1. **Legal system:** Norway is a civil law jurisdiction similar to Denmark (see the country report regarding Denmark). The Scandinavian countries have a common legal tradition and the legislation is thus to some extent similar. Consequently, the following report will only go into detail with the rules where the Norwegian legislation varies significantly from the Danish.

2. The Norwegian court system consists of the district courts, the appeal courts and the Supreme Court. Criminal cases are as a main rule tried in the district courts at first instance, but less severe cases may be subject to mediation, cf. section 67 of the Criminal Procedure Act. The court will be presided over by one judge from the relevant district court, two lay judges and one judge from the relevant district court, or three lay judges and two judges from the relevant district court depending on the category and complexity of the case, cf. section 276 of the Criminal Procedure Act.

3. During an appeal to the appeal courts, four lay judges (two women and two men) and three appeal court judges will preside if the maximum penalty is 6 years or less, cf. section 332 of the Criminal Procedure Act. A jury of ten (preferably five women and five men) will decide the question of guilt if the maximum penalty is more than 6 years, cf. section 352 and 355 of the Criminal Procedure Act, and four of the jury members will then decide the question of sentencing together with three appeal court judges, cf. section 376 e of the Criminal Procedure Act. However, if the appeal only relates to sentencing the court will consist of three appeal court judges if the maximum penalty is 6 years or less, and four lay judges and three appeal court judges if the maximum penalty is more than 6 years, cf. section 332 of the Criminal Procedure Act.

4. Lay judges and juries are not used in the Supreme Court. The Supreme Court cannot try the evidence in relation to the question of guilt, cf. section 306 of the Criminal Procedure Act.

5. The court is always the trier of facts no matter how it is comprised.

6. **Definition of victim:** The Norwegian legislation does not contain a definition of the word victim (*den fornærmede*) in the narrow sense, but it does contain a broader definition of ‘victims’, cf. section 3 of the Criminal Procedure Act, according to...
which victims must be understood as any person that can pursue claims against the alleged offender in criminal proceedings, e.g. an employer that suffers loss because of an offence committed towards an employee. Consequently, the definition does not differ from civil claims. In contrast, it is assumed that the word victim in the narrow sense means the direct victim of the crime¹.

7. The Criminal Procedure Act builds on a principle of two groups of victims: Victims in general and victims with appointed legal counsel according to section 107 a (‘victims with legal counsel’), cf. section 93 a of the Criminal Procedure Act. The second group of victims primarily consists of victims of sexual offences and serious violent offences and this group is afforded a number of rights that are not afforded to the first group.

8. **Lodging criminal complaints:** Criminal complaints must be addressed to the police, cf. section 7(1) of the Circular Letter on Prosecution. If the complaint is oral, the addressee (the police) must write down the complaint, date it and (if possible) have the complainant sign the written complaint, cf. section 7(1) of the Circular Letter on Prosecution. There are no particular conditions applicable to criminal complaints regarding international crimes.

9. **Private prosecution:** Norwegian criminal procedure is based on the fundamental principle that the issue of punishment is a matter between the State on the one side and the defendant on the other side². However, private prosecution is possible if an offence is not subject to public prosecution, if an offence is only subject to public prosecution when the common good calls for it, and if the public prosecutor has refused to indict or has withdrawn an indictment, cf. section 402 of the Criminal Procedure Act. In other words, alleged victims always have a subsidiary right to initiate private prosecution. If public prosecution in regards to an offence that is only subject to public prosecution when the common good calls for it is initiated, the alleged victim is allowed to join with the public prosecutor as a party to the case, cf. section 404 of the Criminal Procedure Act.

10. The costs of a case initiated by private prosecution are subject to the same rules as costs in civil litigation, cf. section 440 of the Criminal Procedure Act.

11. The questions in the following sections will only be answered in relation to criminal cases that are subject to public prosecution since this is by far the most common procedure.

