe sexual abuse and acts bordering on torture against children of all ages, including one's own.²⁷ In a judgment from 2018, the convicted person describes how he repeatedly used a webcam to participate in chat groups where he and other men masturbated over images of children and shared sexual fantasies.²⁸ In several cases, the police have discovered that detailed descriptions of abuse, which the perpetrator claimed were merely fantasies, were of acts that had actually taken place.²⁹

- Incitement to commit sexual abuse of children (preferably one's own children), and then share images of the abuse. Assisting or encouraging in this manner is covered by the Penal Code. In 2018, a man was convicted of having psychologically assisted or encouraged another man to sexually abuse the latter's two daughters:

*The psychological assistance or encouragement consisted of the two exchanging chatting on Skype and describing sexual abuse of children and possible sexual abuse of the two daughters. They also exchanged digital images and videos with such content. [...] The defendant repeatedly described sexual abuse of children and he occasionally wrote that he had committed sexual abuse of children. NN was therefore over time subjected to the defendant's influence in a way that was conducive to removing NN's aversion to committing sexual abuse of children.*³⁰

- Discussions and exchange of descriptions of sexual abuse of animals.³¹
- Exchange of information about websites depicting sexual abuse or sexualisation of children.
- Exchange of information or experiences relating to travelling abroad to commit physical sexual abuse of children there, including prices and types of abuse. Encrypted messages have been found which describe approaches and prices as in a travel guide with information for persons who wish to travel abroad to commit sexual abuse of children.³²
- Exchange of contact information for vulnerable and easily available children. This is particularly relevant for perpetrators who wish to establish sexualised contact with children online.

²⁶ According to the 2017 NetClean report, perpetrators search for sexual abuse material 24/7. Most searches take place on Sundays and in the evening. Searches are fewest early in the morning but rise between 07:00 and 10:00.

²⁷ Supreme Court case HR-2018-2315-A concerned a defendant who posed as his spouse and described severe sexual abuse she was alleged to have committed against her own children. The abuse was discussed in a one-on-one chats.

²⁸ 17-055240MED-SOFT

²⁹ LG-2017-147231

³⁰ 17-187613MED-BERG/2.

³¹ 17-089296MED-BERG/2.

³² Vest Police District.

- Exchange of information about security measures to conceal their criminal activities, such as encryption and anonymisation services and deletion software. While perpetrators could previously be categorised on the basis of their technical know-how, there is much to indicate that such categorisation is becoming less relevant. According to Europol, it has become common for perpetrators to use various technical solutions to reduce detection risk, often after having exchanged experiences with like-minded people online³³. However, the NCIS still observes significant variations in perpetrators' technical proficiency and the extent to which they seek to reduce detection risk.

Example of a chat quoted in a judgment from 2017:³⁴

The defendant: How young are the girls you've fantasised about/that turn you on?

C: Off ... Down to 3 or 4 years perhaps ... Is that even legal?

The defendant: Not younger?

C: Well, maybe two, but not much younger...

The defendant: Would you be turned on by licking a 3/4-year-old [girl]?

C: Can I ask why you are asking... ? The answer is yes, I get turned on if I allow myself to think about it at least...

The defendant: Would you get turned on by watching Daddy lick a 3/4-year old [girl]?

C: Indeed... Yes, I probably would. But since it's not legal and maybe wrong in many ways with a girl who cannot defend herself, I'm keeping those thoughts in check. But the idea of your doing to her what I wish Daddy had done to me when I was little, that's one idea I like thinking about... Thinking I'm her, kinda.

The Defendant: That depends on how we get turned on. I don't get turned on by abusing someone [a girl] that small. But I would have fucked you if you were 3-4, if I 'd known you[...]

The defendant: When I fuck you when you use a pacifier, I feel with all of me that I'm fucking my daughter. Not my daughter, that is, but my daughter in you [...]

The defendant: You mustn't stop until you give yourself an orgasm.

Imagine another little one's cunt that Daddy permits you to fondle. Someone 10-11

With a naturally smooth cunt, no curves [...]

The defendant: Imagine her great cunt , too. That you feel how horny such a young cunt makes you.

2.3 Seizure of sexual abuse material

The extent of the online activity of perpetrators who have handled sexual abuse material varies. In some cases, they only download sexual abuse material, while in other cases, they take a more active role and maintain a large contact network among like-minded people in Norway and abroad. A third category consists of perpetrators who, in addition to downloading material, record sexual abuse committed by themselves and share the material with like-minded people online. Chapter 4.5 will examine more closely to what extent perpetrators who download sexual abuse material also commit physical sexual abuse.

An example of the first category can be found in a judgment from 2016, describing one of the largest seizures in Norway as regards the number of images and films.³⁵ The seizure totalled at least 11 million images, of which about 2.3 million were unique, and

³³ Europol. 2016.

³⁴ TOSLO-2017-152271

³⁵ 16-161367MED-OFOT

more than 56,000 video files totalling a runtime of more than 5800 hours.

The perpetrator had collected the material from 2001 to 2014, and had been able to store it all by means of access to unlimited storage capacity through his position as an IT manager in a local council authority.³⁶ The investigation found no sign of his having shared the material or produced any by committing physical sexual abuse of children. However, the judgment emphasised the risk of dissemination entailed by possession of such an enormous amount of material, although much of it was encrypted.

In other cases, perpetrators play a more active role. A man was sentenced in 2018 to one year and eight months in prison for having received, stored and shared files with others over a ten-year period.³⁷ The police seized several million images that the convicted person had systematically sorted in folders on his computer. A large percentage of the images had been sorted on the basis of the nicknames of the persons who had shared the images with him online. The convicted person's reason for using this system was that it would be easier for him to find the right material if any of his contacts asked him to share files with a specific content, for instance images of children in a specific age group. The man had shared files with 72 Norwegian and foreign contacts.³⁸

Another judgment from 2018 described how the police seized 15,000 images and 2500 videos with a total runtime of 130 hours.³⁹ The convicted person was not only very active in a file-sharing network, but had also shared how-tos and guides for how to

commit sexual abuse of children of all ages, from infancy and upwards. The seized material contained images and videos showing very severe sexual abuse of children from infancy and up to the age of 18, including torture-like abuse that inflicted severe pain.

A third category of cases is where the perpetrator has not handled sexual abuse material, but has committed sexual abuse of children, recorded the abuse and shared the resulting material with like-minded people online. In most cases, the perpetrator is alone in committing the abuse, but the police have also uncovered cases where perpetrators have made contact online and then later met in person. A judgment from 2018 describes such a chain of events:

Sharing of sexualised depictions of children with N03 took place both online and physically in person. This included his inviting N03 to his home to get a blow-job while smelling the daughter's panties and to look at her sleeping in her bed; inviting N03 to come for an overnight visit, telling him that he has the daughter that "sleeps the heaviest" and that he has "fresh" used panties belonging to his daughters and/or their friends; and telling N03 about friends of his daughters that he "fancies" and sending images of them.⁴⁰

2.3.1 The size of the seizures is constant, but the percentage of sexual abuse material smaller

The police often seize large quantities of digital images and videos of which only a fraction proves to have criminal content. The sexual abuse material is often hidden among family photos and other files stored by the perpetrator on various media.

The Swedish 2017 NetClean report gathered information from law enforcement in 33 countries.

³⁶ According to NetClean (2018), the Swedish police's department of national operations receives around 90 cases per year in which a workplace has uncovered downloaded sexual abuse material. The Norwegian police have also investigated several cases in which perpetrators have used workplace computers to store sexual abuse material.

³⁷ 17-055240MED-SOFT

³⁸ The man was arrested when the Norwegian police was alerted by Interpol UK that he was an active sharer of sexual abuse material.

³⁹ 17-139038MED-OTIR/01.

⁴⁰ LG-2017-147231

According to this information, the largest seizure by far in 2016 contained more than 100 million images, of which 10 million showed sexual abuse of children. However, seizures of this size are not the norm. Instead, we are seeing a trend where individual seizures tend to contain less sexual abuse material than they did previously.

The explanations for this trend include:

- More security-conscious perpetrators. In order to reduce the risk of detection, many perpetrators avoid unencrypted hard disks and large image collections, using deletion software to delete the images after use. Deletion software can also be used to delete temporary or potentially undesirable software, browser history, memory files, log files and other screen history.
- Perpetrators perceive that sexual abuse material is easier to access than it used to be, due to higher download speeds and more available online material, and they can therefore delete downloaded material once it has been viewed. The images they actually store tend to be more tailored to the predilections of the perpetrator. There are reasons to believe that many perpetrators order live-streamed abuse from other countries instead of downloading files.
- The perpetrators store the sexual abuse material in clouds. As good and secure cloud solutions become increasingly available, there is reason to believe that more material will be stored in clouds. In reality, this means that sexual abuse material will be stored in an encrypted form abroad, while the perpetrator has access from his own computer, as if the material was stored locally.

Although a lot of sexual abuse material is freely available online, such material is also sold for large amounts every year. Estimated global turnover for this material varies depending on the sources. In 2009, the UN High Commissioner for Human Rights estimated that the production and distribution of sexual abuse material generated somewhere between USD 3 and 20 billion annually.⁴¹

Sales took place on both the open and dark webs, with multiple involved players. In some cases, the perpetrator produces and sells the sexual abuse material on demand, having received specific requirements for the child's age, appearance or the abuse itself.⁴²

Payment takes place through both anonymised payment solutions and more traditional solutions, such as online payment services. According to Europol, perpetrators increasingly use cryptocurrency as payment for sexual abuse material among themselves, while more traditional payment services are more often used in connection with on-demand live-streamed abuse, see chapter 3.4.⁴³

In 2015, an Australian national was arrested in the Philippines after filming extremely violent sexual abuse of infants and other small children, committed by himself and two female accomplices. The video was posted on a dark web forum and played back to forum members for payment. The perpetrator demanded up to AUD 10,000⁴⁴ to make a video showing abuse of an 18-month-old girl. This material is now freely available online, not just on the dark web.

Source: WePROTECT Global Alliance. 2018.

2.4 Commercialisation of sexual abuse material

⁴¹ The UN High Commissioner for Human Rights 2009.

⁴² Europol. 2017a.

⁴³ Ibid.

⁴⁴ Approx. NOK 66,000.



Internet as a communication channel for
children and young people

3

Chapter 3

Internet as a communication channel for children and young people

The development of the internet and social media combined with easy access for children and young people to computers, tablets and other mobile units create major opportunities for persons seeking to establish sexualised contact with children. In recent years, the police have investigated several cases where the perpetrator has succeeded in establishing such contact, in some instances with several hundred children. How this relation plays out varies from perpetrator to perpetrator. This chapter is about how perpetrators trick children into sexualised situations, often involving live-streamed contact in real-time.

3.1 Deception of children online

There are a number of websites, social media and online games aimed at and used by children. However, the same platforms are also used by adults trying, in various ways, to trick children into sexualised situations.

Several Norwegians have been convicted of having tricked children into performing sexual acts upon themselves while in contact with them online, and several major cases are under investigation.

The investigations have uncovered how one perpetrator can reach tens or hundreds of children and young people.

The perpetrators often pose as someone else, e.g. someone the same age as the child, using one or more false profiles. The perpetrator often has additional profiles that lavish praise on his main profile, giving the child the impression that several persons vouch for the main profile. In many of the cases, the perpetrator exhibits considerable insight into how children and young people talk and communicate, and this allows him to communicate with children in a credible manner. In some cases, the victims did not know that they had been in contact with an adult until they were told by the police.

Perpetrators use different methods to make children create sexualised depictions of themselves. In some cases, the perpetrator asks the children directly if they can send images or videos of themselves. Many children will do this, believing that they are in some kind of romantic relationship. In other cases, the perpetrator sends images of the person he claims to be, and then convinces the children to send similar images of themselves. The images sent by the perpetrator may have been found on the internet or may have been received from another child the perpetrator has previously tricked into sending images. A third method is to ask for sexualised images in return for money, cigarettes, alcohol or other things the child wants.

In some cases, the perpetrator poses as another adult, for instance a police officer, a celebrity or a modelling agency representative.⁴⁵

In 2016, a man was convicted of having tricked 25 children into performing sexualised acts for in-game currency. The judgment describes how the man exploited the confidential relationship he built with the children by using two profiles:

As regards the other matters, it is an aggravating factor that the defendant grossly abused the trust he had instilled in the victims, whom he knew to be young, from age nine and somewhat older. He schemed to contact them using two profiles, N30 ([user name 1]) and N31 ([user name 2]). The victims thought they were in contact with a girl and a boy slightly older than them. The defendant deliberately used the profiles to influence the young victims. The victims generally first came into contact with N30 when he entered the MovieStarPlanet website. N30 was quick to raise topics related to sex and he suggested the victims contact the profile N31, who could explain and show them more about sexuality. As part of the manipulation of the children, the defendant offered or gave some of the children points in games, something which cost money. This enabled the children to play more. Often, the children had to send fully or partly nude images of themselves or show themselves naked on the webcam. The defendant engaged in this activity over time and continued until he was stopped by the police.⁴⁶

In some cases, the perpetrator's deception of the child can, quickly or over time, develop into a blackmail situation. In such cases, the perpetrator will, after having asked for sexualised material from the child, typically start a blackmail process where the

material is used to threaten the child into meeting specific demands.

In some cases, the perpetrator makes the blackmail more effective by pressuring the child on multiple social media simultaneously and by setting short deadlines.

3.1.1 Organised deception of children

In the cases referred to above, the perpetrators mainly operated alone, but such crime can also be organised. In the US, members of an international network were convicted in 2017 for having tricked more than 350 children from ages eight and above into performing sexual acts on webcam. The perpetrators had created two websites where they posed as teenagers. With the aid of prerecorded videos of teenagers performing sexual acts, the perpetrators made new victims believe they were communicating with people of their own age, and then tricked them into performing sexual acts on camera – which the network members could view in realtime. The videos were stored and made available for downloading. The administrators ranked members' efforts to trick children into producing sexualised depictions of themselves.⁴⁷

«Believing they were cloaked in the anonymity of the Internet, the members of the group sexually exploited hundreds of children around the nation and globe through deceit and trickery. This case exemplifies the threat of online predators to the world's most unsuspecting and vulnerable victims.»

Source: WePROTECT Global Alliance. 2018. Quote from the US Department of Justice.

⁴⁵ The 2017 NetClean report includes a case from the Australian police in which a man posed as Justin Bieber and made more than 150 children all over the world commit sexual acts on themselves. The children were told that they would receive concert tickets or VIP passes if they did as they were told.

⁴⁶ TOVRO-2016-491

⁴⁷ WePROTECT Global Alliance. 2018.

3.2 Sexual coercion and extortion

Sexual coercion and extortion are phenomena we have limited knowledge about, both as regards scale, victim and perpetrator characteristics and the extortion process itself.

The information in this part of the report has mainly been collected from Norwegian criminal proceedings and Europol reporting, as well as a report published by US researchers Wolak and Finkelhor, based on interviews with 1631 sexual extortion victims.⁴⁸

Europol emphasises three main elements in sexual extortion: *sexualised material, threats and value*.⁴⁹

The first element is *the sexualised material*. One prerequisite for a sexual extortion situation is the existence of images or videos of the victim in a sexualised setting. The material may have been made and shared by the victims themselves, more often than not because they were led on by the perpetrator, or have been hacked from the victims' mobile phones. In some cases, the victims not only made the material: they voluntarily sent it to the perpetrator – typically, a current or former boyfriend or girlfriend. The perpetrator may also have produced the material without the consent or knowledge of the victim.

In many cases, the first image the perpetrator gets hold of is less explicit than those produced later. Many extort the victim to perform increasingly degrading acts, and in some cases, these acts will be covered by the penal provisions relating to rape.

The other element is *threats*. In extortion cases, the victim is subjected to threats unless he or she complies with the perpetrator's demands. What the threats consist of varies. Wolak and Finkelhor reported that the most common threat was that the perpetrator would post the images on the internet or send them to the victim's friends or family. Another threat was that the perpetrator would establish false profiles in the victim's name and publish images or other personal information. Threats of trouble for the victim at work or in school and threats of stalking and physical violence, murder or rape of the victim and his or her family have also been made. A perpetrator may also threaten to take his or her own life. 44 per cent of respondents stated that the perpetrator had actually carried out some of the threats, mainly publication of images.

In some cases, the police have seen perpetrators contacting children through a fictitious profile and pose as figures of authority, for instance police officers. This will make the threats particularly frightening for the child.

The third element in a sexual extortion case is *value*. This is the perpetrator's demand to the victim; the motivation for the extortion.

Perpetrators seem to mainly have one of three objectives for their extortion: make the child produce more sexualised material, achieve physical contact with the child or make financial gains.⁵⁰ We will return to the latter two objectives below.

⁴⁸ Wolak and Finkelhor, 2016.

⁴⁹ Europol, 2017b.

⁵⁰ Ibid.

3.2.1 Sexual coercion and extortion with a sexual motive in Norway

The NCIS regularly receives tip-offs or other information about children being pressured into producing and sharing images of themselves. These cases are seldom reported to the police. In most criminal investigations into sexual extortion, one victim's report to the police enables the police to find other victims of the same perpetrator.

Both Europol's and Wolak and Finkelhor's reports show that a sexual motive is the driving force behind the majority of such cases. This correlates with the NCIS's findings from cases investigated in Norway in recent years. In most cases, the perpetrator pressured the child into producing more material.

