

**CABINET SECRETARY FOR JUSTICE AND HOME AFFAIRS**  
**VISIT TO OSLO: PROGRAMME**

<b>Monday 11 March</b>	
9:15-10:40	Introductory discussion with <b>Ministry of Justice</b> on key issues in the Norwegian justice system, followed by discussion with a <b>lay judge</b>
11:00 – 13:00	Meeting with <b>Deputy Director of Public Prosecutions</b> and <b>Head of Oslo Regional Prosecutors Office</b>
13:40-14:00	Meeting with <b>British Ambassador</b> to Oslo
14:00-15:00	Meeting with <b>defence lawyer</b>
15:30 – 17:00	Meeting with <b>Appeal Court judges</b>

<b>Tuesday 12 March</b>	
10:15-11:30	Visit to <b>Pro Sentret</b> (support services/centre of expertise on prostitution)
12:15-13:45	Lunch meeting with [name redacted] (academic who has researched Norway's transition from juries to mixed panels)
14:00 – 16:00	Visit to Oslo <b>Children's House</b> , followed by discussion with <b>police specialising in sexual crimes and victim support</b>

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**VISIT TO OSLO: NOTE OF ENGAGEMENTS**

**DAY 1: MONDAY 11 MARCH 2024**

<b>What</b>	Introductory discussion on key issues in Norwegian justice system, followed by discussion with a lay judge
<b>When</b>	9:15 – 10:40
<b>Where</b>	Government offices, Akersgata 59, Oslo
<b>Who</b>	[name redacted], Ministry of Justice and Public Security [name redacted], Ministry of Justice and Public Security [name redacted], lay judge joined discussion towards the end of the meeting
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> </ul>
<b>Why</b>	To contextualise the visit, and to hear a lay judge’s reflections on how lay participation works in practice

**Matters discussed:**

**MoJ officials**

- The background to the visit was discussed, acknowledging the importance of sharing best practice and learning from different approaches. MoJ officials provided some **brief contextual information** on Norway.
- In relation to criminal justice matters, in particular sentencing, the Norwegian approach is towards as humane a system as possible, accepting a level of risk. Norway’s prison population is around 2,500. The system is characterised by a high degree of professionalism e.g. all police officers are trained to degree level in policing, a three year full time course which is extremely popular.
- **On prostitution**, in Norway there had historically been very low levels of street prostitution, but this changed with increased immigration. Street prostitution became a very visible issue in Oslo and other cities and intensified debate over the most effective way to address it. Criminalisation eventually followed and was introduced as a measure against human trafficking – that was accepted as an appropriate aim of the legislation, to prevent exploitation. It wasn’t (and isn’t) seen as a gender equality measure, as it is in Sweden.
- Evaluation of the approach is seen to be difficult. While street prostitution has reduced, the impact on more hidden forms occurring inside properties is not known. There has been an impact on, and reduction in, advertising. It is not known if women engaged in prostitution feel less safe.

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- [redacted]
- The debate continues in Norway; they do not feel that they have found the perfect solution. [redacted]
- **On the court system**, useful background information was provided. Specifically on juries, the Court of Appeal was until 2018 the last court in Norway to use all lay juries. Those juries consisted of 10 jurors (and were presided over by 3 judges). 7 out of 10 jurors were needed to convict. Sentence was decided by 4 of those jurors alongside the 3 judges. Judges were able to overturn verdicts by jurors, in which case there would be a re-trial. This happened frequently (including the last jury trial in Norway, Eric Jansen) and affected professional and public confidence in the jury system.
- Reform was enacted after significant debate – drivers for reform included issues over confidence, inconsistencies in outcomes, lack of written reasons provided by a jury and some cited concerns over jury decision making in rape cases (e.g. the Hemelsted case).
- Since 2018, the Court of Appeal has sat with mixed panels of 5 lay members and 2 professional judges. A conviction is returned if 5 agree, including at least one professional judge.
- That balance was somewhat a compromise when the reform was being enacted. There are calls from the judiciary to change the balance to 3 professional judges and 4 lay members. This arises because of: workload concerns from the judges; to allow a majority view to be given on matters of law; to make cases less vulnerable when one judge becomes unwell; and because of broader confidence in, and evaluation of, the well-established 3+4 model.
- The legislation enacting reform included a requirement to review the balance, which is being undertaken now.
- Background and findings of the **recent Norwegian Rape Commission report** published on 8 March were discussed. There is a clear need for more work at every level including prevention. **The Cabinet Secretary offered to send the revised Equally Safe Strategy to MoJ officials.**

**Lay judge:**

- Matters discussed included **recruitment of lay judges** which happens on a voluntary, opt-in basis, through an online application. There is no selection process but certain people, professions etc are excluded. Previously there was an involvement of political parties in nominating individuals, but that is not thought to happen any longer – although it may still exist to a certain extent if any area does not have sufficient volunteers.