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² Ibid, p. 27.
QUESTION 1: IN LIGHT OF RELEVANT LEGISLATION, CASE LAW AND POLICY DOCUMENTS, DOES YOUR JURISDICTION PROVIDE FOR VICTIM PARTICIPATION IN CRIMINAL PROCEEDINGS FOR ALL ALLEGED VICTIMS IN ANY OF THE FOLLOWING FORMS?

12. Alleged victims are not conferred party status when a criminal case is initiated by the public prosecutor. Instead alleged victims are covered by other rules, in particular the general rules on witnesses. However, the Criminal Procedure Act also provides alleged victims – and especially alleged victims with appointed legal counsel – with a number of rights which do not apply to witnesses in general.

13. **Duty to investigate:** When the police receive a complaint the police must initiate an investigation into the alleged offence subject to public prosecution if reasonable grounds calls for it, cf. section 7(4) of the Circular Letter on Prosecution. If it is clear that the alleged offence is not of a criminal nature or that it is not subject to public prosecution, the police dismiss the complaint, cf. section 7(4) of the Circular Letter on Prosecution. However, the police must always investigate fires and situations that have led to personal injury or substantial damage to property, cf. section 7(4) of the Circular Letter on Prosecution.

14. When dismissing a complaint the police are obliged to inform the alleged victim who has filed the complaint, cf. section 7(4) and 17(2) of the Circular Letter on Prosecution. The police must also inform the alleged victim that the decision can be appealed administratively, that an appeal should be submitted to the police, that the limitation period is three weeks and that the alleged victim can initiate private prosecution, cf. section 17(2) of the Circular Letter on Prosecution.

15. If an alleged offence is only subject to public prosecution upon request from the alleged victim, the police are obliged to inform the alleged victim of the alleged offence after receipt of a complaint (from a third party), cf. section 7(3) of the Circular Letter on Prosecution.

16. If the police have decided to initiate an investigation as a consequence of the complaint and the alleged victim wishes to file a complaint about this investigation, e.g. if the alleged victim finds the investigation lacking, the complaint must be directed to the police.

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3 Ibid.
17. **Passive rights:** The rights that the alleged victim have after lodging a complaint consist of a right to guidance, a right to a contact person, a right to counsel, a right to receive notice, a right to appoint a proxy, a right of access to documents and a right to be separately questioned about the consequences of the alleged offence.

18. *The right to receive guidance* consists of a right to be informed of the possibility of pursuing a civil claim during a criminal case, cf. section 8(6) of the Circular Letter on Prosecution, a right to be informed of the possibility of received compensation from the state, cf. section 8(6) of the Circular letter on Prosecution, a right to be informed of the possibility of having legal counsel appointed, cf. section 8(7) of the Circular Letter on Prosecution, a right to be informed of the right to appoint a person to be present during the questioning of the alleged victim (which, however, can be refused if special grounds call for it), cf. section 8(13) of the Circular Letter on Prosecution, a right to be informed of

19. Victims with legal counsel have *a right to have a contact person appointed*, cf. section 7A(1) of the Circular Letter on Prosecution. The contact person will typically be a police officer.

20. *The right to have legal counsel appointed* applies to the alleged victims mentioned in section 107 a of the Criminal Procedure Act. The alleged victims mentioned by the provision primarily consist of victims of sexual offences and of serious violent offences. However, the court can also appoint a legal counsel for an alleged victim of an offence not mentioned in section 107 a if the nature or seriousness of the case, considerations in relations to the persons affected or other particularities calls for this, cf. section 107 a of the Criminal Procedure Act. The legal counsel for the alleged victim can exercise the rights accorded to the alleged victim and any rights assigned to the counsel specifically, cf. section 107 c of the Criminal Procedure Act, e.g. the legal counsel has a right to be informed of all investigatory steps that require the participation of the alleged victim and the legal counsel has a right to be present during such investigative steps, cf. section 7A(3) of the Circular Letter on Prosecution. Furthermore, the legal counsel has a right to ask supplementary questions to the alleged victim and to object to questions during questioning by the police, cf. section 107 c of the Criminal Procedure Act.