The perpetrators adjust their profile and approach to those they wish to contact and the sort of material they want the child to produce. For instance, a 27-year-old man was convicted of rape or attempted rape of 17 girls in autumn 2017.⁵¹ The rapes took place over the internet. In the initial chats, the perpetrator misled the girls into believing he was a high-school graduate (Norwegian: "Russ"), and invited them to get a pass on board his leaving-school-party bus if they undressed in front of a webcam. Without the girls' knowledge or consent, he took screenshots of their activities in front of the camera, and used these screenshots to pressure them into performing many more and humiliating sexual acts on themselves. He threatened to publish the images, their names and their faces if they did not do as he said. The convicted person used a very manipulative countdown method. This excerpt from the judgment, quoting a chat log with one of the victims, clearly show the convicted person's method:

"Turn around with your ass facing the cam and lean forward", "then pull your panties slowly down", "completely off", "show me your ass properly", "spread your legs AS FAR as you can", "want to look INSIDE, "lean back", "stick two fingers in", "NOW", "in and out", "then suck your fingers as if they were a cock", "suck", "taste", "good girl", "find something to use as a dildo, carrot, cucumber, banana, candle + + +", "time's ticking NOW", "I decide when we are done, you just shut up until then", "put it IN", "in and out", "4,3,2», "then suck it", "thoroughly", "all the way in", "good girl", "sit with your ass against the cam and lean forward", "then take the brush anally", "all the way in".

Although girls are the victims in most of these cases, the NCIS has also seen how boys are subjected to deception and sexual extortion online. In 2016, a man was convicted of sexual extortion of several boys:

His typical approach was to create profiles with girls' names on social media and platforms, such as Kik, Snap Chat, Instagram, Facebook, Skype etc. He would then contact random boys he found on the social media and initiate contact while posing as a girl. Pretty soon, he and the boys in question would start having sexualised conversations online, exchanging images, including nudes and images and videos showing sexual acts. The defendant sent images showing girls he had found online, the boys returned nudes of themselves.

[...] The defendant forced the victims into sending him sexualised images of themselves and performing sexual acts live on Skype while he was watching and recording the acts. His threats consisted of posting/sharing the sexual material on social media if the victims did not comply.

51 16-163911MED-OTIR/02.

[...] The defendant's typical method was, by threatening to post and share nudes of the victims, to make them send more nudes and videos of themselves, including images and/or videos of their masturbating.

[...] In each instance, the threat was to post images and videos online and to share them with the victim's friends and family, thereby ruining the victim's life and future.⁵²

3.2.2 Sexual extortion among people who know each other

The police have had some extortion cases where the perpetrator and the victim know each other, and where the blackmail takes place in connection with other sexual violations. A report from the Norwegian Ombudsman for Children which quotes from conversations with 200 young people, explains the relationship as follows:

There may also be threats or sanctions involved when sexual violations take place. Once a nude has been sent, the receiver has leverage. If you do not send more images, you run the risk that the one you already sent will be distributed. Rumours, but also physical threats, are also involved.⁵³

In some cases, the perpetrator and the victim are or have been romantically involved. Often in these cases, one party has sent sexualised material to the other, and then this material is used against the pictured person once the relationship ends. This case category is known also from other countries. For instance, 42 per cent of respondents in Wolak and Finkelhor's survey reported that the perpetrator wanted the respondent to remain in or return to a romantic relationship.

3.2.3 Sexual extortion for money

We do not know how common sexual extortion for money is in Norway, but the police have reason to believe that many such cases go unreported. 9 per cent of respondents in Wolak and Finkelhor's survey reported that they had been blackmailed for money. Europol mentions sexual extortion for money as a relatively new trend.⁵⁴

Young men, tricked into performing sexual acts in front of a webcam and then threatened and subjected to demands for money, are often the victims in such cases. The victim first believes he communicates with a young woman, who then turns out to be fictitious when professional criminals use the recording to extort money from the victim. The threats often involve publication of the recording on the internet or sharing it with the victim's friends and family on social media unless a specific amount is paid within a short deadline. The amounts are often relatively small and within reach for a young person before the deadline expires.

In several cases, the perpetrators have made good on their threats. The extortion is aggressive and relentless. The amounts and currencies demanded vary, as do the payment services and recipient countries. In such cases, the selected victims are often somewhat older, as they are more likely to have the money to pay the perpetrator.

Unlike extortion for a sexual motive, extortion for money is often perpetrated by organised criminals abroad, who operate professionally on a global level. The police have in some such cases uncovered more or less professional call centres.

Several victims have killed themselves after being subjected to such extortion, also in Norway.

⁵² LE-2016-38512.

⁵³ The Ombudsman for Children. 2018.

⁵⁴ Europol. 2017b

3.3 Sexualised contact online with the aim of perpetrating physical sexual abuse

There is no doubt that some of the persons who establish sexualised contact with children online also want to commit physical sexual abuse. In recent years, several perpetrators have been convicted not only of having tricked or pressured children into producing sexualised material of themselves, but also of having taken the initiative to and brought about meetings with the children in real life to commit sexual abuse.⁵⁵ A Supreme Court judgment from 2017 describes how the convicted person contacted several children on Kik, a message service used by many children. He then committed very degrading online abuse of several girls, and also sought out one of them and sexually abused her in her own home.⁵⁶

A judgment from 2017 concerns a similar case, where a man was found guilty of sexual crimes against more than 100 children over a period of 11 years.⁵⁷ The children were aged 9–17, most of them only 11–12. Most of the abuse took place online, but the convicted person also committed physical sexual abuse of three of the girls, all below the age of 16. He also filmed and photographed the abuse. The police found 83 videos and 987 images with sexual content of one of the girls. The images were taken "while she has sexual intercourse with him, poses naked, masturbates and uses objects in her vagina". The man shared the images of the girl on social media with one known and six unknown persons.

He committed physical sexual abuse against one girl aged 14. He also masturbated on webcam while she was watching and wrote several sexually offensive messages in chats, such as "want to fuck my fourteen-year old whore" and "will you take my load in your mouth?". The police found 89 videos and 5435 images of the girl in the man's possession. The material had been shared with two known and five unknown persons online.

How large a percentage of perpetrators actually meet their victims in real life to commit physical sexual abuse is unknown, but a study prepared by the Swedish police in 2007 showed that in almost 40 per cent of 315 criminal cases where the perpetrator and a minor had made contact on the internet, the perpetrator had also met the minor in person.⁵⁸ In more than half the cases, this resulted in sexual crimes against the child. In 20 per cent of the cases, the perpetrator was of the same age as the victim. The sexual abuse usually took place during the first physical meeting after contact had been established online, often in connection with evening activities with friends. As for the other cases, the study divides the perpetrators into three categories: those that made the victim fall in love with them, those who promised a modelling job, and those who offered the victim payment for physical sexual services. In more than half of the 315 cases, the contact never progressed beyond the internet. The perpetrator often initiated a sexualised conversation, tried to get the child to undress in front of the webcam or exposed himself to the child.⁵⁹

In Wolak and Finkelhor's 2006 survey, 26 per cent of victims responded that the perpetrator wanted to meet in person, usually for sexual purposes.

⁵⁵ 12-201395AST-BORG/01 og LE-2016-99126.

⁵⁶ HR-2017-1282-A

⁵⁷ TGJOV-2015-164934 The case was later considered by the Court of Appeal (LE-2016-99126) and the Supreme Court's appeals committee (HR-2017-898-U).

⁵⁸ Brottsförebyggande rådet (Swedish crime-prevention council). 2007, referred to in Barnafriad. 2017.

⁵⁹ Brottsförebyggande rådet (Swedish crime-prevention council). 2007.

3.4 Live-streamed sexual abuse on demand

As mentioned in chapter 2.4, sexual abuse of children is also committed for commercial purposes, including in what in this report is called *live-streamed sexual abuse on demand*. Such abuse may be ordered and committed in the same country, but the term is most commonly used about abuse commissioned by a person in a first-world country and committed against a child in a third-world country.

The abuse on demand is organised and/or committed by facilitators who have a pre-existing relationship with the children. They may be gang members, foreign or domestic pimps, neighbours, relatives or – in a large percentage of cases – the children’s parents. In some cases, the children themselves facilitate the live-streamed abuse, with no help from adults. These children may also be involved in street prostitution.

The technology used to order and carry out live-streamed sexual abuse is well known and easy to use. In addition, technological solutions can be used to encrypt communication, which may make it more difficult to prove that the abuse has taken place.

Only a few Norwegian nationals have been convicted in Norway for having ordered and paid for live streaming of sexual abuse, but several very serious extensive cases are under investigation. Most of the cases are linked to the Philippines, but not all of them. The investigation often reveals that the Norwegian perpetrator has been engaging in such activities for a long time, and that he has been in contact with a significant number of adults who facilitate or carry out the sexual abuse. Information on how to order and commit such abuse is shared via various chat channels.⁶⁰ Investigations have uncovered several hundred children subjected to severe sexual exploitation and abuse.⁶¹

In the 2017 NetClean report, 10.7 per cent of the police officers asked said they had noted an increase in the number of cases involving live-streamed sexual abuse on demand.

In 2016, Europol reported that perpetrators who order live-streamed sexual abuse also occasionally travel to the country in question to commit physical sexual abuse themselves. The NCIS’s experience is that this may also be the case for Norwegian perpetrators.

Information from investigations and intelligence relating to payment transfers made by Norwegian nationals to known facilitators of sexual abuse on demand indicates that a lot of this activity goes undetected. The Financial intelligence Unit at the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) states that it received an increasing number of reports about suspicious transactions linked to live-streamed sexual abuse on demand. The Unit expects that this increase will continue as the reporting entities become increasingly aware of the issue.

3.4.1 Methods

The contact between the perpetrator and the facilitator is often established on websites that offer camera-to-camera sexual services for adults, but which later investigation has revealed is also used for sexual abuse of children. These services will earn between 40 and 70 per cent of the payment made by the perpetrator.⁶² In some cases, the facilitator is the one to offer so-called *live shows* with children; in others the perpetrator requests them. The sexual abuse is then streamed via communication services providing chat and video.

60 Vest Police District.

61 Ibid.

62 Ibid.



Photo: Shutterstock.com

The payment methods vary and are continuously altered to avoid tracing. Perpetrators can transfer money directly to recipients, visit a payment transfer provider branch or use an online payment transfer service. Cryptocurrencies are used for commercial distribution of sexual abuse material, but probably not often to pay for live-streamed sexual abuse on demand, as such currencies are less available to the facilitators and those who commit the physical sexual abuse of the children.⁶³

Perpetrators pay relatively small amounts to have the abuse committed, between USD 10 and 40.⁶⁴ When the type of abuse, price and payment method have been agreed upon, the money is transferred and confirmation of the transfer is sent to the recipient. Then the time when the abuse will be committed is scheduled and the perpetrator can sit at home and instruct the person that commits the actual sexual abuse.

Generally, no images or videos of the sexual abuse on demand is automatically stored. Should the perpetrator or the facilitator store something and then share it on the dark web, the material becomes part

of the overall volume of sexual abuse material available online.

In 2017, a man was convicted of having ordered severe sexual abuse of eight girls aged 7 or 8 to 12 or 14, all from the Philippines. The abuse is believed to have taken place over a three-year period. The following is quoted from the judgment:⁶⁵

NN had two girls, in particular, whom she showed, but he was occasionally also shown two other girls when he contacted her. In addition, he had some contact with 2–3 other users, and he also ordered live shows from them. He has, however, stated that he often did not get what he paid for, or that he wanted to watch younger girls whom these users could not provide.

[...] In the beginning, he was shown girls masturbating and displaying themselves nude, but he relatively quickly proceeded to ask the girls to touch themselves, masturbate and then introduce a number of different objects in their vaginas. The objects included dildos, candles, the handles of various kitchen tools and pens. He also asked them to introduce their own fingers in their vaginas.

⁶³ Europol. 2017a.

⁶⁴ ECPAT International. 2017.

⁶⁵ 17-086572MED-GJOV



Photo taken in connection with the NCIS's investigation of live-streaming of sexual abuse on demand from the Philippines. Photo: The police

The judgment states that the on-demand abuse sessions could last for anything from a few minutes to 15–20 minutes, and that he ordered live-streamed sexual abuse about once a month. On some occasions, the live streaming was interrupted by poor image quality, but in general they ended once he had been satisfied.

The judgment describes how the convicted person showed little remorse in relation to the victims, that his regrets were due to being caught and because he had been defrauded into paying for abuse he never got to see:

The Court also refers to the defendant's statement that he felt he had been defrauded, that he had paid, but did not get to see the abuse after all. His description of this as fraud demonstrates the cynicism of his criminal acts very clearly.

The man was sentenced to imprisonment for seven years for the abuse and possession of 5638 illegal images and eight illegal videos.

3.4.2 Live-streamed sexual abuse on demand and the Penal Code's provisions relating to human trafficking

Acts committed in connection with live-streamed sexual abuse on demand may also be subject to the human trafficking provisions of the Penal Code sections 257 and 258.

In 2016, a man was convicted of violation of the corresponding provisions in the Penal Code of 1902 (section 224) after having ordered live streaming of sexual abuse of children in the Philippines. The judgment pointed out that both the facilitators and the children depended on the money from the convicted person, and that he, by exploiting this vulnerable situation, was complicit in exploiting several persons for sexual purposes. The acts were defined as aggravated human trafficking, as all the victims were under the age of 18. The Court writes that the man "knew that the minor victims and their families were poor, meaning that they were dependent in the money he paid for the sexual acts", and that this constituted a "cynical exploitation of poor children dependent on the income provided by the abuse".⁶⁶

⁶⁶ TBERG-2016-61974 See also the NCIS. 2017a.



Perpetrators

4

Chapter 4

Perpetrators

In a report about online sexual abuse of children and young people, one natural question is whether there are any common characteristics among perpetrators. However, there is no “typical” perpetrator in this crime category. On the contrary, it is becoming increasingly clear that those who sexually abuse or otherwise exploit children is a heterogeneous group as regards ethnicity, age, profession and social status.

There are also two other basic questions: Are there any clear differences between those who commit online sexual abuse of children and those who commit physical sexual abuse of children? And are the perpetrators who use the internet to commit sexual crimes a definable group, or are there any other factors to distinguish between those who are e.g. only involved with sexual abuse material and those who also (or exclusively) seek sexual contact with children over the internet?

The research literature does not provide any clear-cut answers to these questions, not least because the topic is relatively new. There are also several problems inherent in how different studies have grouped perpetrators who exploit children sexually over the internet.⁶⁷ First, many studies refer to the perpetrators they study as “internet or online perpetrators”, without clarifying whether they have handled sexual abuse material and/or have had sexual contact with children online. Second, several studies categorise perpetrators on the basis of their most recently committed crimes, without checking

whether their criminal records also include physical sexual abuse.

There are also general methodology problems in research into sexual abuse of children. Much of the research is based on information from perpetrators in police records, but most sexual abuse is never reported or otherwise detected by the police.⁶⁸ Overall, these problems make the knowledge we possess tentative, and it may not be representative of perpetrators who avoid the attention of the police. For instance, there is little systematised knowledge of what characterises the most technologically sophisticated perpetrators.⁶⁹

In spite of the methodology-related problems, some findings indicate that there are certain differences between perpetrator categories, but that for many perpetrators, the transition from one category to another is fairly seamless. Norwegian criminal cases display a great variation. In some cases, there is evidence that the perpetrator has used sexual abuse material, sought online contact with children using chats and webcams and committed physical sexual abuse, while for other perpetrators only one type of crime can be proven.

4.1 Sex

Most perpetrators of sexual abuse are men, regardless of whether their crimes involve handling of

67 Henshaw, Ogloff and Clough. 2017, and DeMarco, Sharrock and Crowther. 2018

68 Thoresen and Hjemdal. 2014, and Collin-Vézina, Daigneault and Hébert. 2013.

69 Henshaw, Ogloff and Clough. 2017.

sexual abuse material, other internet-related abuse or physical sexual abuse of children.⁷⁰

The research literature discusses whether the fact that so few women are reported for sexual abuse means that fewer women commit abuse or that the detection risk is lower for women than for men. A new meta-analysis compares the percentage of female perpetrators in reported cases and in studies based on self-reporting by abuse victims.⁷¹ Women amounted to 2.2 per cent of the reported perpetrators, while 11.6 per cent of victims said that the perpetrator was a woman. Only 4 per cent of the female victims said the perpetrator was a woman, while 40 per cent of male victims reported the same. This indicates that the female perpetrators are more likely to be unlisted in police databases than male perpetrators are. Whether the same is the case for online abuse is uncertain.

A collaboration between Interpol and ECPAT saw researchers review the abuse material in Interpol's ICSE database (see 6.1.1). In more than half the images and videos, the sex of the perpetrator could not be identified. Where it was possible, the perpetrator or perpetrators were mostly male (92.7 per cent). In the other material, the perpetrators were male and female (5.5 per cent) or female only (2 per cent).⁷²

Although there are only few female perpetrators in Norwegian criminal cases of this type, there are examples of women playing key roles in sexual abuse cases which also involved use of the internet. In 2015, a woman was convicted of possession and distribution of sexual abuse material. The material included depictions sexualising her own children, including sexualised chats. In the same case, another woman was convicted of possession of sexual abuse material and sexualised chats. The chats

included detailed descriptions of planned rapes of her own child.⁷³ In 2017, a woman was found guilty of having photographed one or more girls' genitals in connection with her job in a day-care centre.⁷⁴

4.2 Young perpetrators

Perpetrators who commit sexual abuse of children have a wide age distribution. The NCIS has previously focused on minors who are reported for or convicted of sexual crimes, and their risk of becoming repeat offenders as adults.⁷⁵ The number of young people reported for sexual crimes is rising, and in several cases we see that the young perpetrator has handled sexual abuse material and/or has established punishable sexualised contact with children over the internet. Several minors have been convicted of having manipulated and/or threatened minors over the internet. In 2015, a 21-year old man was convicted of offences including 135 online rapes. The 28 victims were aged between 12 and 18. The convicted person was 17 years' old when he started his abuse.⁷⁶ Some of the cases involve production and/or distribution of sexualised videos and images of persons of the perpetrator's own age, actions that are also punishable by law.

"Investigators fear that early access to hardcore pornography and the demands for circulation of sexualised exposure on social media might arouse interest in coercion and violent sexuality. This can make young persons vulnerable to abuse, help erase moral boundaries and make young people more likely to assess their own worth on the basis of other people's expectations and perception of them."

Source: Oslo Police District, the 2018–2021 trend report.

⁷⁰ DeMarco, Sharrock and Crowther. 2018.