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- Appointment is for a 4 year period, which is automatically renewed for a second period unless the individual does not wish to continue. There is **no significant training** offered to lay judges.
- The number of volunteers in Oslo, and the disruption of COVID, meant that the lay judge had only sat in one trial. He **discussed his motivation** including the desire to contribute in a meaningful way to his society, reflecting his interest in justice and politics. His belief in the system was also discussed in terms of the importance of being judged and sentenced by one's equals – which was why he believed it was right that at District Court level, lay judges could not be outvoted by professional judges.
- The process of the trial and **joint deliberations were discussed in general terms**. His experience was positive, including the information and guidance provided to the lay judges by the professional judge, the collaborative and constructive nature of deliberations - there was no attempt by the professional judge to exert influence or minimise the contributions of the lay members – it was an effective, facilitated discussion. He felt confident to contribute both by asking questions of witnesses during the trial and in deliberating the verdict and sentence.
- **Written reasons were seen as key**. They are prepared in draft by the judge and the lay members offer comments. Dissenting views are reflected. Names of all the judges are published.
- Gender balance of lay judges is required in the District Court.

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<b>What</b>	Meeting with prosecutors
<b>When</b>	11:00 – 13:00
<b>Where</b>	Grev Wedels Plass 9, Oslo
<b>Who</b>	<b>Torunn Salomonsen Holmberg</b> , Assistant Director of Public Prosecutions <b>Lars Erik Alfheim</b> , Head of Oslo regional prosecutors office [name redacted], public prosecutor, Office of the Director of Public Prosecutions
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> </ul>
<b>Why</b>	To explore and understand the Norwegian approach to the prosecution of cases involving serious sexual offences and the recent transition away from the use of all lay juries in the Appeal Court

**Matters discussed:**

- There was **strong cross-party and cross-sectoral support for lay participation** in Norway’s courts; removing lay participation had never been considered an option. From the prosecutors’ perspective, lay participants lent legitimacy and public confidence to the justice system, and were a safeguard against ‘case hardening’ among professional judges. There was a sense that, as a prosecutor or a lawyer, a key test of the credibility of your case was whether you could put that case convincingly to members of the public without specialist expertise. Prosecutors also welcomed the fact that the involvement of lay participants required parties to use accessible language in court.
- In the lead up to the abolition of juries from the appeal court, the debate had focused on whether to replace them with a 3+4 model (three professional judges and four lay judges) or a 2+5 model. The 3+4 model was already established for other appeal court cases: adopting the 2+5 model, with its greater emphasis on lay members, was seen as a compromise, recognising the fact that there was some political support for retaining juries.
- The impact of the change on case outcomes had not been evaluated, but under the jury system around half of convictions in the District Court were subsequently overturned by juries in the Appeal Court.
- Prosecutors considered that the replacement of juries with mixed panels had led to a notable **difference in how cases were presented in court**, with a reduction in the evocation of rape myths and a generally improved tone for victims.

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- However, they noted a phenomenon of lay judges being susceptible to religious influence. They cited examples of an imam giving evidence emphasising that a defendant was of good character, which could be taken as sufficient proof by a lay judge,
- The reforms had resulted in an **inconsistent approach to the majority needed** for verdicts: in the district courts a simple majority was required for conviction, but in the appeal courts a qualified majority was needed (five out of seven judges, with an additional requirement that at least one professional judge voted for conviction), and then in the Supreme Court verdict was determined by simple majority again. Prosecutors cautioned that the requirement for a qualified majority, combined with the 'beyond reasonable doubt' threshold, could make it challenging to secure convictions.
- There were some practical challenges with the 2+5 model, including if the two professional judges disagreed on a point of law, and if a member fell sick during a trial. (A case could continue if one professional judge or one lay judge had to withdraw, but would need to be disbanded if panel numbers fell further. Members could only be replaced by a substitute who had been present throughout the trial.)
- There was a concern that Norway's **statutory minimum sentencing for rape could lead lay judges to favour acquittals** in cases where, although there was sufficient evidence for a conviction, they felt the statutory penalty was too severe when considering the specific circumstances of the case.
- It was **theoretically possible for victims' evidence to be pre-recorded**, but the majority of district courts did not have the necessary facilities to enable pre-recorded evidence to be shown. Prosecutors also considered that pre-recorded evidence could have less impact than live testimony.
- Both convictions and acquittals in the district court could be appealed, and the appeal court could only deny an appeal if it was clear there was no prospect of a different verdict being delivered. If an application for appeal were successful, 6-8 months could elapse before the appeal court heard the case (the delay would be reduced if the accused were on remand). It was acknowledged that this could be challenging for victims, but prosecutors noted that victims' lawyers had an important role to play in preparing victims for the possibility of a retrial. They suggested that being required to give evidence again at appeal could ensure that victims felt heard by the process.
- The introduction of **independent legal representation** for victims had proved significantly more expensive than had been anticipated - it did not operate on a fixed-fee model.