21. If the number of alleged victims and appointed legal counsels and the content and complexity of the case makes it expedient, the court can appoint a coordinating legal counsel, cf. section 107 h of the Criminal Procedure Act.
22. As a main rule the costs related to the legal counsel are paid by the state, cf. section 107 d of the Criminal Procedure Act. The alleged victim has a right to hire legal counsel outside of the rule in section 107 a, but in such a situation the legal counsel does not enjoy the right afforded to counsel appointed in accordance of section 107 a and the alleged victim must pay the counsel out of his or her own pocket, cf. section 107 f of the Criminal Procedure Act.

23. When it comes to the right to receive notice, victims with legal counsel have a right to be kept informed of important developments and progress unless the investigation or other reasons make it inadvisable, and this group also has a right to be informed to the extent possible in advance of press conferences or release of information about the case to the public, cf. section 7(6) of the Circular Letter on Prosecution. Furthermore, victims with legal counsel have a right to receive notice after the first questioning of the alleged offender, cf. section 8(5) of the Circular Letter on Prosecution, of pre-trial detention of the alleged offender (including extension and release), cf. section 9(6) of the Circular Letter on Prosecution, and of court hearings during the investigation, cf. section 93 b of the Criminal Procedure Act.

24. Other victims will only receive notice of the progress of the investigation if it is deemed necessary, cf. section 7(6) of the Circular Letter on Prosecution.

25. All alleged victims have a right to receive notice if the police seize property that is deemed to belong to the alleged victim, cf. section 9(5) of the Circular Letter on Prosecution, and if the police decide to stop the investigation, cf. section 17(2) of the Circular Letter on Prosecution.

26. Alleged victims have a right to appoint a proxy that will acquire the alleged victim’s rights to access to documents and to receive notice, cf. section 7A(2) of the Circular Letter on Prosecution. If the alleged victim has been appointed legal counsel, the police are obliged to send all information in writing to both the legal counsel and the proxy, cf. section 7A(2).

27. Alleged victims have a right to access documents of the case if it is possible to give such access without harming third parties or the investigation, cf. section 242 of the Criminal Procedure act. Furthermore, alleged victims have a right to receive a copy of the documents of the case if it is necessary in order for the alleged victim to safeguard his or her interests and if it is deemed unobjectionable, cf. section 16(4) of the Circular Letter on Prosecution. The alleged victim’s counsel has a right to receive a copy of the alleged victim’s witness statement, but the statement must
not be handed over to the alleged victim unless the police have consented, cf. section 16(4) of the Circular Letter on Prosecution.

28. Alleged victims with legal counsel have a right to be separately questioned on the consequences of the alleged offence, cf. section 8(9) of the Circular Letter on Prosecution.

29. Finally, witnesses must not be questioned about the alleged victim’s sexual record unless it is deemed to be of significant importance to the case, cf. section 8(11) of the Circular Letter on Prosecution.

   a) Are there provisions for support services (including counselling, use of interpreter, interim compensation and other measures) at the time of complaint?

30. **Counselling:** Victims of crime have access to counselling through the counselling offices for victims of crime (Rådgivningskontorene for kriminalitetsføre) situated in every district.

   b) Are there provisions for witness protection during the investigation?

31. Witness protection is ensured through rules on exclusion orders, violence alarms, anonymity and a witness protection programme.

   c) Are the alleged victims consulted while deciding whether to prosecute?

32. Alleged victims have a right to receive notice if the indictment is withdrawn, cf. section 18(5) of the Circular Letter on Prosecution. A decision to withdraw the indictment can be administrative appeal by the alleged victim. The same rules apply in relation to fine notices, cf. section 20(7) of the Circular Letter on Prosecution.