⁷¹ Cortoni, Babchishin and Rat. 2017.

⁷² ECPAT International and Interpol. 2018.

⁷³ 15-004657MED-DRAM

⁷⁴ LA-2017-111088

⁷⁵ The NCIS. 2017b

⁷⁶ TNERO-2015-155920 og LE-2016-38512.

V27 is a clinical resource unit for the Children's and Young People's Psychiatric Out-Patient Clinics in the Bergen region. Their target group is children and young people engaging in problematic or harmful sexual behaviour against other children. Upon request, V27 has commented upon the link between pornography and sexual abuse:

"In our clinical experience, some of the children and young people engaging in sexually harmful behaviour (SHB) will have been inspired by pornography they have watched. They themselves state they have been inspired by various scripts they have seen in films.

Exposure to pornography at an early age may have awoken/disrupted a normative sexual development. This is further complicated by the continuously increasing element of violence seen in pornography. A review of pornographic films shows that the content in mainstream pornography has changed. 88 per cent of scenes in ordinary pornography now contain physical aggression.

Several stand-alone studies have shown that youths who engage in SHB consume more porno-

graphy than youths who do not engage in SHB. Of course, this does not mean that everyone who watches pornography will subject others to SHB. The apparent individual vulnerability factors among perpetrators vary and include experiences of having been abused themselves, impulsiveness, low cognitive levels, deficient social skills, exposure to an oversexualised climate at home or in their social circles etc.

There are studies which indicate that pornography makes a major impression on children and young people. It is worrying that youths refer to pornography when asked about the basis for their expectations to what acts sex will include, as well their attitudes to physical appearance."

Sources:

Bridges, Wosnitzer, Scharrer, Sun and Liberman. 2010. Aggression and sexual behavior in best-selling pornography videos: A content analysis update. *Violence Against Women*, 16(10), 1065–1085.

www.itstimewetalked.com.au (the project Reality&Risk conducted by Maree Crabbe and David Corlett).

Little research has been conducted into young people's use of the internet to access sexual abuse material and the consequences of this.⁷⁷ However, a literature review conducted by the UK's National Society for the Prevention of Cruelty to Children (NSPCC) concludes that when comparing young boys (ages 12 to 20) who have committed sexual abuse with young boys who have handled sexual abuse material, there is a tendency for the latter group to be older, come from more stable backgrounds, have fewer convictions and display less norm and rule-breaking behaviour. However, they also displayed greater sexual interest in children

and had greater difficulties establishing friendships. These findings match those of similar research into adults.⁷⁸

Internet and smartphones have resulted in children and young people having far easier access to pornography intended for adults than was the case only a few years ago. In a report from the Ombudsman for Children, some youths pointed to pornography as a possible cause of violations: "Not least because some of the porn watched by the youths is somewhat removed from reality and brutal, erasing the boundaries between things that are and things that are not ok"⁷⁹.

77 DeMarco, Sharrock, Crowther and Barnard. 2018.

78 National Society for the Prevention of Cruelty to Children. 2016.

79 The Ombudsman for Children. 2018.

Whether or not there is a causal link between the use of non-consensual pornography and ⁸⁰sexual abuse is a controversial issue. Some researchers find such a link likely, in particular for young people, where exposure can reinforce a skewed development.⁸¹

4.3 Perpetrators handling sexual abuse material

Several meta-analyses have compared persons who have committed physical sexual abuse, or both physical sexual abuse and online sexual abuse, with persons who, as far as is known, have only handled sexual abuse material.

The latter group is described as follows:⁸² They are younger, often have ten or more years of schooling and stable employment and are, more often than not, single. They have less often substance abuse issues, are more rarely on record for other types of crime and have been less exposed to physical or sexual abuse. Persons in this group have less opportunity to commit sexual abuse of children, as they have less access to them. They also have a greater degree of mental traits that serve as a barrier to committing abuse, such as greater empathy with victims⁸³ and less of a tendency to condone attitudes that support sexual abuse of children.⁸⁴

Overall, the research describes a perpetrator with an outwardly relatively well-functioning life.⁸⁵ At the same time, this group has a more marked tendency to use sexual activity as a coping strategy, they are more lonely and have lower self-esteem.⁸⁶

Studies that distinguish between groups in this manner suffer from the weakness that up to half of those categorised as “only users of sexual abuse material” may have committed undiscovered physical sexual abuse of children.⁸⁷

4.4 Perpetrators who use the internet to contact children and to sexually abuse them, online or offline

Perpetrators who use the internet to contact children and commit sexual abuse of them, for instance through sexualised chats, use of webcams or to arrange physical meetings, constitute a less researched group than perpetrators only known to use sexual abuse material.⁸⁸

Preliminary results indicate that on average, they are younger, more highly educated and less likely to live with children than those who commit physical sexual abuse. As such, this group resembles the users of sexual abuse material.⁸⁹ They are more likely to show sexual interest in pubescent children than in the youngest children,⁹⁰ possibly because the older children are more likely to be online.⁹¹ It may therefore be that perpetrators with an interest in younger children will commit this type of abuse more frequently when increasingly younger children start using the internet.⁹² An anonymous internet survey among perpetrators shows that when they actually established contact with smaller children, the chance of a sexual outcome was as large or larger as when they established contact with teenagers.⁹³ There are several examples from Norwegian criminal cases where the perpetrator committed online abuses of children younger than 10.⁹⁴

⁸⁰ Pornography depicting situations where one or more of the parties appears to not consent fully to the sexual activity.

⁸¹ Malamuth. 2018.

⁸² Garrington, Rickwood, Chamberlain and Boer. 2018, and Henshaw, Ogloff and Clough. 2017.

⁸³ Babchishin, Hanson and VanZuylen. 2015.

⁸⁴ Henshaw, Ogloff and Clough. 2017.

⁸⁵ Garrington, Rickwood, Chamberlain and Boer. 2018.

⁸⁶ Henshaw, Ogloff and Clough. 2017.

⁸⁷ Babchishin, Hanson and VanZuylen. 2015.

⁸⁸ Kloess, Beech and Harkins. 2014, and Seto. 2015.

⁸⁹ Seto, Wood, Babchishin and Flynn. 2012.

⁹⁰ Ibid.

⁹¹ Schulz, Bergen, Schuhmann, Hoyer and Santtila. 2016.

⁹² Ólafsson, Livingstone and Haddon. 2014.

⁹³ Schulz, Bergen, Schuhmann, Hoyer and Santtila. 2016.

⁹⁴ Se for eksempel 16-061974MED-BBYR/01 og TØVRØ 2016-491.

4.4.1 Typology: "contact-driven" vs. "fantasy-driven"

A lot of the research into perpetrators who seek sexual contact with children online have grouped them into two categories: those aiming to meet the child and commit physical sexual abuse (contact-driven), and those intending to exploit the child sexually online (fantasy-driven). However, this categorisation has proved unproductive. Many of the perpetrators appear to be flexible in how the sexual contact takes place, and there is no clear distinction between the categories in how they contact children, build a relation with them or take measures to evade detection, or to which extent they act threateningly toward the children.⁹⁵

A meaningful typology must therefore distinguish between perpetrator categories on the basis of other criteria than where the perpetrator wishes the abuse to take place, as this does not seem to be subject to any clear divides.

4.4.2 Typology developed by the European Online Grooming Project

The European Online Grooming Project⁹⁶ conducted in-depth interviews of 33 men convicted of grooming.⁹⁷ The project resulted in a typology that has been presented as more promising than one that distinguishes between contact and fantasy-driven perpetrators.⁹⁸ The Project described three main types of groomers:⁹⁹

The intimacy seekers: These perpetrators had no prior sexual crime convictions. They were lonely, felt more self-confident online and felt they had more in common with and found it easier to talk to minors in their early teens.

The perpetrators had opinions supportive of sexual abuse of children, and sought “consensual relationships”, particularly with vulnerable young persons. They did not adapt their identities; they wanted to be liked for who they were. They would often take on a mentor role and spend a lot of time talking to the young people. They gradually introduced sexual content before suggesting a meeting to develop what they considered an intimate relationship further. The perpetrators’ behaviour often created a sense of loyalty in the young people, who would, for instance, warn the perpetrator if their parents had discovered their contact. These perpetrators did not possess sexual abuse material and were not in contact with other perpetrators online.

The adaptable: These perpetrators were more liable to have prior convictions for sexual crimes against children. Their key characteristic was that they tailored their identity and methods to their potential victims. They held views supportive of sexual abuse along the lines of the young victims being sexually mature and capable of “stopping it” should they want to. They used their own or a false identity and would also operate several identities in parallel. Sexual topics were typically quickly introduced, but this could also be a more gradual process depending on the response. The abuse could take place either online only or online and also physically. In some cases, perpetrators engaged in sexual extortion of the victims. One characteristic was the perpetrator’s risk management, they would have hidden computer folders and designated computers or phones that were only used for grooming. Some were in possession of sexual abuse material, but not in very large amounts. They did not have much contact with other perpetrators.

⁹⁵ Broome, Izura and Lorenzo-Dus. 2018.

⁹⁶ An EU-financed research project involving researchers from various European countries.

⁹⁷ Webster, Davidson, Bifulco, Gottschalk, Caretti, Pham and Milazzo. 2012.

⁹⁸ Broome, Izura and Lorenzo-Dus. 2018

⁹⁹ Webster, Davidson, Bifulco, Gottschalk, Caretti, Pham and Milazzo. 2012, and Broome, Izura and Lorenzo-Dus. 2018.

The hypersexualised: Some of these perpetrators had prior convictions for handling of sexual abuse material. The contact with the young people was very sexualised and escalated very quickly – requests for sexualised chats or images could be made only seconds after the communication started. They had views supportive of sexual abuse described by researchers as “dehumanisation of young people”.¹⁰⁰ The perpetrators wanted immediate sexual gratification and had no wish to develop a relation with the victims. Physical meetings were rarer than with the intimacy-seeking and adaptable perpetrators. They did not speak to the victims on the phone. Their profile image could be a photo of their own penis. The perpetrators used false identities, but were less concerned with risk reduction than the adaptable perpetrators. They had large sexual abuse material collections and extensive contact with other perpetrators over the internet. Some also had considerable collections of extreme pornography depicting adults.

The perpetrators' descriptions of the victims show a tendency for intimacy seekers to look for young people who appear to be vulnerable, while hypersexualised perpetrators look for young people who appear to be thrill seekers.

4.4.3 Limitations

An overall presentation of different typologies, from 2018, also from the European Online Grooming Project, show their inherent limitations.¹⁰¹ The typologies are often based on a small number of perpetrators or on a sample that for other reasons may be not representative of perpetrators who seek sexual contact with children and young people online.

Some of them have not been updated to how online sexual abuse currently takes place. There is, for instance, a lack of knowledge about the characteristics of perpetrators who commit live-streamed sexual abuse on demand, both in typologies and in other research. The typologies should therefore be considered a tool to approach the field, not as a set of universally valid perpetrator categories.¹⁰²

4.5 The link between use of sexual abuse material and physical sexual abuse

The link to physical sexual abuse is important to the Norwegian police's work in cases concerning handling of sexual abuse material, and it is closely related to the issue of the perpetrators' motivation for seeking out online sexual abuse material.

It is reasonable to assume that people seek out sexual material which matches their sexual interests,¹⁰³ and that persons who seek out child sexual abuse material actually have a sexual interest in children. There is also research showing that men charged with use of sexual abuse material become sexually aroused when they see images of nude children and hear sound recordings describing sexual activity with the depicted children.¹⁰⁴ There are also several surveys showing that many who seek out sexual abuse material online or commit sexual abuse of children do not meet the diagnostic criteria for paedophilia.¹⁰⁵ This indicates that there may be several reasons why a person seeks out sexual abuse material, which is also reflected by the statements of many perpetrators in Norwegian criminal cases.

¹⁰⁰ The article describing the typology does not discuss the content of the views, but others have described various views supportive of child sexual abuse among perpetrators who use sexual abuse material, i.e. views expressing a perception of children as sexual objects, reducing children to objects for sexual gratification. See Bartels and Merdian. 2016.

¹⁰¹ DeMarco, Sharrock and Crowther. 2018.

¹⁰² Aslan. 2011.

¹⁰³ Seto. 2015.

¹⁰⁴ Seto, Cantor and Blanchard. 2006.

¹⁰⁵ Dombert, Schmidt, Banse, Briken, Hoyer, Neutze and Osterheider. 2016, and Stinson and Becker. 2016

The previously mentioned literature review from the NSPCC also looked at how adult perpetrators explained their own illegal behaviour online, including their involvement with sexual abuse material or contact with children.¹⁰⁶ The explanations varied and we should not consider them the actual reasons. They are only the perpetrators' own explanations for their behaviour:

- random use
- curiosity
- escapism
- coping with childhood experiences of sexual abuse
- sexual gratification grounded in own sexual interest in children
- sexual stimulation to avoid committing sexual abuse
- self-stimulation prior to physical sexual abuse
- support for the acceptance of sexual relations between adults and children
- show children how to sexually satisfy an abuser
- get hold of/extort and control victims
- share images online
- make money from images
- dependency

Some of the explanations are closely linked to physical sexual abuse, either in that the perpetrators are trying to avoid committing it or that they use the material prior to committing physical sexual abuse.

4.5.1 How many commit physical sexual abuse?

It is uncertain how large a percentage of those who download sexual abuse material also commit physical sexual abuse of children. A meta-analysis looked closer at this link in a number of studies which mainly included perpetrators who had handled sexual abuse material.^{107,108} The analysis checked how many had previously committed sexual abuse and how many were repeat sex offenders after being convicted of handling sexual abuse material.

17 per cent of those who had handled sexual abuse material had previously committed sexual abuse, mainly of children. The percentage varied according to how the studies collected their data. Studies based on criminal records showed that one in ten had committed physical sexual abuse, while studies based on self-reporting showed that slightly more than half had committed physical sexual abuse.

The analysis of repeat offending after release showed that two per cent of those who had used sexual abuse material were later caught physically abusing children, while 3.5 per cent were found to have committed new offences relating to sexual abuse material. The recidivism rate is low, but the periods measured ranged only from 18 months to six years after release. The studies were also based solely on criminal records, not self-reporting. Criminal records will only show a small percentage of committed sexual abuse.¹⁰⁹ However, the recorded recidivism rate is lower than those typically seen among perpetrators of physical sexual offences.¹¹⁰

¹⁰⁶ National Society for the Prevention of Cruelty to Children. 2016.

¹⁰⁷ Seto, Hanson and Babchishin. 2011.

¹⁰⁸ The studies that form part of the meta-analysis often do not clearly enough state whether the perpetrators have been involved with sexual abuse material and/or sought sexual contact with children online.

¹⁰⁹ Thoresen and Hjemdal. 2014, and Collin-Vézina, Daigneault and Hébert. 2013.

¹¹⁰ Seto, Hanson and Babchishin. 2011.

A 2016 German study stands out in that it was not based on perpetrators who had previously been of interest to the police. The respondents were eight thousand men replying to an anonymous online survey.¹¹¹ 1.7 per cent reported having only used sexual abuse material, 0.8 per cent reported having only committed physical sexual abuse of children and 0.7 per cent reported having used sexual abuse material and also having committed physical sexual abuse of children. 4.1 per cent of respondents reported that they had had sexual fantasies about prepubescent children. The respondents were aged 18–89. A similar study among Swedish men aged 17–20 found that 4.2 per cent used sexual abuse material.¹¹² One possible reason for the higher percentage in the Swedish selection is that young people are more sexually active and more adept internet users.¹¹³

The link between use of sexual abuse material and physical and online sexual abuse of children indicates that we should not look at internet-related sexual crimes in isolation, but rather take into account that they may form part of a development in the perpetrator's behaviour.¹¹⁴

4.5.2 Risk assessment

In spite of the major issues with the method in collecting valid and representative data on the link between use of sexual abuse material and physical (or online) sexual abuse of children, findings indicate that a significant percentage of those who use sexual abuse material have also committed physical sexual abuse.

Although preliminary findings show that few of those who are convicted of use of sexual abuse material are later put on record as perpetrators in sexual abuse cases, it would be a serious mistake not to take this form of crime sufficiently seriously. Due to issues with the methods, the recidivism figures are uncertain, and we assume that longer monitoring periods would result in higher recidivism rates.¹¹⁵ In addition, a minority of sexual crimes are detected,¹¹⁶ and users of sexual abuse material tend to have a profile that make it more likely that they will evade police attention.¹¹⁷ Regardless of how many commit new sexual crimes, this form of crime harms the children depicted in the material, in that the images and videos of the abuse are widely distributed and used for sexual stimulation.

As so many persons watch sexual abuse material from Norwegian IP addresses, the police are forced to prioritise which perpetrators to target. Consequently, it may be worthwhile to apply tools developed in recent decades to assess the risk relating to perpetrators of physical sexual abuse. The merit of such tools is that they have been the subject of a lot of research, and it is likely that the factors they emphasise will also be risk factors for persons who use sexual abuse material.¹¹⁸ A drawback of the tools best suited for police work is that they may result in an underestimation of the risk among perpetrators with outwardly well-functioning lives; those who have jobs, do not have a long record of non-sexual crime and no substance abuse problems¹¹⁹. These are factors that also characterise perpetrators who use sexual abuse material.¹²⁰

¹¹¹ Dombert, Schmidt, Banse, Briken, Hoyer, Neutze and Osterheider. 2016.

¹¹² Seto, Hermann, Kjellgren, Priebe, Svedin and Långström. 2015.

¹¹³ Dombert, Schmidt, Banse, Briken, Hoyer, Neutze and Osterheider. 2016.

¹¹⁴ DeMarco, Sharrock, Crowther and Barnard. 2018, and Fortin, Paquette and Dupont. 2018.

¹¹⁵ Seto, Hanson and Babchishin. 2011.

¹¹⁶ Collin-Vézina, Daigneault and Hébert. 2013.

¹¹⁷ Garrington, Rickwood, Chamberlain and Boer. 2018.

¹¹⁸ Seto, Hanson and Babchishin. 2011.