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<b>What</b>	Meeting with British Ambassador to Norway
<b>When</b>	13:40 – 14:00
<b>Where</b>	The Ambassador’s Residence (‘Villa Frognæs’), Drammensveien, Oslo
<b>Who</b>	<b>HMA Jan Thompson</b>
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> <li>• [name redacted]</li> </ul>
<b>Why</b>	Courtesy meeting to hear from HMA about the latest political developments in Norway.

**Matters discussed:**

- CSJHA thanked the Ambassador and her officials for their support with her visit to Oslo. The Ambassador emphasised the enduring ties between Scotland and Norway. From a UK perspective there was a particular focus on links with Norway on energy – including oil and gas and renewables – and defence.
- It was observed that Norway has an international reputation for gender equality, but nonetheless faces challenges in relation to the prevalence of violence against women and girls – CSJHA highlighted the report by the Norwegian Rape Commission, which had been published on 8 March.
- There was discussion of the way in which Norway’s parliamentary system required cross-party collaboration on policies, and often led to minority coalition governments. The Ambassador reflected on the general election due to be held in 2025, which polling currently indicated would result in a Conservative-led government. There had been a general shift from centre-left to centre-right parties, which could affect coalition options.

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<b>What</b>	Meeting with defence lawyer
<b>When</b>	14:00 – 15:00
<b>Where</b>	The Ambassador’s Residence (‘Villa Frognæs’), Drammensveien, Oslo
<b>Who</b>	[name redacted], criminal defence and victims’ lawyer
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> </ul>
<b>Why</b>	To hear a defence lawyer’s perspective on the removal of juries from the Appeal Courts, and Norway’s approach to the prosecution of sexual offences.

**Matters discussed:**

- [name redacted] has over 20 years’ experience working as a lawyer in Norway, she works as both a defence lawyer and a victims’ lawyer.
- In the context of Norway’s move to abolish lay juries, it was accepted and discussed that there are pros and cons to every system. The reasons for the reform were understood to be because of the lack of transparency, confidence and consistency in both process and outcomes delivered by a jury system. The lack of written reasons for verdicts made it difficult for sentencing and appeals and presented challenges for both victims and accused.
- One advantage of a jury system is the way it requires all partes to simplify their language and make their arguments easily understood. The mixed panel ensures that such an approach remains necessary.
- The use of mixed panels has led to greater predictability in the Court. The ability for the lay judges to ask questions is seen as a good thing, it allows lawyers to see what is persuading them or causing them difficulty, it can give an indication of where they are positioned in a case.
- It is common to see lay judges disagree with professional judges – this can be seen in the line of questioning in court and in the written judgements.
- Lay judges bring important diversity and democracy into the criminal justice system. Inclusion of an element of lay participation is a good counterbalance to professional judges who otherwise may become sceptical through continued exposure to cases.



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- [name redacted] does not think that her preparation or presentation of cases in court has changed. Some colleagues are very performative for juries, and that has remained so. The art of persuasion is still required, and she is still conscious of tailoring her arguments to lay people.
- There is a view that minimum sentencing for rape cases (3 years minimum, 4 year standard sentence) discourages lay judges from convicting in some cases.
- There can be a confidence issue when the Court acquits the accused of a crime but nonetheless makes a compensation award against the accused (because of different standard of proof).
- Reform to decision making also came with a tightening in the right of appeal and parties must now seek leave to appeal. This is something that has caused concern as the balance of prosecutor applications that are granted compared to those from the defence, appears unequal.
- The main role at trial for the victims' lawyer is to ask questions and make representations on the issue of compensation – they are not there to participate or intervene in determining the question of guilt.
- The other main function throughout the process is to provide information and advice from an early stage to manage expectations – e.g to reassure that if police or prosecutors don't progress the case, this is not because the victim is not believed, but because the system has a high standard of proof.
- Victims are entitled to 3 hours of legal advice to help them decide if they want to report the matter to the police or not.
- Overall, in last few decades, there has been a far greater recognition of rights in the Norwegian criminal justice system as they apply to everyone, including victims, children and accused. There is far greater understanding.

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<b>What</b>	Meeting with appeal court judges
<b>When</b>	15:30 – 17:00
<b>Where</b>	Borgarting Court of Appeal, Oslo
<b>Who</b>	[name redacted], judge at the Borgarting Court of Appeal [name redacted], judge at the Borgarting Court of Appeal
<b>Why</b>	To hear judges’ reflections on Norway’s move from the use of juries to mixed panels in the appeal court, and their experiences of deliberating and reaching decisions alongside lay judges.