33. If a criminal trial is subject to the procedure applicable in case of confession, the alleged victim (with legal counsel) has a right to receive notice. Furthermore, the alleged victim in this situation has a right to appeal the content of the indictment, cf. section 21(3) of the Circular Letter on Prosecution.

34. Alleged victims have a right to receive notice of an indictment and to receive information about the content of the indictment, cf. section 25(8) of the Circular Letter on Prosecution. Besides from the provisions outlined above, the alleged victim cannot influence the indictment.

35. **Passive rights:** Alleged victims have a right to access to the documents of the case after an indictment upon request if this is possible without causing damage or harm.

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to third parties, cf. section 264 a of the Criminal Procedure Act. Furthermore, alleged victims have a right to be informed of this right, cf. section 25(8) of the Circular Letter on Prosecution. Besides from this, the rules outlined above on the rights of the alleged victim after filing of a complaint applies.

d) What are the rights available to the alleged victims in relation to the trial?

36. **Influencing the evidence presented to the court:** The legal counsel of an alleged victim has a right to suggest that certain investigative steps should be taken, cf. section 107 c of the Criminal Procedure Act. Furthermore, an alleged victim can request that an expert is appointed by the court during the investigation to assess the personal injuries to the alleged victim if this is necessary in order to determine a civil claim, cf. section 237 of the Criminal Procedure Act. Finally, an alleged victim with a legal counsel has a right to suggest that certain evidence shall be presented by the public prosecutor during the trial, cf. section 264 a of the Criminal Procedure Act. If the public prosecutor declines to present the evidence, the alleged victim with a legal counsel can ask the court to decide the matter, cf. section 264 a of the Criminal Procedure Act.

37. **Pre-trial detention:** As mentioned in para. 23, victims with a legal counsel has a right to receive notice of pre-trial detention of the alleged offender as well as notice of extension of the detention and release, cf. section 9(6) of the Circular Letter on Prosecution. The alleged victim is not allowed to make a submission on the need of such detention.

38. **Passive rights:** Alleged victims with legal counsel have a right to a conversation with the prosecutor on the case before the trial, cf. section 25(10) of the Circular Letter on Prosecution. Furthermore, alleged victims have a right to be present during the (entire) trial, cf. section 93 c and 129 of the Criminal Procedure Act, and to receive compensation for participation in the trial, cf. section 93 f of the Criminal Procedure Act. As a consequence of the fact that the alleged victim is allowed to be present during the entire trial, the alleged victim will as a main rule testify before the defendant and other witnesses, cf. section 289 a of the Criminal Procedure Act. Finally, the alleged victim can request that the alleged offender is not present during the alleged victim’s testimony or that the alleged victim is allowed to testify anonymously, cf. section 245 of the Criminal Procedure Act.

39. As mentioned in para 20-22 the alleged victim has a right to hire private legal representation and to be appointed such representation in regards to certain
categories of offences. Legal counsel appointed by the court has a right to be present during the trial, cf. section 107 c and 244 of the Criminal Procedure Act.

40. **Other rights:** The appointed legal counsel of an alleged victim has a right to deliver statements on procedural matters in relation to an alleged victim with legal counsel, cf. section 107 c. The alleged victim with legal counsel has a right to deliver a statement after presentation of each piece of written evidence and after each testimony, cf. section 303 of the Criminal Procedure Act, and to deliver a closing statement, cf. section 304 of the Criminal Procedure Act. The alleged victim does not have a right to present evidence, to call witnesses, to cross-examination etc. separate from the rights mentioned in para. 36. According to section 135 of the Administration of Courts Act, an interpreter will be provided for the alleged victim during the entire trial if necessary.

41. Finally, the alleged victim has a right to block the transfer of a criminal case from the court to mediation, cf. section 71 a of the Criminal Procedure Code.

e) **At the time of sentencing, are there any provisions for victim impact statements?**
   Is the reward of compensation allowed at sentencing? If yes, who bears this cost? Are there any other forms of rehabilitation guaranteed to AVs? Do these depend on a finding of guilt?