¹¹⁹ Lussier, Bouchard and Beauregard. 2011.

¹²⁰ Henshaw, Ogloff and Clough. 2017.

A more recent review of such risk assessment tools conclude that traditional tools may both over and underestimate the risk posed by persons who handle sexual abuse material, and that there are probably also other relevant risk factors.¹²¹

There are also risk assessment tools developed specifically for perpetrators using sexual abuse material that can be used to prioritise police efforts. However, they are in an early development phase, and there is limited data on how well they work.¹²²


For now, a reasonable approach seems to be to combine established knowledge of risk from research about perpetrators who commit physical sexual abuse with more recent knowledge gained from methods that are being developed. Whether persons suspected of using sexual abuse material have unmonitored access to children is something that should be emphasised. One of the two recent risk assessment tools developed particularly for this group includes this as a risk factor,¹²³ while the developers of the other tools have proposed that this is a potential risk factor that should be included in future research.¹²⁴

¹²¹ Garrington, Chamberlain, Rickwood and Boer. 2018.

¹²² Ibid.

¹²³ Long, Alison, Tejeiro, Hendricks and Giles. 2016.

¹²⁴ Garrington, Chamberlain, Rickwood and Boer. 2018.



Sharing of sexualised material between
young people

5

Chapter 5

Sharing of sexualised material among young people

While chapter 2 was mostly about production and sharing of sexual abuse material depicting small children, this chapter will discuss criminal liability relating to production and sharing of sexualised depictions of somewhat older children, including youths under the age of 18.

Much of the lives of Norwegian teenagers takes place on digital media, and the use of the various applications which facilitate photography, video recording and sharing has resulted in a widely accepted sharing culture. This culture also includes production and sharing of intimate, sexualised material, something that is often punishable.

In its 2018 trend report, Oslo Police District writes that investigation of sexual abuse transmitted on the internet and extortion draws up a picture of a demanding sexual youth culture, with wide-spread exchange of images and videos of a sexual nature:

Girls are expected to go far in providing advanced sexual services in order to gain recognition and be considered attractive members of the group. In some groups, providing sexual services is required to become accepted.

[...] The sexualised expectations young people feel they have to live up to blur the boundaries of sexual abuse. The issue of whether the depicted person was a willing participant in the taking of photos and video recordings becomes difficult when the boundaries are not defined beforehand in the form of consent, but after the fact when the experience becomes too much.

There is reason to fear a development where acts that were previously considered threatening to a person's physical integrity and safety become normalised.

In a report from the Ombudsman for Children, young people relate how the internet, telephones and various applications are used for sexual violations. They were particularly concerned with how much digital media were used for taking and forwarding sexualised images. They were also concerned with the legal consequences:

Some young people believe that better knowledge of the law and stricter penalties will have a preventive effect. Many do not know where to draw the line and are not sure about the penalties. They want the police to visit schools to tell them about laws, rules and consequences. This will clarify what is and is not permitted.¹²⁵

In recent years, many young people have been convicted of having produced and/or distributed sexualised images or videos of people of their own age. The judgments show that the convicted persons tended to be unaware of the legal provisions. Another reason why young people commit such offences may be that their risk-assessment ability is not fully developed. They may consider sharing a sexualised image to be a positive thing, because it gives them credibility with the person they share the image with. Only afterwards do they discover that they have no control over what they have shared.¹²⁶

¹²⁵ The Ombudsman for Children, 2018.

¹²⁶ <https://www.aftenposten.no/norge/i/G4g1x/Psykologiprofessor-advarer-Nettovergrep-like-ille-som-fysiske-overgrep>.

The following is a brief summary of some judgments where one or both parties involved were minors. Then we will answer some of the questions young people often pose about sexualised material on the internet.

"It is known that sexualised depictions are shared in social and informal networks as boasting and to create a group identity. The depictions may show co-students, colleagues, celebrities etc. and the distribution takes place in more or less open networks of varying sizes. For those subjected to this, the distribution of the material is often perceived to be deeply degrading."

Source: Oslo Police District. 2018–2021 trend report.

5.1 Relevant judgments

The fact that the courts are dealing with distribution of sexualised material is a relatively new phenomenon, currently under development in several countries.¹²⁷

In Norway, several young people, also minors, have been convicted of having distributed sexualised depictions of minors online.

5.1.1 Boy sentenced to three years and five months¹²⁸ in prison for filming and distributing a video showing his punishable sexual intercourse with a girl under the age of 14¹²⁹

In 2013, a boy that was aged 19 when the crime was committed, was sentenced to imprisonment for three years and five months. He had met the victim at a website aimed at youths over the age of 15, but the victim told him that she was 13. They met on one occasion and had sexual intercourse. The convicted

boy filmed the intercourse with his mobile phone and told the victim that it would not be distributed. He later posted the three-minute video on a porn site. At the time of sentencing, the video had been shown about 35,000 times. On some websites, the victim's name was given in connection with the film.

The violation of the Penal Code section 195 was the most decisive for the sentencing and for the compensation awarded to the victim, while the penalty for violation of the Penal Code section 204a, seen in isolation, would have been immediate imprisonment for about nine months. The Court of Appeal upheld the awarded compensation, NOK 150,000, which equals the regular rate for rape victims. One aspect of the assessment was the consequences the publication had for the victim.

5.1.2 Boy given a suspended prison sentence of five months and fined NOK 5000 for filming sexual intercourse¹³⁰

In 2016, a boy was given a suspended prison sentence and a NOK 500 fine after filming a 16-year-old girl as she was performing oral sex on him. The boy was aged 17 when the act was committed. He sent the video to his friends, who forwarded it to others. The video spread quickly, also through social media. The victim was unaware that she had been filmed, and had therefore not consented to the video being shared. The boy was also sentenced to pay compensation of NOK 20,000.

5.1.3 Two boys sentenced to 30 hours of community service for photographing and distributing images of sexual intercourse¹³¹

In 2017, two underage boys were sentenced to community service after photographing an underage girl performing oral sex on one of them. The girls and the boys were 15 and 16 years' old,

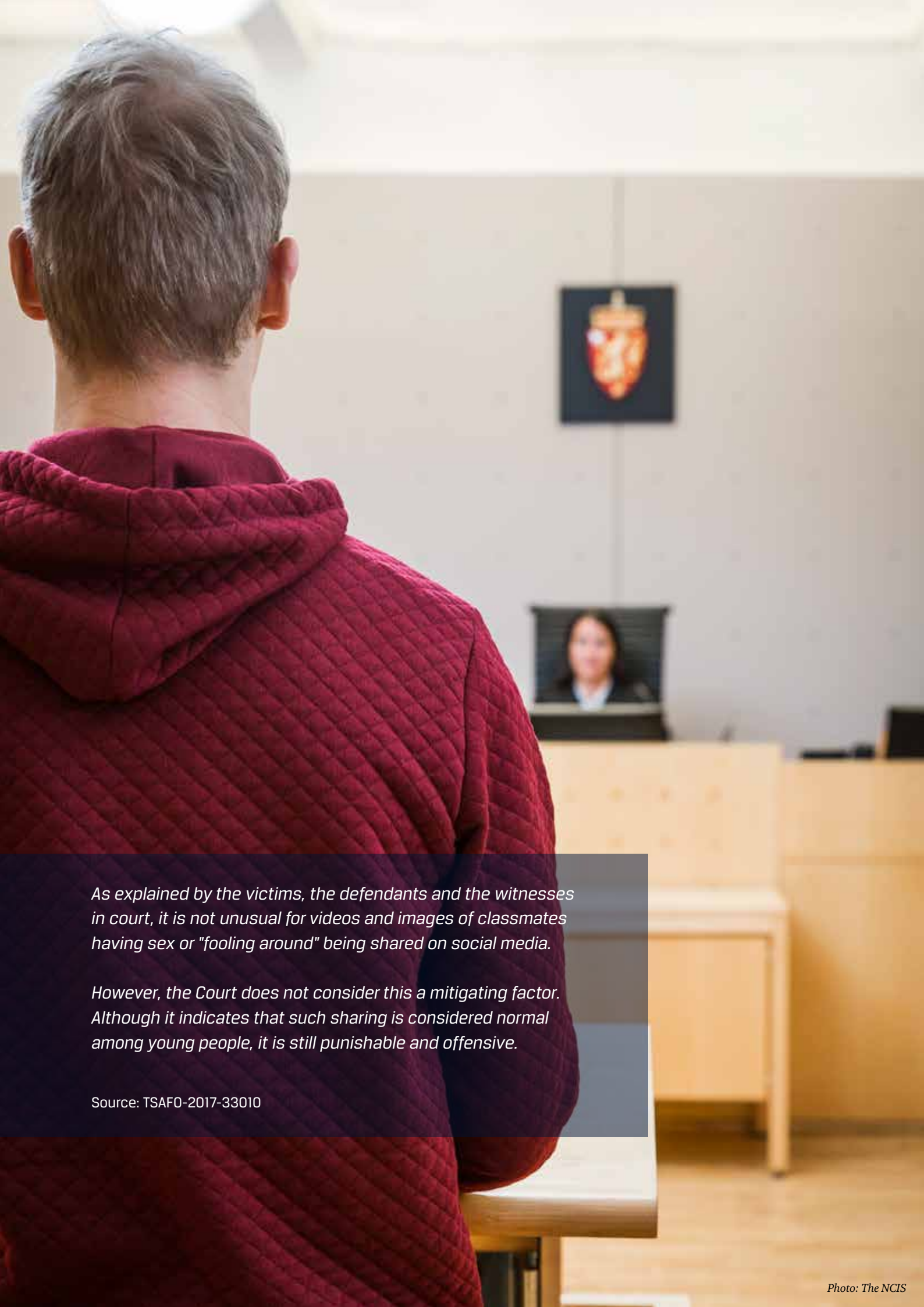
¹²⁷ One of the best known examples is from Denmark, where the prosecuting authority indicted 1000 persons on charges of distributing the same video showing sexually offensive material. The first judgments in this case were handed down in February 2018.

¹²⁸ Anyone given an immediate imprisonment sentence will have to serve time in prison. If the offender was younger than 18 when the crime was committed, he or she can only be sentenced to imprisonment if this is specifically necessary. Anyone given a suspended prison sentence will not have to serve time in prison provided he or she meets certain requirements, see the Penal Code sections 35–37.

¹²⁹ 12-201395AST-BORG/OI.

¹³⁰ 16-115404MED-SAFØ

¹³¹ LB-2016-197003



As explained by the victims, the defendants and the witnesses in court, it is not unusual for videos and images of classmates having sex or "fooling around" being shared on social media.

However, the Court does not consider this a mitigating factor. Although it indicates that such sharing is considered normal among young people, it is still punishable and offensive.

Source: TSAFO-2017-33010

respectively, when the photos were taken. The girl consented to the photos being taken, but not to their distribution. The boys still sent the images to an 18-year-old boy who then posted them on social media, where they were quickly spread.

The judgment describes how the incident had serious consequences for the girl, who suffered substance abuse problems. Her family felt forced to move to a new location.

The following is quoted from the Court of Appeal's judgment: "The District Court's judgment describes how B and C forwarded the images as part of an ongoing effort to outdo each other in sending extreme images." The 18-year-old was sentenced to 30 days in prison. The boys were also sentenced to pay NOK 50,000 in compensation to the victim.

5.1.4 Girl given 60 days' suspended prison sentence and NOK 10,000 fine after filming two persons in sexual activity and sharing the film. The two persons were not aware that they had been filmed¹³²

In 2017, a girl aged 16 was given a 60-day suspended prison sentence for having filmed two 17-year-olds in a sexual situation at a private party without their being aware of it, and then sharing the video on social media. The video was deleted upon request from one of the victims, but had been shared to around 200 persons before deletion. Several people had taken screenshots of the video, which were then disseminated on various social media groups.

The judgment emphasised that this type of dissemination was a relatively new issue in criminal law. This did not involve criminal networks sharing child sexual abuse images, but thoughtless sharing of images depicting peers in an intimate situation.

However, the Court stated: As explained by the victims, the defendant and the witnesses in court, it is not

unusual for videos and images of classmates having sex or "fooling around" to be shared on social media. However, the Court does not consider this a mitigating factor. Although it indicates that such sharing is considered normal among young people, it is still punishable and offensive.

The girl was sentenced to pay a compensation of NOK 5000 to the victims. The following conditions were also set for the sentence: "The sentence is suspended for two years cf. the Penal Code of 2005 section 34, on condition that the convicted person during that period attends and participates in conciliation proceedings before the Conflict Resolution Board and fulfils any agreements entered into there, cf. the Penal Code of 2005 section 37 subsection 1 i)."

5.2 Commonly asked questions

NGOs and agencies working with children and young people often forward questions they receive about sharing of sexualised images and videos of peers to the NCIS. This chapter quotes some of these questions, as we believe it is important to answer them. The questions often use the term nudes or nude photos. In this chapter, we use this term to refer to images covered by the Penal Code section 311. Images and videos can be punishable under section 311 regardless of the state of undress of the depicted person.

Children and young people subjected to any of the things described below should contact the police or an adult they trust. You can also contact Slettmeg.no, the Red Cross chat service at korspaahalsen.rodekors.no and ung.no.

5.2.1 Is it a criminal offence to store nude photos of a person under the age of 18 on your phone?

In principle, possessing nude images of children under the age of 18 or images "sexualising children", as described in the Penal Code section 311, is a criminal offence. However, criminal sanctions may not

¹³² TSAFO-2017-33010

be imposed on anyone taking or being in possession of such an image if the depicted person consented to the image being taken and the two persons are approximately equal in age and mental development.

5.2.2 I am tempted to send nude photos of myself to my boyfriend/girlfriend. Is it legal?

In principle, all sexualised images of children under the age of 18 are illegal. However, the intention of the Penal Code section 311 is to protect those who are under age. You will therefore normally not be prosecuted for having taken such images of yourself.

According to the Penal Code section 305, “sexually offensive (...) activity in the presence of or towards children under the age of 16 years» may be a criminal offence”. If you are 15 or older and your boyfriend or girlfriend is younger than 16, sending nude images of yourself might be a criminal offence, despite the fact that your boyfriend or girlfriend wanted you to.

It is also important to remember that it may be illegal for your girlfriend or boyfriend to possess nude images of you.

5.2.3 Can I be punished for having distributed or showed somebody nude images I have received from others?

It is illegal to show or share images sexualising children under the age of 18. If you have done so and are 15 or older, you may face criminal sanctions, irrespective of whether you sent the images just for fun, to make fun, to harass or for other reasons.

5.2.4 I have received nude photos from others which I have not asked for. Can I be punished?

Receiving and possessing sexualised images of children under the age of 18 is illegal. However, if

you suddenly receive such images without having asked for them, you will not face criminal sanctions. However, choosing to keep the photos, despite not asking for them, may be a criminal offence.

5.2.5 Is filming people who are having sex illegal?

It is illegal to film someone having sex if one or both of them are under the age of 18, also if they have consented to the filming, as this is considered production of “depictions of sexual abuse of children or depictions which sexualise children” under the Penal Code section 311. Filming is illegal even though the persons who are being filmed are above the age of consent (16) and hence are allowed to have sex.

5.2.6 Can I face criminal sanctions for having sent nude images of myself to others?

Under the Penal Code section 311 subsection 1b) it is a criminal offence to sell or supply depictions sexualising children. Buying the images is also a criminal offence.

Sending nude images of yourself to somebody under the age of 16, is considered “sexually offensive conduct”, a criminal offence under the Penal Code section 305. It may also be a criminal offence to send such images of yourself to someone above the age of 16 if that person did not ask for them, as this may constitute “sexually offence conduct (...) directed at any person who did not consent thereto” (the Penal Code section 298).

5.2.7 Somebody is trying to force me to send nude images of myself. Is it legal?

No, forcing you to send nude images is a criminal offence. This may be punishable under several Penal Code provisions, including section 311 about depictions which sexualise children and section 251 on coercion.



Children and young people at risk

6

Chapter 6

Children and young people at risk

This chapter looks at the children and young people subjected to sexual abuse that take place partly or only over the internet. We have divided them into five categories which, with the exception of the fifth category, reflect the descriptions of the perpetrators' methods outlined in chapters 2, 3 and 4. For each category, we describe the scale, known characteristics, if any, and harm. The harm caused will to some extent be the same for all the children in the different categories. However, the categorisation has been maintained to reflect that the children's perceptions differ.

6.1 Category 1: Children depicted in sexual abuse material online

This category primarily includes children subjected to physical sexual abuse, before the perpetrators publish the material from the sexual abuse on the internet. However, the category also includes children depicted in a sexualised manner, with or without clothes.

6.1.1 Scale

We do not know how many children are depicted in online sexual abuse material, but the fact that such material is rarely deleted means that the volume gradually increases. There are several international databases that provide knowledge about available sexual abuse material. Differences regarding how the material is categorised and filed make it impossible to conclude whether there have been changes in the distribution between sexes, age groups and levels of severity of the sexual abuse material available online.¹³³

We have collected information from two key players, Interpol and the Internet Watch Foundation.

The International Child Sexual Exploitation (ICSE) Database

Interpol established the ICSE Database in 2009, which provides an international database of children and perpetrators linked to online sexual abuse material. One of the purposes of the database is to avoid efforts by law-enforcement agencies to identify victims that have already been identified by law enforcement in other countries. As of July 2018, the database contained information on more than 14,200 identified victims from all over the world. There is also information about unidentified children and perpetrators.

As of 1 September 2018, Norway had listed 956 identified children and 90 perpetrators in the ICSE database. It is, however, likely that Norwegian children are depicted in online sexual abuse material without having been identified, and also that they have been identified without this having been shared with the ICSE database.

In February 2018, Interpol and ECPAT International launched an analysis of the material in the ICSE database, including a quantitative survey of unidentified children in more than one million computer files. This resulted in the following findings:¹³⁴

- In 72.5 per cent of cases, the sex of the children was identified. 64.8 showed girls, while 31.1

¹³³ ECPAT International, 2018.

¹³⁴ ECPAT International and Interpol, 2018.

showed boys. 4.1 per cent showed children of both sexes. In cases involving boys, the abuse was more severe or included acts that were indicative of unusual arousal patterns.

- More than 60 per cent of the unidentified children were prepubescent. The younger the child, the more often they were subjected to severe abuse or acts; this is indicative of unusual sexual arousal patterns.
- In less than half the cases, the sex of the perpetrator could be determined. In these cases, 7.5 per cent of perpetrators were women. In most of the cases, the woman perpetrated the sexual abuse together with a man and was also the party that physically abused the child while the man was filming. In the few cases where a woman was the sole perpetrator, she was considerably younger than in the other cases.
- In 71.6 per cent of cases, the child was alone with the perpetrator.
- 76.6 per cent of the unidentified children were Caucasian.
- Most of the children shared ethnicity with the perpetrator. 76.6 per cent of the unidentified children and 78.8 per cent of perpetrators were Caucasian.

Only 53 of 192 Interpol member states have direct access to the ICSE database. Experience indicates that countries are more likely to report the most severe sexual abuse cases. The findings of the quantitative analysis are therefore not representative of all sexual abuse material online.

The Internet Watch Foundation (IWF)

The UK organisation IWF monitors and removes websites offering sexual abuse material. The IWF's 2017

annual report provided the following information on sexual abuse material found in 2017:

- The children were girls in 86 per cent of images. The children were boys in 7 per cent of images, while both sexes were represented in 5 per cent. In the rest of the images, the sex of the children could not be determined.
- 43 per cent of the children were assessed to be between the ages of 11 and 15. This age group is as large as it was in 2016, but significantly larger than in 2015 (30 per cent) and 2014 (18 per cent). 20 per cent of images with children in this age group showed severe sexual abuse.
- 55 per cent of the children were assessed to be younger than 10, down from 69 per cent in 2015 and 80 per cent in 2014. 44 per cent of images with children in this age group showed severe sexual abuse.
- The percentage of children under the age of 2 was 2 in 2017. This percentage has remained stable, but has fallen somewhat in recent years (3 and 4 per cent in 2015 and 2014).
- 33 per cent of images showed severe sexual abuse, compared to 28 per cent in 2016.

IWF explains the increase in children aged 11–15 by an increasing amount of images produced by the children themselves, often using webcams. In many cases, children are deceived into producing the images themselves or become victims of sexual extortion, but they may also have posted the images on their own initiative.

The IWF also emphasise that they encountered 86 per cent more websites concealing sexual abuse material.

These are websites that appear to have legitimate content, but those in the know can find links to sexual abuse material there.

The IWF also reports that an increasing share of the material is produced in Europe, rather than in North America as was the case previously.

6.1.2 Harm

There is a lot of available knowledge about the harm caused by physical sexual abuse. The Norwegian Centre for Studies on Violence and Traumatic Stress summarises as follows: “Signs of harm may, in the short term, may include anxiety (unease, fear), nightmares, attention and concentration issues, phobias, PTSD, dissociative reactions, depression, low self-esteem, suicidal behaviour, sexual behavioural disorders.” Common long-term effects include guilt, self-blame, social isolation, crime, substance abuse, sexual issues and vulnerability to new abuse.¹³⁵

We know less about the harmful effects on children subjected to sexual abuse compounded by the abuse being recorded. However, the research clearly states that recording and sharing of depictions of the abuse over the internet can exacerbate the traumas inflicted by the abuse itself.¹³⁶

There are no major surveys among Norwegian children subjected to sexual abuse which have been recorded and shared, but the Swedish national knowledge centre Barnafriid has looked into this.¹³⁷ Of 5333 youths, 20.9 per cent stated that they had been subjected to sexual abuse. Among those, 4.6 per cent (n=50) knew that the abuse had been recorded. Of these 50, 26 per cent (n=13) knew that the abuse had been distributed. The report concluded that those who had been subjected to sexual abuse that

had been recorded had significantly poorer health than other young people, including those subjected to sexual abuse that had not been recorded. Those who knew that the material had been distributed had poorer health than those who replied that it had not been distributed.

A US survey from 2018 included 133 adults who had been sexually abused as children and where the abuse had been recorded.¹³⁸ The selection consisted of 64 per cent women and 33 per cent men.¹³⁹ 83 per cent stated that they had been under the age of 12 when they were first photographed and 52 per cent had been abused by a family member. 93 per cent had been subjected to physical sexual abuse in connection with the photographs being taken. For 80 per cent of the respondents, the abuse had been on-going for more than six months. 48 per cent knew that the images or videos had been shared.

Respondents stated having had the following reactions in childhood:

- a continuous sense of shame, guilt and/or humiliation (74 per cent)
- a continuous fear of persons seeing the images and thinking they had participated voluntarily (54 per cent)
- a continuous fear that friends or acquaintances would see the images (48 per cent)
- a continuous fear that persons who saw the images would recognise them (48 per cent)
- a sense of embarrassment when meeting police officers, social workers or others who would see the images (41 per cent)

¹³⁵ Norwegian Centre for Studies on Violence and Traumatic Stress 2011.

¹³⁶ Gewirtz-Meydan, Walsh, Wolak and Finkelhor. 2018.

¹³⁷ Barnafriid. 2017.

¹³⁸ Gewirtz-Meydan, Walsh, Wolak and Finkelhor. 2018.

¹³⁹ Three per cent were unspecified or not stated.

- did not want to talk to anyone about the images (36 per cent)
- did not want to talk to police officers or counsellors about the images (31 per cent)
- did not want to be photographed or filmed by family members or friends (29 per cent)
- thought that the images were not “a big deal” compared with other stuff (22 per cent)
- denied that there were any images (22 per cent)

These reactions showed a strong degree of denial and an unwillingness to tell anyone that they had been photographed or filmed. A UK survey of 100 children who were victims of sexual abuse which had had been filmed and shared, highlighted some reasons for this:¹⁴⁰

- In some images, it looked as though they just let it happen.
- Some were threatened into smiling while the abuse took place.
- In some cases, the child had the role of “recruiter”, in that the abuser also subjected the victim's sleep-over guests to abuse, creating a sense of guilt in the child.
- Some children were threatened into taking part in sexual intercourse with other children or animals, making it even harder to tell anyone about the abuse.
- The abuser told the children that it was their fault because they let it happen and that they would tell their parents or other people close to them that it was the child's fault.

There were three recurring topics when the respondents spoke of how they felt about it as adults:

- A sense of shame and guilt. For many, this is due to the images making it appear that they participated voluntarily and actually liked it. The images thereby challenged their feelings of being victims. Many were ordered to smile during the abuse or asked to look happy because the images would turn them into famous movie stars.
- Enduring vulnerability in connection with the images existence online. This could result in an always-present fear that the images would turn up and that they would be recognised, which would then affect their family lives or their options in public life, politics etc. Many also felt re-victimised – the fact that the images were out there made them feel that the abuse was never-ending.
- Assessment of images and videos as evidence. Some of the adults started considering the images and videos as evidence that they had been subjected to sexual abuse. The images helped them understand what they had been subjected to and were often used in therapy sessions. Many also saw the value of having the abuse recorded, as it could be used as evidence in a criminal case against the abuser or abuser network. However, many of them emphasised that it adds to the hurt that the material is displayed in criminal proceedings.

¹⁴⁰ Palmer and Stacey. 2004, from Cooper. 2012.

A Canadian study from 2016 among 150 persons depicted in sexual abuse material, found the following:¹⁴¹

- 70 per cent of respondents worried constantly that someone would recognise them from the sexual abuse material.
- 30 per cent had been recognised from sexual abuse material.
- 58 per cent had been abused by more than one perpetrator, and 49 per cent appeared to have been subjected to organised sexual exploitation, defined as "one or more children subjected to sexual abuse by multiple cooperating perpetrators".

«As a victim of this most horrific form of child sexual exploitation, I have felt alone, misunderstood and helpless. It is time for the world to understand child pornography and the unimaginable impacts it has on us, the victims. We need to find our voice to help those who wish to better understand and help us.»

– Person subjected to documented sexual abuse

Source: Canadian Centre for Child Protection. 2017.

6.2 Category 2: Children tricked into sexual contact over the internet, including sexual extortion

The other category consists of children who have been tricked into sexualised contact over the internet, often with someone they did not previously know. The contact will consist of sexualised chats, production and sharing of sexualised images or videos or live-streamed sexual acts performed by

the child with herself or himself or with others in front of a webcam. In some cases, the perpetrator puts the child in an extortion situation.

6.2.1 Scale

Through investigation of several extensive cases in recent years, the Norwegian police have identified several hundred children who have been tricked or pressured into sexual contact over the internet. In many cases, the children are deceived or pressured into committing very degrading acts against themselves, with others and in some cases with animals. Much of the abuse falls under the Penal Code's definition of rape. According to the report *Voldtekts-situasjonen 2017* (rape situation report) there were at least 20 cases in 2017 where the rape took place over the internet. A review of the criminal records of the ten offenders in these 20 cases showed that they had been suspected, charged or convicted in a total of 1195 sexual crime cases, involving 520 unique victims. These figures illustrate how the internet enables one perpetrator to reach many victims.¹⁴²

We do now know how many Norwegian children and young people are subjected to sexual abuse online, and there is little up-to-date Norwegian research on the topic. Although there are several studies which look at the scale of how exposed children and young people are to violence and abuse, few of these studies are specifically devoted to abuse that takes place online only. One exception is a self-report-based study among 7033 Norwegian high-school graduates conducted by Norwegian Social Research (NOVA) in 2007. The study focused on the extent to which the youths had been exposed to sexual aggressiveness or harassment online or to physical sexual abuse by someone they had met online. According to the report, 31.9 per cent had been asked for "sexy images", 19.8 per cent had been offered sex, 15 per cent had been offended with

¹⁴¹ Canadian Centre for Child Protection. 2017.

¹⁴² The NCIS. 2018a.

coarse sexual language, and 4.8 per cent had been offered money or gifts for sex.¹⁴³

It is unclear whether these figures from NOVA are representative of the current situation, and whether the issues discussed in the report are relevant to the current situation as regards online sexual abuse. It is highly likely that the access children and young people have to increasingly advanced smartphones, combined with a strong increase in digital arenas where children can be encountered, has been a factor in the increase in the number of victims subjected to online sexual abuse. According to the Norwegian Media Authority's 2018 report, 95 per cent of Norwegian children have smartphones.¹⁴⁴

The NOVA report does not state how many actually sent "sexy images" and to what extent they felt pressured into doing so. The Norwegian Media Authority's 2018 report on young people and nude photos states that 13 per cent of people aged 13 to 18 had sent nude images of themselves over the past year.¹⁴⁵ When asked if they had felt pressured into sending the images, most of them replied no. However, 30 per cent of girls and 6 per cent of boys replied that they had felt pressured on occasion. This means that there is a worryingly large percentage of children and young people who send nude images of themselves after feeling pressured into doing so.

Compared with 2016, there is an increase in the percentage of girls aged 13 to 16 who sent nude images to someone they only knew online (from 14 to 23 per cent). The percentage among boys dropped from 22 to 14. The percentage of girls who had felt pressured into sending nude images is relatively stable, while there is a tendency for more boys to feel pressured into sending such images in 2018 than in 2016.

Although we do not have relevant figures for Norway, the Swedish 2017 Barnafriid report, with a sample of 5839 youths, offers an indication. The report shows that 23.2 per cent (n=1323) of the youths had been exposed to online grooming, defined as an attempt at contact for a sexual purpose, by someone more than five years their senior before they had reached the age of 15. 15.9 per cent (n=906) of youths had been asked to show "undressed images". Girls were significantly more exposed to this than boys. Slightly less than 6 per cent (n=330) of the youths had, over the recent months, gotten to know someone online with whom they had also had sexual contact online. 10 per cent of this group had felt persuaded to, pressured into or forced to engage in the sexual contact.

Several of the major cases under investigation by the police start with one single crime report, which then branches out as a number of other victims are found to have been exposed to the same perpetrator. For instance, in two cases with different perpetrators, the police identified 700 victims, of whom only four had contacted the police after alerting their parents. There are complex reasons why so few report such abuse, but one of the main causes is probably linked to a sense of guilt and shame, as expressed by victims in police interviews. In Wolak and Finkelhor's survey, only 16 per cent of the 1631 victims had reported the matter to the police. The victims were most likely to report the matter if the perpetrator threatened them with violence or if they received threats that had a great physical or mental effect on them. The police were also more likely to become involved once the victim told friends or family about the matter, sought medical attention or was exposed to threats or violence by the perpetrator.¹⁴⁶

¹⁴³ Suseg, Grødem, Valset and Mossige. 2008 In this chapter, the stated percentages are based on 6677 students.

¹⁴⁴ The Norwegian Media Authority 2018a.

¹⁴⁵ Study based on a sample of 4805 children and young people

¹⁴⁶ Wolak and Finkelhor. 2016.

6.2.2 Children subjected to both online and physical sexual abuse by the same perpetrator

Some perpetrators use the internet not just to establish sexual contact with children, but also to manipulate or threaten them into physical meetings to commit physical sexual abuse (see chapter 3.3). In 2015, a man was convicted of having sexually abused one hundred children online and of having physically abused three of them. The following is from the testimony of one of the three girls:¹⁴⁷

She did not really want to, but she dared not refuse out of fear of the defendant's temper. She often stopped at a bus stop just before reaching his house and many times considered turning back.

[...] On several occasions, she destroyed both computers and mobile phones on purpose in a desperate attempt at getting out of the situation and avoiding contact with the defendant. In addition, she knew that he had nude images of her. She also lied to the defendant, telling him that her father was angry and violent and she therefore had to log off the chat, although this was not true. She dared not tell her parents about the relationship – they believed she was going to meet some friends and did not understand that she was going to see the defendant. She went home to the defendant almost every weekend, both Fridays and Saturdays. The defendant fingered her at his home and in his car, and she had to masturbate him in addition. It was always the defendant who asked for this, and she dared not refuse. She mentions one episode in particular, where the defendant fingered her in front of a webcam via which unknown persons were watching. She dared not protest and felt forced into cooperating. She explains that the sexual activities continued until the defendant was arrested.

6.2.3 Vulnerability

The reports from both NOVA and Barnafriid state that children and young people subjected to sexual abuse online are generally more vulnerable than others. NOVA describes how youths who have a poor relationship with their parents, few or no friends, and a non-heterosexual orientation encounter sexual aggressiveness online more often than others. Youths whose initial sexual experience or experience with alcohol came at an early age, who have been subjected to sexual abuse or who have disabilities are subjected to aggressive sexual encounters on the internet relatively often.¹⁴⁸ Barnafriid found that children subjected to online grooming describe poorer attachment to their parents and greater difficulties in their contact with children their own age, i.e. that they were victims of bullying.¹⁴⁹

An investigator with the NCIS who has interviewed a large number of children subjected to deceit or extortion, has the same impression:

What strikes me, is that many children who have been subjected to internet-related sexual abuse tell me that they have been going through a difficult period. They may have few friends, and many describe being lonely. They sought contact online and were flattered. They received the confirmation they sought and several describe the abuser as a good friend they could confide in.

However, experienced investigators emphasise that you may also find children who would be considered far from vulnerable among the victims, and that “anyone” can become a victim. In several criminal cases, perpetrators have demonstrated how they can also reach children who are not particularly vulnerable and young people through manipulation and threats.

147 TGJ0V-2015-164934 The case was later considered by the Court of Appeal (LE-2016-99126) and the Supreme Court's appeals committee (HR-2017-898-U).

148 Suseg, Grødem, Valset and Mossige. 2008.

149 Barnafriid. 2017.

6.2.4 Harm

As previously mentioned, we know less about the harm caused by online sexual abuse than about the harm caused by physical sexual abuse. Barnafid concludes that sexual abuse via the internet can have significant mental-health consequences and manifest itself in post-traumatic symptoms, and that this indicates that online sexual abuse is just as serious as physical sexual abuse.¹⁵⁰ A Supreme Court judgment from 2017 quotes the following from an expert witness testimony:

*Enemo emphasises that the harmful effects of being subjected to internet-related sexual abuse will differ somewhat from the consequences of other types of sexual abuse, but that they will also to a large extent be the same. She points to a sense of guilt and shame being key in internet-related abuse and that this is reinforced by the victims' being active in their contact with the perpetrator. One particular aspect of such abuse is the uncertainty and guilt linked to whether sexualised material of the victim has been or may be distributed online. The uncertainty and fear are strengthened by the victim having no opportunity to gain control of the distribution.*¹⁵¹

Conversations with many NCIS investigators and staff at the Oslo Children's House reveal that many children who have been deceived or subjected to sexual extortion via the internet are severely impacted by their experiences. Many do not want to talk about it, and refuse to go into details. They have strong feelings of shame and guilt and do not want family and friends to find out what happened.

Many children are left with a feeling of having let their parents down, as they had promised not to talk to strangers online. Many deny that any abuse has taken place, even after being confronted with the evidence collected by the police. The reasons for this

may include that they themselves took the initiative to pose sexually and commit sexual acts, believing that they were in contact with other children their own age.

An experienced NCIS investigator describes the interview situation as follows:

Most of them tell us about the abuse in interviews, but some of them, in spite of being showed photo evidence, will deny having done what the images depict. Many say they cannot remember what they have done, although they remember being in contact with the perpetrator. The way I ask my questions makes it clear to me that they actually remember, but that they do not want to tell me because it is embarrassing, both having been tricked and the acts they have committed.

What strikes me about sexual abuse victims is that they never tell more than they have to. In internet-related cases, the police often know what truly happened from chat logs and/or images and videos of the victims. When I have asked the boys in the XXX case to estimate the number of videos they have sent, they present a figure that is far lower than the one we know to be true.

The interviewed child will often be one of many victims of the same perpetrator. Interviewers say that telling children this may help them understand that they are not alone in having been sexually abused, and this seems to lessen their sense of shame. At the same time, some interviewers have noted that this may even cause a sense of grief in the child, who believed that he or she was special to the perpetrator. This is typical for cases where the child has been deceived and did not understand that the person on the other end was not who he or she appeared to be.