42. **Victim impact statements:** Alleged victims that testify during the trial has a right to deliver a victim impact statement as part of the testimony\(^5\). Consequently, victim impact statements are oral. There are no provisions on what impact the court should give this statement.

43. **Compensation:** Alleged victims have two possible ways of seeking compensation: from the state and from the alleged offender. The alleged victim can seek compensation from the state according to the rules in the Compensation from the State for Personal Injuries Caused by a Criminal Offence Act. The provisions in the act are more or less identical to the Danish Compensation from the States to Victims of Crimes Act (see the national report regarding Denmark).

44. If the alleged victim wish to pursue a civil claim (of compensation for the offence) during the criminal trial this is possible in accordance with the rules in section 3 and 427-428 of the Criminal Procedure Act. According to section 427 the public prosecutor will pursue the claim on behalf of the victim, unless the alleged victim

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\(^5\) Ot.prp. no. 11, p. 119.
has been appointed a legal counsel in which situation the alleged victim’s legal counsel will pursue the claim, cf. section 427 of the Criminal Procedure Act. The public prosecutor can refuse to present a claim before the court if the claim is not in proportion to the inconvenience it will cause the public prosecutor to present the claim. The public prosecutor’s refusal to present a civil claim before the court can be appealed administratively, cf. section 427 of the Criminal Procedure Act. If the alleged victim pursues the claim in accordance with section 428 of the Criminal Procedure act, the court can refuse the presentation of the claim if it is obvious that the claim can be pursued more appropriately during separate civil litigation, cf. section 428 of the Criminal Procedure Act.

45. If a claim is presented by the public prosecutor the costs are subject to the rules regarding costs in criminal cases, whereas if a claim is presented by the alleged victim the costs are subject to the rules regarding costs in civil cases, cf. section 439 of the Criminal Procedure Act.

46. Victims have a right to have the state collect payment of compensation awarded to the victim during a criminal trial on behalf of the victim, cf. section 30(1), 30(10) and 30(11) of the Circular Letter on Prosecution. Any payments made by the offender to the state as a result of a criminal trial will in such a situation count towards the victim’s compensation first before counting towards expenses incurred by the state, cf. section 30(7) of the Circular Letter on Prosecution.

47. Finally, a victim-offender mediation programme is available if both the alleged victim and the alleged offender consent to mediation and the alleged offender has confessed to the criminal offence, cf. section 71 a of the Criminal Procedure Act.

f) **What rights rest with the alleged victim in respect of the appeal?**

48. Both the verdict and the sentence can be appealed from the district courts to the appeal courts, cf. section. However, if an appeal is allowed from the appeal courts to the Supreme Court, the Supreme Court cannot try the facts of the case, cf. section 306 of the Criminal Procedure Act.

49. Alleged victims have a right to receive notice of the result of a case and information on access to documents of final judgments in accordance with section 28 of the Criminal Procedure Act, cf. section 26(5) of the Circular Letter on Prosecution. If a civil claim has been tried during the trial, the court is obliged to give notice of the result to the alleged victim and the alleged victim’s legal counsel, cf. section 43 of the Criminal Procedure Act.
50. Alleged victims with legal counsel have a right to receive notice of an appeal, cf. section 28(6) of the Circular Letter on Prosecution, and to be informed of hearings in the Supreme Court despite of legal counsel not being provided during such a hearing, cf. section 28(7) of the Circular Letter on Prosecution. If a civil claim has been tried during the trial, the public prosecutor has a separate duty to give notice to the alleged victim of the appeal and the content of the appeal, cf. section 434 of the Criminal Procedure Act.

51. In relation to other rights such as the right to attend hearings etc., the rules applicable during an appeal are identical to the rules applicable during the trial at first instance, except from the fact that legal counsel is not appointed in relation to a Supreme Court trial, cf. section 28(7) of the Circular Letter on Prosecution.

52. After the final judgment the victim has no rights in relation to the enforcement of the judgment, i.e. the victim cannot complain against early release etc.

53. Passive rights: The victim has a conditional right to receive notice if the offender is to serve some of the sentence outside of prison (the condition in this case is that it is 'of importance' ('av betydning') to the victim to receive such notice), cf. section 16 of the Enforcement of Punishment act, if the offender is allowed to partake in work outside of the prison etc., cf. section 20 of the Enforcement of Punishment Act, if the offender is allowed leave or interruption of the punishment, cf. section 36 of the Enforcement of Punishment Act, if the offender escapes, cf. section 40 of the Enforcement of Punishment Act, if the offender is released, cf. section 42 of the Enforcement of Punishment Act, and if the offender is offered parole, cf. section 39 g of the Criminal Code.

54. There are no other rights that facilitate alleged victim participation than the rights covered in the above chapter.

**QUESTION 2:** ARE THERE ANY SPECIAL CATEGORIES OF ALLEGED VICTIMS (EG CHILD WITNESSES, WITNESSES WITH INTELLECTUAL OR MENTAL DISABILITY, WITNESSES ALLEGING SEXUAL ABUSE ETC) TO WHOM THE ABOVE RIGHTS
55. When the alleged victim is a child (below 16 years of age), the parents of the child or a person that the child trusts have access to be present at questioning conducted by the police (unless the person is the alleged offender in which case a temporary guardian can be appointed), cf. section 8(12) of the Circular Letter on Prosecution. The police are obliged to conduct the questioning in a considerate manner and (if possible) the questioning should take place at the home of the child. Alleged female child victims to an alleged sexual offence must (if possible) be questioned by a woman, cf. section 8(12) of the Circular Letter on Prosecution. If the alleged offence is a sexual offence and the alleged victim is below 16 years of age or mentally challenged, questioning of the alleged victim should as a main rule take place outside of court, cf. section 8(12) of the Circular Letter on Prosecution.

CONCLUSION

56. Alleged victims are divided into two groups: Alleged victims with legal counsel (extensive rights) and alleged victims without legal counsel (more limited rights).

57. The police do not have an absolute duty to investigate, but the alleged victim must be informed and can appeal a decision not to investigate administratively.

58. At the time of the filing of a criminal complaint the alleged victim may have the following rights:
   a. A right to receive guidance
   b. A right to a contact person
   c. A right to legal counsel
   d. A right to receive notice
   e. A right to appoint a proxy
   f. A right to access documents
   g. A right to be separately questioned about the consequences of the alleged offence

59. Alleged victims have access to victim counselling and (if necessary) to witness protection.

60. Alleged victims only have a limited access to influence an indictment.
61. Alleged victims only have limited rights in relation to investigative steps and the presentation of evidence.
62. Alleged victims do not have a right to influence decisions on pre-trial detention but must receive notice of such detention.
63. Alleged victims with legal counsel have a right to a conversation with the prosecutor on the case before the trial.
64. Alleged victims have a right to be present during the entire trial.
65. Alleged victims receive compensation for participation during the trial.
66. The alleged victim can request anonymity and to testify without the alleged offender in the room.
67. Alleged victims and the legal counsel of an alleged victim have extensive rights to in relation to delivering statements during the trial.
68. Alleged victims are allowed to give victim impact statements during their testimony.
69. Alleged victims can claim compensation from the state and/or from the alleged offender during the criminal trial or through separate civil litigation.
70. Victims have a right to have the state collect payment of compensation awarded to the victim during a criminal trial on behalf of the victim.
71. A victim-offender mediation programme is available.
72. Alleged victims have a conditional right to receive notice of the outcome and appeal of a criminal case.
73. Alleged victims have no rights in relation to the enforcement of the sentence.
74. Alleged victims have a right to receive notice of a number of decisions that allow the offender to leave the prison.
75. Special measures must be taken when the alleged victim is a child.