Some children who have been subjected to threats against themselves and their families exhibit fear of the perpetrator. They are also afraid that the perpetrator has disseminated the material, and may

¹⁵⁰ Ibid.

¹⁵¹ HR-2017-1282-A The quote is from an expert witness testimony given by specialist in clinical psychology Ida Enemo, but not in connection with this case.

withdraw socially, not daring to meet friends. Many are severely impacted by the perspective of never gaining control over the images.

This uncertainty and fear applies not only to children and young people who have been sexually abused when the material has been shared, but also to young people when their peers have distributed material showing sexual activities they willingly participated in. Distribution of sexual abuse material can in many ways result in the abuse never ending. The Supreme Court describes this as “life-long degradation” and states that “it must be expected that the risk of others encountering the images will remain a significant added strain on the victim later in life”.¹⁵²

6.3 Category 3: Children subjected to live-streamed sexual abuse on demand

6.3.1 Scale

A great number of offences in this category are never discovered, partly due to so few cases being reported and the difficulty of detecting them. In principle, children all over the world can be subjected to this type of abuse, but several sources point to countries in Asia as centres for this crime category, in particular the Philippines. UNICEF describes the Philippines as “the global epicentre of the live-stream sexual abuse trade”.¹⁵³ The Dutch NGO Terre des Hommes reported having first encountered the phenomenon in 2007/2008, adding that tens of thousands of Philippine children were being subjected to live-streamed abuse as early as 2013.¹⁵⁴ Facilitators in the Philippines are in many cases the children’s parents, other relatives or neighbours, but they can also be organised criminal gangs or foreign or local pimps.

The spread of this form of crime in the Philippines is probably due to a combination of many factors,¹⁵⁵ such as wide-spread poverty, a large English-speaking population, particularly good internet coverage (also for children), broad access to payment services, low age of consent (12 years) and lack of knowledge about the potential for harm from this type of child abuse.¹⁵⁶ Other causes may be cultural, such as strong family values and societal expectations that children should repay what they owe their parents.¹⁵⁷ In addition, Terre des Hommes claims that there is a strong link between substance abuse and live streaming of sexual abuse. The high provided by the local methamphetamine variety called shabu can make the abuse more severe, and the drug is also used to sedate children during the abuse.

Live-streamed sexual abuse on demand is by some sources referred to as “the cottage industry”. There is much to indicate that family operations, often in geographically marginalised areas, are increasingly becoming professionalised due to recruitment of children from other locations in the Philippines. Similar professionalisation is taking place in the cities, where local pimps are in contact with operators abroad. The reported victims are mostly girls, but the figures for boys may be under-reported.¹⁵⁸

Investigations into the activities of Norwegian nationals suspected of ordering live-streamed sexual abuse have resulted in the Norwegian police interviewing several foreign children, most of them in the Philippines. One of the issues raised by these interviews has been what rights these children should be given, in light of the rights enjoyed by Norwegian children subjected to sexual abuse in Norway. See more about this in chapter 8.5.

¹⁵² HR-2001-1545

¹⁵³ https://www.unicef.org/protection/philippines_91214.html.

¹⁵⁴ Terre des Hommes. 2016.

¹⁵⁵ See Kuhlmann and Auren. 2015 for a thorough discussion of the causal factors.

¹⁵⁶ ECPAT International. 2017.

¹⁵⁷ Terre des Hommes refers to the expression “utang na loob, meaning “debt of gratitude”.

¹⁵⁸ Terre des Hommes. 2016.

6.3.2 Harm

There is little knowledge about the long-term effects on these children. A report refers to local social workers in the Philippines who have observed several victims. Their descriptions match other literature about the harmful effects of sexual abuse: low self-esteem, shame, re-victimisation, sexualised behaviour, other behavioural issues, cognitive problems, nightmares and mood swings.¹⁵⁹ According to Terre des Hommes, it is not uncommon for the children to become prostitutes and/or to develop substance abuse problems.

6.4 Category 4: Children and young people photographed/filmed by their peers in a sexualised situation, including during sexual abuse

This category mainly includes teenagers who are photographed or filmed in a sexualised situation and where the resulting material is then shared online. In some cases, the sexualised situation is not voluntary. The punishability of such actions is discussed in chapter 5.

6.4.1 Scale

The scale of this issue is unknown, but the NCIS regularly receives tip-offs and other information indicating that many young people have been filmed or photographed in sexualised situations by others, and that the material is later shared, or that sexualised images are shared without consent. This is confirmed in the Ombudsman for Children's 2018 report.

6.4.2 Harm

The harm caused by this type of abuse can be considerable. The youths can feel shame and guilt although they are blameless. They do not want their parents or other adults to know about the incident, and therefore do not tell anyone. Many are concerned about how widely distributed the images are online, and feel depressed and have suicidal thoughts.¹⁶⁰

Several judgments have been handed down in such cases in recent years. The judgments describe some of the consequences for the victims as follows:

- *For an extended period now, the victim has had trouble attending school and doing school work.*¹⁶¹
- *The distribution of the video has placed a very great strain on the victim. She started suffering from anxiety and several of her friends have broken off contact due to this. The defendant has confirmed that the victim has been harassed because of the video.*¹⁶²
- *The victim has stated that what happened has left deep marks. She believes the images have been distributed to a large circle of persons. She has been called "a whore" and a "slut". This caused her self-esteem to plummet. She started drinking some alcohol, smoking hashish and taking amphetamine and ecstasy. She tried to take her own life.*¹⁶³
- *Her mother has explained that the incident has turned the family's life upside down.*¹⁶⁴

¹⁶⁰ <https://www.aftenposten.no/norge/i/G4g1x/Psykologiprofessor-advarer-Nettovergrep-ikke-ille-som-fysiske-overgrep>.

¹⁶¹ 12-201395AST-BORG/01.

¹⁶² 16-115404MED-SAFD

¹⁶³ LB-2016-197003

¹⁶⁴ Ibid.

¹⁵⁹ Kuhlmann and Auren, 2015.

6.5 Category 5: Children and young people voluntarily producing sexualised images or videos of themselves

The fifth category is children and young people voluntarily producing and distributing sexualised images or videos of themselves, either by sending the material to others or posting it on various online platforms.

6.5.1 Scale

Figures from the Norwegian Media Authority for 2018 showed that 13 per cent of children and young people aged 13 to 18 had sent nude images of themselves over the past year.¹⁶⁵ The Ombudsman for Children 2018 report states that production, sharing and distribution of nude images is not an unknown phenomenon among youths: "In one school, we were told that there were at least two to three episodes per year involving nude images."

Most young people send images to someone they know, their girlfriend or boyfriend or a friend. The Norwegian Media Authority's report states that 52 per cent of all girls and 38 per cent of all boys have sent images to their girlfriend or boyfriend.

The reasons why they do this vary. A survey conducted on commission for the EU among 50 Swedish and UK youths listed the following reasons given by the respondents for sending or posting images on the internet:¹⁶⁶

- It is fun, a way of flirting.
- To explore own sexuality.
- To receive external validation.
- It is socially accepted, everyone's doing it.
- It is expected in a relationship.
- They were asked/forced to send images.

Information received by the NCIS also indicates that youths are asked to or tricked into sending images for payment. New and easy-to-use payment applications make such trading in sexualised material easy and efficient. One youth is quoted as follows in the Ombudsman's report: "Sometimes, they contact you on Snapchat and say "if I pay you so and so much, can you send me nudes"? They are often strangers, but sometimes also someone you know."

According to the Norwegian Media Authority's report, there is little difference between the sexes, with the exception of 18-year-olds, where 25 per cent of boys had sent nudes of themselves against 12 per cent of girls. The Ombudsman's report also notes an increase in the sending of nudes among boys, but the youths emphasise the importance of consent from both the depicted person and the recipient. Young men's sharing of so-called *dickpics* does not, according to one young girl, always take place with the consent of the recipient: "I don't want to have to explain why I do not want to see your willy. It is annoying when boys can't take no for an answer. People should be able to understand that they should not do it when you say no."

Sending nudes to a person under the age of 18 is not just annoying to the recipient, it is punishable under section 310 of the Penal Code. See more about this in chapter 5.2.

According to Barnafrid, very few children and young people post self-made sexualised material on the internet.¹⁶⁷ However, the NCIS noted an increase in 2017 in tip-offs about children aged 8–10 who upload nude images and videos of themselves. The NCIS seems to receive a lot of such information in certain periods, so this seems to be an occasional phenomenon.

¹⁶⁵ The Norwegian Media Authority 2018b

¹⁶⁶ Barnafrid. 2017. Reference is made to the SPIRTO EU project, see www.spirto.health.ed.ac.uk.

¹⁶⁷ Barnafrid. 2017.

Information from NetClean indicates that some children challenge each other to touch themselves or perform sexual activities with themselves and then post the resulting material online. In other cases, it seems that these challenges come from adults posing as children.¹⁶⁸

6.5.2 Harm

Most children or young people who distribute nudes of themselves to someone they know, or post self-produced material online, will not experience any resulting unpleasantness. However, there is always a risk that the material will end up in the wrong hands. Primarily, there is the risk that the recipient will use the material to pressure the child. Secondly, the material can be redistributed and end up in private collections of sexual abuse material. We know from experience that nude images and videos spread on the internet are shared continuously and that they are absolutely impossible to remove completely. Such self-produced material constitutes an increasing share of the material exchanged between perpetrators online.

6.6 Police detection of historical abuse

In major cases, where the police uncover tens or hundreds of victims, the time elapsed between the abuse incident and the identification of the child can be considerable. This may lead to several issues for both the police and the victim.

First of all, the child or the parents are called on by the police and suddenly plunged into a criminal investigation they did not know existed and were completely unprepared for. This is in contrast to other cases, where the victim decides when and how to report the crime to the police, and is thus mentally prepared to help solve the case.

The police have experienced a wide range of reactions from children they contact, perhaps depending on their experiences of the abuse. Some children did not perceive the contact with the perpetrator as being abuse, but believed they had revealed themselves to a person their own age.

Many feel grief when they understand that the relationship was not based in reality. In other cases, where the children have been threatened in connection with abuse, they may be relieved that the perpetrator has been arrested, in particular if the police have gained control over the material they shared with the perpetrator.

In some cases, the victim does not want to help the police with their enquiries. They may have put what happened behind them and are afraid of family and friends learning about it. This may in particular be relevant in cases involving financial extortion of older teenagers and young adults.

Secondly, considerable time may have elapsed from when the incident took place until the police revealed it, so that both the perpetrator and the victim struggle to give an account of it as they cannot remember exactly what happened. Perpetrators may have problems distinguishing between various victims in cases with many victims, and the victims may have had sexual contact with persons other than the perpetrator via the internet.

Thirdly, as the child grows older, he or she may gain rights and duties that it is important to be aware of. Age, case type and relation to the suspect can decide whether the child has a duty to make a statement or not.¹⁶⁹ This duty can cause dilemmas when the child finds it embarrassing to relate all the relevant details.

¹⁶⁸ NetClean. 2018.

¹⁶⁹ The Criminal Procedure Act sections 122 and 239a.

Some children who have been subjected to abuse are worried about how her or his parents will react, and ask whether they have to be told about the case. Minors between the ages of 15 and 18 can, under the Criminal Procedure Act 93g), exercise their own rights. However, a person in this age group must also have a legal guardian. Unless someone else is appointed, this role will be assigned to their parents.

Normally, the parents will be entitled to know about crimes their children have been subjected to, in order to enable them to discharge their responsibilities as parents. The NCIS is aware that the practices vary within the Norwegian police as to whether parents, as legal guardians, are informed and how much information they receive. Experience indicates that most children feel that their parents safeguard their interests well, also after being told what has happened. Parents can then support their child during and after the investigation.

If the child is aged 16 when the police detect the case, he or she will generally be subjected to a normal police interview, not a forensic child interview.¹⁷⁰ If an indictment is drawn up and a trial held, the child will normally have a duty to testify in court, something many of them find hard. In serious cases, a counsel for the victim will be appointed. Section 24-10 of the Prosecution Regulations says that victims with an appointed counsel have a right to discuss the case with the prosecutor prior to the trial. Such a discussion may better prepare the child for what is going to take place.

6.7 Costs to society

In this chapter, we have looked at the harmful effects that online sexual abuse can have on a child or youth. In a wider perspective, there is little doubt that these effects amount to major costs to society, both nationally and globally.

The NCIS is not aware of any social economic analyses conducted in Norway regarding the costs of such abuse, which may include the cost of treating direct and indirect mental and physical injuries, the cost of the victims' loss of working capacity or long-term unemployment and costs relating to the government's preventive efforts and treatment of offenders. In addition come the costs incurred by the police and the courts.¹⁷¹

In a global perspective, improved internet access in an increasing number of countries will most likely result in more children and young people being subjected to online sexual abuse. This will impose the above-mentioned costs upon countries with an already very vulnerable economy.¹⁷²

¹⁷⁰ Forensic child interviews can also be taken if the victim is older than 16, but only if he or she is "particularly vulnerable".

¹⁷¹ WePROTECT Global Alliance, 2018.

¹⁷² Ibid.



Preventive police work and follow-up

7

Chapter 7

Preventive police work and follow-up

This chapter will discuss the follow-up of children identified as victims in sexual crime cases where the abuse took place solely or partly on the internet. We will then proceed to look at the Norwegian police's prevention efforts.

7.1 Follow-up in connection with investigations

In recent years, the police have identified hundreds of children subjected to sexual crimes via the internet. Many of them have never told anyone about what they have been through, and they exhibit a wide range of different reactions to becoming a key witness in an extensive criminal investigation. While victims who themselves report a sexual crime have a chance to prepare for the legal proceedings, these children do not. It is therefore very important to safeguard their wellbeing as well as possible while the criminal proceedings are ongoing.

7.1.1 The role of the Children's House

All victims under the age of 16 subjected to forensic child interviews at an Children's House institution, also children subjected to online sexual abuse.

The children are interviewed by police officers who have received special training in interviewing children. After the interview, the Children's House staff will often talk to the child and parents, offering further support and follow-up adapted to the needs of the individual child. Such cases can affect the entire family, and the follow-up can include conversations

with parents, brothers and sisters. This follow-up may be important for the entire family.

The Children's Houses' experience is that online sexual abuse can have consequences as serious as those suffered by victims of other forms of sexual abuse. A significant percentage of the victims report feeling guilty and ashamed and that they keep the abuse secret. This means that they often refuse to accept follow-up offers, requiring the Children's Houses to adopt a particularly proactive attitude, actively inviting victims to make use of the help provided.

As the number of internet-related cases grows, the Children's Houses have dedicated staff to focus on this group in particular. In addition, a national expertise network has been established to service all the Children's Houses.

There are 11 Children's Houses in Norway. They are organised as part of the police force, with civilian staff with experience from follow-up of children and young people. Once there is a report that children, young people or persons with mental disabilities have been subjected to or witnessed violence or sexual abuse, the police will conduct a forensic interview at the regional Children's House. The Children's Houses will facilitate interviews and medical examination, offer treatment and follow-up and coordinate cross-disciplinary and interagency interaction. The institutions will also develop expertise in the field and provide advice and guidance to public and private actors.

7.1.2 Victim support offices

Victim support offices were established in all police districts in 2017. The offices will provide support to victims of crimes that violate personal integrity and offer psychosocial support, follow-up, information and guidance throughout the criminal investigation and proceedings and help them seek professional help, both from local authority and state services.¹⁷³

7.1.3 SLT cooperation

In many cases, the police also contact other actors that can help ease the strain on the victims. There are many potential cooperation partners who are important in the work among children and young people at the local level. Many of them are included in the so-called SLT cooperation (coordination of substance abuse and crime prevention measures).¹⁷⁴

7.2 Preventive police work through police online presence

One of the police's most important responsibilities is to prevent crime. This is clearly stated in the Police Regulations section 2-1: "The police will in any event be most effective if the force can prevent or avert crimes or disturbances of the peace". This has also been set out in the police national strategy *Police 2025*¹⁷⁵, where security in digital space is one of four key strategic areas.

In 2015, the NCIS published the report *Police presence online*, about online policing and opportunities for effective crime prevention online. The report defines prevention as "a planned and systematic effort to prevent and limit crime, unlike efforts to prevent and avert individual criminal offences."

The National Police Directorate's 2018 assignment letter ordered all police districts to establish a police presence online for prevention purposes. An open police presence online will typically mean that police districts and specialist agencies share information and communicate with members of the public on social media. There is no doubt that the police are really there. A covert police presence will mean that the police officers do not identify themselves as such and actively hide their identities.¹⁷⁶

The police are increasingly present on the internet in their efforts to prevent internet-related sexual crimes. There is, however, no overall overview in the police of what officers are present and where.¹⁷⁷ The police want to use social media to come into contact with various target groups in order to share information about phenomena, individual cases and about how to proceed when faced with certain situations.

The police online patrol – the NCIS

In 2015, the NCIS established a Facebook page called "The police online patrol – the NCIS". The page regularly receives questions and tip-offs relating to online sexual abuse and other issues. It offers the public a venue for contacting the police for crime-prevention advice and guidance in specific cases or just to engage in dialogue with the police. In addition there are articles on punishable offences such as online abuse and extortion and illegal image sharing.¹⁷⁸

Corresponding online patrol efforts have been launched in several police districts.

¹⁷³ Letter from the Ministry of Justice and Public Security.. 2016a.

¹⁷⁴ www.kriminalitetsforebygging.no/slt/slt-modellen/.

¹⁷⁵ The National Police Directorate. 2017.

¹⁷⁶ The NCIS. 2015

¹⁷⁷ Ibid.

¹⁷⁸ www.politiet.no/rad/trygg-nettbruk/politiets-nettpatruilje/.



Many who try to open a website containing sexual abuse material encounter this “stop site”. The stop site is a technical solution developed by the NCIS and the telecom company Telenor, and has been in use since 2004.

The NCIS's police online patrol

- holds approx. 100 one-on-one conversation on Facebook per month
- encounters situations where the police have a duty to intervene almost weekly
- publishes 1–2 posts on preventive issues per week
- participates in prevention campaigns in cooperation with other NCIS sections

Tips.politiet.no The police have established a tip-off solution where online sexual exploitation of children is one of the categories.

This enables the public to submit information about e.g. deceit and sexual extortion, offensive sexual behaviour online, websites containing sexual abuse material and live-streaming of sexual abuse. This tip-off category is operated by the NCIS and is staffed 24/7.

7.3 Preventive police work through technical online solutions

The purpose of developing preventive technical solutions is that they can function as a perceived and real monitoring function on behalf of the police. Such solutions will generally require cooperation with several actors outside the police, such as service providers. This chapter describes some of these solutions.

7.3.1 Internet rerouting

Internet rerouting is a technical solution developed by the NCIS and Telenor, in use since 2004. The solution is a system where data traffic is routed away from domains the police have concluded contain depictions of sexual abuse of children and to a service provider “stop site”. When someone tries to access a website containing sexual abuse material, their request is rerouted to the police stop site. This site states that the user’s web browser has tried to access a website used for distribution of sexual abuse

material and refers to the applicable penal provisions. It also states that the stop site is intended for preventive purposes and that no user information is stored.

Internet rerouting has been a success and has been adopted in other countries. With Norway's aid, Interpol has developed a similar solution, in use since 2010. The NCIS has been one of the suppliers of this solution. Interpol generates a list of domains based on criteria stricter than those set out by Norwegian law. The list is distributed to all member states.

Some Norwegian internet service providers, such as Telenor, has chosen to use the Interpol list in countries where the companies have ownership shares in local service providers, such as Pakistan, India and Thailand. These are countries where it would otherwise be difficult to get the police to implement local versions of this solution, but where the ISPs choose to help limit sexual exploitation of children. This means that work done in one country, such as Norway, has an impact on internet users all over the world.

7.3.2 Police2Peer

Police2Peer¹⁷⁹ is a technical prevention project under the direction of Europol and EMPACT¹⁸⁰. Several countries participate in the project.

Police2Peer is directed at users of open peer-to-peer file sharing networks and makes files with names indicating they contain sexual abuse material available to the networks. However, these files have no content or contain images or videos of police officers who explain the risks of distributing such material. The participating countries have so far made 46,000 available "false" files. The files have been uploaded more than 11 million times from

Norway alone. The files all communicate the same message and aim to provide information and raise users' sense of detection risk and thereby motivate them to cease distributing sexual abuse material.

When the files have been made available in the file-sharing network, they are shared among users without involvement of police computers. The most popular file has been shared 130,000 times among users in the network. The idea is to use the functionality of the file-sharing network against the users to disseminate the police message.

The police officers in the files explain how the police can identify users, but they also refer to a website¹⁸¹ providing links to help resources for those who seek help to avoid abusing children or stop ongoing abuse. As of 31 December 2018, the website had had more than 25,000 unique visitors from more than 172 countries.

7.4 Police prevention through other measures

7.4.1 Direct dialogue with children and young people

All police districts have staff engaged in preventive police work. The police visit schools and engage in active outreach patrols. The dialogue between the police and the youths can also cover internet-related sexual abuse. Many prevention units in the police districts also hold school lectures about online common sense for parents and students.

However, a lot remains to be done when it comes to reaching children, young people and relevant adults. The investigation of criminal cases and reviews of seized electronic material have demonstrated to the police that very many young people do not report sexual abuse they suffer online.

¹⁷⁹ <https://www.europol.europa.eu/partners-agreements/police2peer>
¹⁸⁰ EMPACT (European Multidisciplinary Platform Against Criminal Threats) is a platform for cooperation between the EU's law-enforcement authorities.

¹⁸¹ <https://helplinks.eu>.

Productive cooperation between the police and professionals working closely with young people in schools, youth centres and other arenas will be necessary to provide children and young people with more information about this topic. This will not only enable them to avoid becoming victims, but they will also know what to do if they do become victims of something unpleasant or criminal. Not least, they must know that they will get help and support from the adults around them.

As part of the effort to combat internet-related sexual abuse of young people and children, and in line with the police strategy to make digital space safe, the NCIS started a preventive awareness programme in 2018, aiming to share information about illegal image sharing and sexual abuse, including sexual extortion, among young people. The programme is called “Delbart?” (*shareable?*) and was launched in 2019. With this measure, the NCIS wanted to cooperate with the police districts to ensure that the target group – youths aged 13 to 16 and their parents – are better prepared to make good choices and handle situations that may arise.

7.4.2 Cooperation and contact with other actors

On the national level, the police, represented by the NCIS, is part of the Norwegian Media Authority’s “Trygg bruk” (*safe use*) network¹⁸². This network is formed by public-sector and private-sector actors and NGOs working to make the digital world safe for children and young people. The network has appointed an expert committee, on which the NCIS is represented.

In 2018, the NCIS became represented on the expert panel of the website ung.no. The website is operated by the Norwegian Directorate for Children, Youth and Family Affairs and constitutes the public sector’s information channel to young people. The NCIS

contributes by answering questions from young people about sexual abuse and criminal liability.

The NCIS and the police districts also hold lectures at various conferences and gatherings for the public and the private and NGO sectors. The aim of these contributions is to share knowledge and help responsible confident grownups who know how to handle information about children and young people who have become victims of sexual abuse.

At the local level, the interagency cooperation is important to prevent crime. All local council authorities in Norway have a dedicated police contact that helps create closer and more systematic crime prevention collaboration between the police and local actors.

7.4.3 Information about phenomena and trends of concern

In recent years, the NCIS and several police districts have spoken publicly in the media about internet-related crime. By being open about findings from investigations and intelligence, the police have helped highlight the scale and seriousness of online sexual abuse. Such information not only builds knowledge and awareness among the public, but also sends a signal to potential abusers that these are punishable offences and raises the perceived risk of discovery.

7.4.4 Convicted sex offender alerts via Green Notice

The Norwegian police have seen how Norwegian nationals convicted of sexual abuse also abuse children in other countries. To prevent this, Interpol operates an alert system where national law-enforcement authorities can, if specific requirements are met, alert all 192 Interpol member states about a person’s criminal activities. They can do so by issuing a Green

¹⁸² https://www.medietilsynet.no/barn-og-medier/trygg-bruk/#anchor_264.

Notice on the person. Green Notices are for prevention purposes. The Green Notice emphasises that the person is not wanted with a view to an arrest, but that the issuing country should be contacted before any measures are taken.

7.4.5 Follow-up of underage perpetrators

Minors also commit sexual crimes online. It is important to uncover these crimes to prevent new abuse, also when the perpetrator becomes an adult.¹⁸³ The police have noted that many who commit sexual crimes as adults have a record of abuse as minors.

The treatment offered children and young people who engage in harmful sexual behaviour that has not necessarily been reported to the police is limited. Two reports from the Norwegian Centre for Studies on Violence and Traumatic Stress from 2017 point to the lack of expertise in this area, and propose establishing a national structure for treatment of members of this group.¹⁸⁴

In several police districts, the Children's House institutions offer follow-up to children and young people reported for sexual crime after they have been interviewed by the police, in particular if the children are under the age of 16.¹⁸⁵

Early intervention talks conducted by the police are among the implemented measures to follow up young people reported for sexual crimes. Such talks are used to map the young person's and his or her parents' motivation to change their life situation.¹⁸⁶ Minors who have engaged in worrying behaviour, but who have not been reported, may also be called in for early intervention talks.

7.4.6 Prevention work targeting potential sexual abusers

Compared with other European countries, Norway offers very limited treatment to persons with a sexual interest in children who want help to prevent them from committing sexual abuse.

In its report *Helpline for persons with a sexual interest in children*, Save the Children Norway describes the situation for this group in Norway.¹⁸⁷ The report concludes that a helpline for potential abusers may play an important role in the long-term work to prevent sexual abuse of children:¹⁸⁸

A low-threshold helpline for persons with a sexual interest in children will help develop and strengthen a broader and more comprehensive national health strategy by directing its efforts towards persons who are unknown to the authorities, before the abuse takes place, and in this manner achieve less sexual abuse of children.

Measures aimed at persons downloading sexual abuse material – the Proteus project

Some perpetrators who seek out sexual abuse material online also, as mentioned, commit physical abuse. In spring 2018, Trøndelag Police District established a dedicated investigation team named SOBI (Norwegian abbreviation for sexual abuse of children online). The team monitors selected file-sharing networks and identifies perpetrators who download sexual abuse material. With the aid of a risk assessment tool, the team considers the risk of these perpetrators also committing physical abuse of children.

Perpetrators considered to have a high risk of committing physical sexual abuse are investigated by the police.¹⁸⁹

¹⁸³ See the NCIS. 2017: "Minors reported for rape"

¹⁸⁴ A national clinical network has been established for children and young people engaging in harmful sexual behaviour <https://betaniensykehus.no/helsefaglig/forskning-og-utvikling/nasjonalt-klinisk-ssa-nettverk#prosjektets-hovedm%C3%A5l>

¹⁸⁵ <https://www.konflikttraadet.no/ungdomsstraff.372347.no.html>.

¹⁸⁶ The National Police Directorate. 2011.

¹⁸⁷ Save the Children Norway. 2017.

¹⁸⁸ The 2018 state budget allocated NOK 3 million to a measure of this kind Parliamentary Motion 85 S (2017–2018) Additional allocations and reprioritisation in the 2018 state budget, proposed transferring the amount from Save the Children Norway to the Directorate of Health upon the request of Save the Children.

¹⁸⁹ The description of the project was provided by Trøndelag Police District.

If the risk is considered low, the person is followed up with prevention measures. He or she will then be contacted by the police. If the person consents, the police will invite him or her to have a conversation about the activities observed on the file-sharing network. The police also ask for consent to seize computer equipment, and they provide information about a treatment called the Proteus project. The police will not follow up whether the person actually undergoes the treatment, and the project will not provide any information on the treatment to the police. The police will destroy the seized computer equipment and prosecute any illegal downloading of sexual abuse material they have observed in the file-sharing network.

The person responsible for the Proteus project at the National Forensic Functions Section at St. Olav's Hospital, describes the project as follows:

The Proteus project was launched in May 2018 as a collaboration between Trøndelag Police District and the expertise centre for forensic, security and prison psychiatry at Brøset. This collaboration project represents something unique, in both a Norwegian and an international context. The police apply software in co-operation with the NCIS and directly contacts persons who use file-sharing networks to download sexual abuse material. Based on priority guidelines developed by the Norwegian police, these persons are given the opportunity to participate in a programme to prevent further internet-related crimes and physical sexual abuse of children.

The programme bases its treatment on individual risk assessments and conversations, but the participant's partner is also invited for one or two conversations. The techniques are based on cognitive behavioural therapy and the so-called Risk-Need-Responsivity principle in criminology and security psychiatry.

The participants, therapists and progress are evaluated throughout the process. A study is being planned into the effects of the programme seen in relation to the stated objective of recidivism prevention.

7.5 International campaigns

7.5.1 Stop Child Abuse – Trace an Object – Europol

In 2017, Europol launched the campaign *Stop Child Abuse– Trace an Object*, asking for the public's assistance in identifying objects that can be seen in seized sexual abuse material, such as bottles, packaging and buildings.¹⁹⁰ The idea is that the more people who can provide information about the objects, the quicker the examination process will be and the sooner the police can identify the victim and the perpetrator.

7.5.2 The #SayNo! campaign – Europol

#SayNo! is a Europol prevention campaign aiming to raise awareness about sexual coercion and extortion of children online.

The campaign includes a video about the key factors in online sexual coercion and extortion. The video highlights perpetrator motivation and methods, and provides advice and guidance to persons at risk. Information about the campaign and various aid measures, both for victims and for prevention purposes, can be found at Europol's website (www.europol.europa.eu/sayno).

One of the campaign videos has been translated into Norwegian and used in the NCIS information efforts relating to sexual extortion.

Europol also focuses on strengthening the cooperation with relevant actors in the EU to find optimal ways of handling such incidents.¹⁹¹

¹⁹⁰ Europol, 2017a.

¹⁹¹ Europol, 2017b.

A wooden gavel with a dark handle and a light-colored head rests on a red book. The book is titled 'NORGES LOVER' and '1687-2015'. The background is a blurred courtroom with a wooden bench and a black chair.

Problems facing the police and the prosecuting authority

8

Chapter 8

Problems facing the police and the prosecuting authority

Sexual crimes committed online involve a number of problems for the police and the prosecuting authority. Investigation and prosecution of these cases are important for the sake of the victims, but also for prevention purposes in that a general and individual deterrent is maintained. This chapter presents 12 of the problems faced by the Norwegian police in the work to uncover and investigate such cases. Several of these problems have previously been described in the 2017 annual report of the Coordinating Body.¹⁹²

8.1 No rules requiring storage of IP address subscriber information

Identification of perpetrators and victims is decisive for swift detection and prevention of sexual abuse. This makes it crucial to be able to link an IP address¹⁹³ used for sexual abuse to the internet subscriber.

Internet service providers are not required to store the link between subscriber and IP address. This means that some providers do not store this information, or that they do not store sufficient details to allow identification of individual subscribers. This

makes it harder for the police to identify people who commit or are subjected to online sexual abuse.

Should the police receive information that someone is using a specific IP address to offer live streaming of sexual abuse of their own child, the fact that there are no rules requiring storage of IP address information may make it impossible for the police to identify those involved, or at least require a great deal of extra time and effort.

In addition, several ISPs apply technology which allows multiple subscribers to use the same IP address at the same time. This is particularly the case for some mobile internet providers. If the police know which IP address was used to commit the abuse, but there is insufficient information stored to identify each of the subscribers using the IP address at the same time, the police will have to make enquiries directed at a greater number of persons than would have been the case if sufficient subscriber information had been stored. The ultimate consequence may be that the police cannot identify the user.

The NCIS supports the Coordinating Body's recommendation to the Ministry of Justice and Public Security to consider amending the law to require such storage.¹⁹⁴

¹⁹² The Coordinating Body consists of executives from the National Police Directorate, the Director of Public Prosecutions, the NCIS, ØKOKRIM and Oslo Police District. It provides financial support to police districts and specialist agencies in their efforts to combat serious crime. In 2017, the Coordinating Body allocated NOK 9.5 million to the investigation of sexual abuse, 42 per cent of the allocated total.

¹⁹³ In simple terms, an IP address is the computer's equivalent of a telephone number. In Rt (Supreme Court judgments) 1999-1944 the Supreme Court describes the link between IP addresses and subscribers as follows: "Information about a subscriber's name on the basis of an IP number allocated at a specific date and time bears a strong resemblance to information about the person to whom a certain secret telephone number belongs, although the anonymity in the latter case is the result of an agreement and the anonymity relating to IP addresses is due to technical systems limitations. Subscriber information is involved in both cases."

¹⁹⁴ The Coordinating Body, 2017.

8.2 Duty to delete the link between IP addresses and subscribers after 21 days

A computer's IP address is a key piece of evidence in the types of criminal cases covered by this report. Norwegian internet service providers can, but have no duty to, store the link between an identifiable customer and an IP address. However, the Norwegian Data Protection Authority has ordered the providers to delete the link after 21 days. This rule poses a problem for the police, as the ability to trace IP addresses will often be the only or the most reliable way to link punishable communication to a perpetrator. In practice, this means that if it is more than 21 days since the criminal act took place when it is reported, and the IP address is all the police have to go on, it will be hard and sometime impossible to identify the perpetrator.

The police have found that this rule alone has resulted in failure to identify persons suspected of having exploited children sexually online. In some connections, this also makes Norway a less relevant cooperation partner for other countries when the evidence points to Norway or Norwegian VPN services.

The NCIS has repeatedly raised this issue with the Ministry of Justice and Public Security and the National Police Directorate.¹⁹⁵ The issue has also been debated in parliament, which asked the government to look into the matter on 15 June 2017.¹⁹⁶ This work has not been completed.¹⁹⁷

8.3 Lack of regulations governing VPN providers

VPN (virtual private network) technology is used to create a secure and encrypted connection ("tunnel") between a user's computer unit and a VPN service.

When this technology is used, the police can see that the user is using a VPN service, but not for what. The user can also disguise his location to make it seem as though he is somewhere else. Several VPN suppliers offer connections in Norway.

Should the police be informed of an IP address that has been used to share sexual abuse material, the police will need to depend on the VPN service provider's having logged user information.

Providers and sub-providers of such services are not subject to regulations. VPN providers often claim that they do not log what the users do when using their services, and that they therefore have no data to hand over to the authorities.

Europol mentions VPN as one of many encryption and anonymisation solutions frequently and increasingly used by sex offenders.¹⁹⁸

The NCIS supports the Coordinating Body's call for a study of the consequences of making it mandatory for Norwegian VPN providers to log identifying user data and to ban Norwegian hosting services from providing access to VPN providers which do not comply with a mandatory logging requirement.¹⁹⁹

8.4 Absence of regulations governing cryptocurrency

In connection with the commercialisation of sexual abuse material, there is little doubt that cryptocurrency is one of many measures security-conscious perpetrators use to hide their identities. According to UNICEF, increased use of cryptocurrency is a contributing factor in the growth of live-streamed abuse on demand.²⁰⁰

¹⁹⁵ The NCIS. 2017d

¹⁹⁶ Parliamentary decisions 944 and 945 of 15 June 2017.

¹⁹⁷ Office of the Prime Minister. 2019.

¹⁹⁸ Europol. 2017a.

¹⁹⁹ The Coordinating Body. 2017

²⁰⁰ UNICEF. 2017.

How many Norwegian perpetrators who pay for sexual abuse material or live-streamed sexual abuse with cryptocurrency is not known. Cryptocurrency can be acquired completely anonymously in Norway. Consequently, it is hard to identify Norwegians who use cryptocurrency to buy or sell sexual abuse or abuse material.

Norwegian cryptocurrency exchange services have not previously been regulated beyond the provisions of the Norwegian Penal Code. New regulations relating to measures to combat money laundering and the financing of terrorism (the Money Laundering Regulations) came into force on 15 October 2018. The Regulations expand the scope of the Money Laundering Act so that it also applies to virtual currencies. It is too early to draw conclusions about the effect this amendment will have on transactions relating to online sexual exploitation of children. There is reason to continue to monitor developments.

8.5 Lack of defined procedural rights for victims abroad

The Norwegian police know that a large number of children abroad are victims of sexual abuse perpetrated by Norwegian nationals. The number of undetected such crimes is probably high.

The Norwegian police have interviewed several Philippine children in connection with the investigation of Norwegian nationals suspected of having ordered abuse of these children. Children who have been subjected to such abuse are often encountered, but they are not given status as victims in the Norwegian criminal case. This means that no Norwegian counsel is appointed to safeguard their interests. This means that only the police are tasked with safeguarding their interests throughout the criminal proceedings. This is significant in several ways: Counsel for the victims could have claimed compensation for the children, suggested investigative

measures to safeguard their interests and appealed any decision to drop the case – measures that no-one else would have any interest in pursuing in these cases.

It is very resource-intensive and in some cases impossible for the police to travel abroad to interview all victims in cases involving live-streamed sexual abuse.²⁰¹ If the Norwegian criminal case can be sufficiently elucidated without interviews of all or even any of the victims, the police may not take investigative steps to reliably identify them. This may for instance be when the suspect has recordings of the live-streamed abuse, or when there are chat logs that throw significant light on the issue of criminal liability. In such cases, it has been very rare for counsel to be appointed for the victims, even when the crimes involved are very serious and the penal provision would have entitled victims in Norway to counsel.

The Criminal Injuries Compensation Act and the Criminal Injuries Compensation Regulations are limited to matters where the harm was inflicted in Norway or where the aggrieved party was living in Norway at the time.²⁰² This means that the Act does not apply to foreign victims subjected to live-streamed sexual abuse abroad.

The draft for a new Criminal Injuries Compensation Act, NOU 2016:9, proposes expanding the scope of the Act to cases where Norwegian nationals or others domiciled in Norway at the time of the crime subject children to aggravated criminal acts abroad, as long as the case is heard by a Norwegian court of law and the maximum sentence for the acts exceeds four years' imprisonment.²⁰³ The draft entails that children subjected to such acts are not entitled to compensation if the case is dropped. The draft also

²⁰¹ The reasons for this may include that the children are hard to locate or live in a country with a fraught security situation.

²⁰² The Act relating to compensation from the state for personal injury suffered as a result of a criminal act etc., section 2. The Regulations relating to compensation from the state for personal injury suffered as a result of a criminal act etc., section 3.

²⁰³ The Ministry of Justice and Public Security. 2016b

entails that children subjected to live-streamed sexual abuse, cf. the Penal Code section 310, or abuse recorded on demand for a perpetrator in Norway, cf. section 311, both crimes with a maximum penalty of three years' imprisonment, will not be included unless the acts are also covered by other provisions with a higher maximum penalty.

As far as the NCIS is aware, no compensation has been awarded to foreign victims in such cases, unlike what would have been normal for victims in Norway.²⁰⁴ From Sweden, there are several examples of perpetrators being sentenced to pay compensation to children abroad whom they have subjected to online sexual abuse.²⁰⁵

8.6 Shortened statutory limitation period for prosecution in the Penal Code 305b

The Penal Code section 305 applies to a large proportion of the cases involving online sexual abuse. Victims report the matter immediately in just a small minority of cases, meaning that the police only learn of the crime long after the fact. The Penal Code of 1902's section 200 subsection 2 sentence 2, misleading a child under 16 years of age to behave in a sexually offensive manner, was continued in the Penal Code of 2005's section 305 b). This provision now has a maximum penalty of one year's imprisonment, and a statutory limitation period for prosecution of two years. The previous Penal Code had corresponding provisions with a maximum penalty of three years' imprisonment. In particularly aggravating circumstances, the maximum penalty was six years' imprisonment and the statutory limitation period for prosecution was therefore six years.^{206, 207}

204 A claim for compensation was made in case 18-051923 MED-BERG before Bergen District Court.

205 Judgment 2013-04-12 Malmö Mål no. B 213-13 before the Skåne och Blekinge Court of Appeal.

206 In addition, the scope of the section has been expanded by the provision now including cases where the victim was forced to commit the acts in question.

207 HR-2013-850-U

The new, shorter statutory limitation period for prosecution, means that a significant share of the cases uncovered by the police when going through seized material can no longer be prosecuted (unless the matter also falls under provisions with a higher maximum penalty).

In May 2018, the Ministry of Justice and Public Security sent a draft amendment to the Penal Code, including an amendment of this provision, out for consultation.²⁰⁸ Several of the consulted bodies have endorsed raising the maximum penalty and suspending the statutory limitation period for prosecution^{209, 210}. The NCIS wrote the following in response to the consultation:

In the NCIS's opinion, this should be remedied by a suspended statutory limitation period for prosecution for acts covered by section 305 b). Alternatively, the maximum penalty for offences under section 305 b) should be raised to 2 years.²¹¹

8.7 Low maximum penalty for offences under the Penal Code section 311

The Penal Code section 311 relating to depictions of sexual abuse of children or depictions which sexualise children, has a maximum penalty of three years' imprisonment. Representatives of the lead prosecutors and police investigators in the police districts, whom the NCIS has consulted during the preparation of this report, have suggested that the

208 The Ministry of Justice and Public Security. 2018

209 A suspended statutory limitation period for prosecution would entail that the limitation period is counted from when the victim reaches 18 years of age.

210 The consultation response from the Director of Public Prosecution, dated 20 September 2018, states "we are inclined to believe there is a basis for raising the maximum penalty to two years' imprisonment, partly to provide the option of stricter sentencing in cases involving many victims. This is particularly the case for online sexual abuse cases, where there may be several hundred victims." The Director of Public Prosecutions goes on to state "it should also be considered whether section 305 should be included among penal provisions with a suspended statutory limitation period for prosecution, but the Director of Public Prosecutions is inclined to believe that this will not be necessary if the statutory limitation period for prosecution is otherwise extended". In its response dated 24 August 2018, the Norwegian Police University College supported extending the statutory limitation period for prosecution for acts with a maximum penalty of one year's imprisonment, alternatively raising the maximum penalty for offences under section 305. The College was also of the opinion that a suspended statutory limitation period for prosecution should be considered.

211 Letter from the National Police Directorate dated 6 September 2018.

maximum penalty might be too low to reflect the seriousness of the acts covered by the provision.²¹²

In several final and enforceable judgments, the court has seen fit to apply the maximum penalty provided by section 311.²¹³ One of the judgments raised the question whether the maximum penalty was high enough considering "technological developments and the strong need for a general deterrent that has necessitated increasingly strict sentencing".²¹⁴

By way of comparison, the maximum penalty for "aggravated child pornography offences" in Sweden is six years' imprisonment, while a study from June 2018 proposed raising the minimum penalty from six months' to nine months' imprisonment. When considering whether the matter is aggravated, emphasis will be placed on whether a large number of images is involved and whether the depicted children are particularly young, have been subjected to violence or exploited in a particularly ruthless manner.²¹⁵

In Denmark, the maximum penalty of the corresponding provision, section 235, is six years' imprisonment in particularly aggravating circumstances, such as the child's life being at risk, use of severe violence or the act involving dissemination of "pornographic photographs or film, other pornographic depictions etc. of persons under the age of 18" of a more systematic or organised nature.²¹⁶

8.8 No duty to avert offences under the Penal Code sections 310 and 311

Cases involving internet-related sexual abuse of children are usually uncovered because, as we have mentioned, the police are alerted by a foreign agency such as NCMEC, or the police go through

seized material in criminal cases. They are rarely reported by victims or members of the public. This is a problem in that it requires more police resources to uncover these cases than when they are reported.

The book *Tale eller tie – om plikt til å avverge alvorlige lovbrudd og uriktige domfellelser*²¹⁷ (Eng.: Speak or not – the duty to avert serious crimes and incorrect convictions) questions whether the duty to avert offences under the Penal Code section 196 should be expanded to apply to the Penal Code section 311 relating to depictions of sexual abuse of children or depictions which sexualise children. This could result in more such cases being reported to the police. The same would be the case if the duty to avert also included acts under the Penal Code section 310.

In its consultation response, the Director of Public Prosecutions endorsed NOU 2017:12, that it should be considered whether there is a need to amend the Penal Code section 196 to strengthen the role of the provision in the detection of violence against and abuse of children. The Director of Public Prosecutions writes:

Both the fact that the risk of future violence or abuse has to appear certain or very likely, and the fact that the duty is limited to apply to risk of bodily harm, homicide and family violence and the most serious sexual offences have probably played its part in the provision having had little practical impact so far. We also assume that the short statutory limitation period for prosecution has an effect in this regard.

The NCIS also responded, stating:

The NCIS believes this should be considered. If avoiding widening the scope of the duty is a concern, an alternative would be to look into whether the duty should include section 311 in cases involving depicti-

²¹² Trøndelag, Oslo and Vest police districts.

²¹³ See e.g. LE-2017-122181, Bergen District Court judgment 17-089296 and Oslo District Court judgment 17-139038.

²¹⁴ Bergen District Court judgment 17-089296.

²¹⁵ The Swedish Ministry of Justice 2018.

²¹⁶ <https://danskelse.dk/straffeloven/235>

²¹⁷ Holmboe, 2017.

ons of children younger than 14, or children appearing to be younger than 14.

*Most members of the public would have difficulties knowing what sort of sexual abuse will most likely be committed. By including section 311, this assessment will be easier to make.*²¹⁸

8.9 No duty to report discovery of sexual abuse material

As mentioned, the NCIS receives a number of messages from the NCMEC as a result of US providers of social media and storage services being required to report discovery of sexual abuse material or sexualised depictions of children stored or distributed via their services.²¹⁹ Several other countries have similar provisions.²²⁰ This duty to report also applies to Norwegian users of these services. Several persons in Norway have been convicted of possession of sexual abuse material due to such statutory reporting duties in other countries.

However, under the current legislation, Norwegian internet service providers have no duty to report storage or distribution of sexualised depictions of children through use of their services. Several Norwegian cases involving physical sexual abuse have been uncovered as a result of the reporting duties service providers in other countries are subject to. It should be considered whether Norwegian service providers should also be made part of the effort to uncover persons who handle sexual abuse material, for instance through a statutory duty to report such matters to the police.

²¹⁸ The NCIS, 2017c.

²¹⁹ This can be implemented through service providers comparing files against a predefined list of hash values linked to images and videos of children showing sexual abuse or sexualised depictions of children. The list could be updated continuously against newly discovered or reported sexual abuse material. Service providers would then report their hits to the NCMEC, which would forward the information to the country where the user is believed to have been when the material was uploaded or shared. <https://www.law.cornell.edu/uscode/text/18/2258A>.

²²⁰ Canada, bill C-22, 23rd March, 2011 and International Centre for Missing & Exploited Children, 2018.

8.10 Complex legal process when exchanging IP addresses between the US and Norway

Chapter 2 describes the extensive exchange of information between the NCIS and foreign law-enforcement authorities about persons who handle sexual abuse material, in particular the NCMEC in the USA, as most large internet service providers are headquartered there.

To receive information from US service providers beyond what is reported via the NCMEC, Norway is, however, in many cases dependent upon submitting a letter rogatory, a very time-consuming process. Response times of up to one year are not unusual. In cases involving sexual abuse of children, time is an important factor in revealing and, in the event, preventing new abuse.

Another problem is that most service providers consider that the country requesting release of IP addresses is only entitled to receive IP addresses “geographically” linked to that country. This means that if the Norwegian police requests an IP address for a user name that has shared sexual abuse material, the service provider will only reveal the address if it is Norwegian. If not, the service provider will state that the request should be directed to the country where the IP address belongs, without stating which country this is. As described above, VPN will enable a Norwegian user to conceal his identity and geographical location.

The Coordinating Body sees clear benefits in entering into a mutual agreement with the USA on assistance in criminal investigations, and recommends that this be considered more closely.²²¹ The NCIS endorses this recommendation.

²²¹ The Coordinating Body, 2017.

8.11 Need for closer international police cooperation

This report points out how sexual offenders all over the world use the internet in several connections to contact each other or exploit children in other parts of the world.

Effectively combating such crime therefore requires good international cooperation, not least in situations where the perpetrator, victim and service provider are located in separate countries. Close international cooperation is also required to handle differences in legislation, terminology and national priorities.²²²

The Director of Public Prosecutions has also emphasised the necessity and importance of cooperation with foreign law enforcement in this crime area.²²³

8.12 Practical issues in cases involving many victims

In many cases, we see how one perpetrator commits sexual offences against several hundred children and young people via the internet. These cases involve practical problems for the police and prosecuting authority when deciding how to delimit the case, both as regards identification of victims and the amount of evidence presented to the court.

The Director of Public Prosecutions has formed a working group to look into how to make the courts' handling of major criminal cases more efficient. The first report from the working group makes several proposals on how to make investigation and prosecution of major online sexual abuse cases more efficient.²²⁴

The Director of Public Prosecutions has mostly endorsed the working group's proposals²²⁵, and the report has also received mention in the DPP's quality circular no. 3/2018, *Quality requirements to criminal case handling in the police and the public prosecutors' offices (the Quality circular)*.

One example of a major online sexual abuse case from Øst Police District, called Op Sandra. The case involved a football referee charged with sexual abuse of 458 victims. The volume of evidence presented to the district court was limited by 247 of the cases being decided by waiver of prosecution for reasons of judicial economy. The remaining and most serious offences, against 329 victims, will be prosecuted in court, with the trial scheduled for January 2019.²²⁶

²²² WePROTECT Global Alliance. 2018.

²²³ The Director of Public Prosecutions. 2017a.

²²⁴ The Director of Public Prosecutions. 2018c.

²²⁵ The Director of Public Prosecutions. 2018a.

²²⁶ The Director of Public Prosecutions. 2018c.



Outlook 9

Chapter 9

Outlook

This report shows how children are being sexually exploited via the internet. From a strategic perspective, the NCIS believes the following trends will be key looking forward:

9.1 Global digitalisation will increase the number of potential victims and perpetrators

The growth in internet coverage and rapid technological developments in digital communication will give an increasingly large share of the world's population access to internet as a source of sexual abuse material. Sexual abuse of children is recorded and distributed online every day. This material is of value and provides status to sexual offenders, and is therefore rarely deleted. The amount of material will continue to grow as long as we are unable to develop systems that can effectively find and remove sexual abuse material available online. In addition, the internet will for many people, in particular in poor countries, represent a source of income for adults with access to children, adults who have discovered that they are in possession of a commodity they can sell.

9.2 The volume of self-produced sexualised depictions of children on the internet will continue to grow.

Sexual offenders' ability to deceive, manipulate or force children to perform sexual acts in front of a

webcam has been described in several judgments in recent years. In some cases, the sexual abuse material is shared with other perpetrators. In addition, children and young people share sexualised images and videos of themselves or their peers. This may end up being part of the sexualised material online and thereby become available to persons with a sexual interest in children.

Unless countermeasures such as awareness campaigns, general warnings and prosecution have an effect, there is reason to believe that this development will continue.

9.3 Persons wishing to exploit children sexually through the internet will use new technology to protect their identities

The basic functionality of applications and services used online will increasingly include encrypted communication between users and between users and content. This development may strengthen personal data protection, but will also protect persons who intend to sexually abuse children or exchange sexual abuse material.

If the police are to succeed in this difficult situation, they must have access to decisive evidence through up-to-date legislation and cooperation with service providers in Norway and abroad.

9.4 Increased commercialisation of sexual exploitation via the internet

Sexual exploitation of children has long attracted profit-based actors. There is reason to believe that both the open and dark webs are and will serve as markets for trading in sexual abuse material, in particular live-streamed sexual abuse on demand. Although sexual abuse material is mostly exchanged without monetary payment, with new abuse material serving as a means of payment instead, it is possible that several actors will try to make a profit in this market.

In recent years, the Norwegian police and foreign law enforcement agencies, in cooperation with other actors, have revealed large-scale live-streamed sexual abuse on demand. It is likely that more such cases will be uncovered as internet service providers, payment services and international police agencies become more aware of the phenomenon. At the same time, the continuous development of digital communication technology and anonymised payment solutions will make the investigation of these cases more difficult.

9.5 A stronger focus on prevention among persons with a sexual interest in children may prevent new abuse, both online and physical.

The Save the Children Norway 2017 report concluded that there was a strong need for a low-threshold help service to strengthen and extend the treatment offered to persons with a sexual interest in children. The Norwegian Centre for Studies on Violence and Traumatic Stress has pointed out the same need and the above-mentioned Proteus project is an example of the trying out of preventive measures aimed at this group, also in close cooperation with the police. This may in turn result in fewer children being subjected to sexual abuse.

9.6 Considerable costs to society resulting from more children being sexually exploited via the internet

This report shows how sexual exploitation of children via the internet may have caused major harm to the victims. In addition, there is little doubt that this harm is extremely costly for our society as a whole, in terms of treatment for the victims, their frequently reduced work capacity and long-term unemployment, as well as costs relating to the authorities' preventive measures and treatment of perpetrators.

While it used to be that one sexual offender committed sexual abuse of a limited number of children, one perpetrator can now reach hundreds of children over a short period of time via the internet. Investigating such cases is resource-intensive and the subsequent court trials may be long and involve many actors, resulting in major costs to the police and the courts.

Such costs to society may in particular have a major impact on countries with vulnerable economies. Lack of resources to detect and take action against such crimes may have serious consequences for children exploited sexually via the internet.

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POLITIET
KRIPOS - NCIS NORWAY

THE NATIONAL CRIMINAL INVESTIGATION SERVICE

Telephone: +47 23 20 80 00 24-hour Desk: +47 23 20 88 88

PO Box 2094 Vika., NO-0125 Oslo

Email: kripos@politiet.no

Internet: www.politiet.no/kripos

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