**Matters discussed:**

- [name redacted] outlined the history of Norway’s jury reform, culminating in the replacement of juries with mixed panels of 2 professional and 5 lay judges.
- The judges expressed **strong support for lay participation**. Lay judges were seen as bringing fresh perspectives to cases, and as helping to protect against any ‘case hardening’ among professional judges. The judges found them to be active participants both in court and in deliberations, and enjoyed working alongside them. They also suggested there was a societal benefit in lay people seeing judges at work first hand. They did, however, acknowledge concern that lay judges were quite a homogenous group, not reflecting the diversity of the society they represented (this was also true of professionals, though was felt to be gradually changing).
- The judges described the **challenges they experienced with the 2+5 model (where two professional judges sat alongside five lay judges), and their preference for a 3+4 model**. The judges explained that their preference for moving to a 3+4 model was motivated by a desire to increase the number of professional judges, rather than to decrease the number of lay judges. (Recognising that courtroom infrastructure could not necessarily accommodate panels larger than 7.) As cases had become more complex – and potentially involved more procedural decisions (all of which lay judges took part in), any disagreement on a point of law between the two professional judges could make it very difficult for the lay judges to reach a view: having an odd number of judges would alleviate this. Moreover, if a professional judge fell ill under the 2+5 model that could jeopardise the case (in theory the case could continue with a single judge, but [name redacted] considered that this would undermine the fairness of the trial, as it would mean a District Court ruling could be overturned by a panel involving the same number of professional judges – ie one – as the original District Court panel). The 3+4 model has long been used in the Appeal Court for cases where the potential sentence is 6 years or less: the judges felt it was illogical that in more serious cases the level of professional participation was lower.

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- There was discussion of the **process of deliberating alongside lay judges**. Lay participants were typically invited to share their views before the professional judges spoke, although this might be varied if there were a particularly strong personality in the group who appeared to be influencing other lay judges. It was noted that lay people could struggle to understand complex legal concepts, such as the definition of rape, and that they often related to accused people or victims based on their own personal experiences. Professional guidance was crucial to ensure that the lay participants focused on the evidence rather than an instinctive or emotional response. There had been has long been used in the Appeal Court for cases where the potential sentence is 6 years or less. – over time, the judges felt that a consistent approach had been developed which ensured lay judges were treated as equals, but they suggested that **written guidance for professionals on working with lay judges would have been helpful**.
- The process of producing **written reasons** was discussed. The panel would reconvene to discuss the draft reasons that had been produced by one of the professional judges, and it was possible for people to change their position on the verdict at that point. Written reasons set out the division of panel members' votes, and it was very common for them to include **dissenting opinions** from lay judges - in rape cases these tended to be rooted in rape myth acceptance or difficulty in understanding the legal definition of rape. It was less common, though not exceptional, for professional judges to disagree with one another – and there was a sense that this would be less common still if a panel included three professionals. The statutory timeframe for publishing written reasons was three days, but in reality it could take up to two weeks (although the judges aimed to complete them within a week if possible, mindful of the fact that members' memories and engagement could diminish over time). There were very few repercussions to the fact that judges were named in the written reasons, although lay judges could be uncomfortable with this.
- The judges considered one key way in which **victims' lawyers added value** was by explaining to victims what was happening – this role had previously fallen to prosecutors.
- They considered that **minimum statutory sentences** for rape could be a barrier to lay judges being willing to convict, in cases where they felt the minimum sentence was too severe for the nature of the offence.

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**DAY 2: TUESDAY 12 MARCH 2024**

<b>What</b>	Visit to Pro Sentret
<b>When</b>	10:15 – 11:30
<b>Where</b>	Storgata 11
<b>Who</b>	<b>Ms Bjørg Nordli</b> , director of Pro Sentret. [name redacted], Ministry of Justice and Public Security [name redacted], Ministry of Justice and Public Security
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> </ul>
<b>Why</b>	To learn more about how Norway has approached tackling prostitution, which will be helpful as we consider the development of the support pathway we will be piloting later this year.

**Matters discussed:**

- CSJHA outlined SG’s approach to tackling men’s demand for prostitution, and interest in learning from Nordic approaches. The recent conviction of Emma Caldwell’s murderer had reignited public debate around the criminalisation of the purchase of sex, an issue that divided stakeholders in Scotland.
- BN explained that in Norway around 90% of those selling sex were migrants, most only staying in the country on a short-term basis, and this significantly limited the support pathways Pro Sentret could offer. They **defined success as getting people into the welfare system, but that was not an option for migrants** without rights to state support.
- BN observed that the current complexion of prostitution in Scotland was reminiscent of the position in Norway around 15 years ago, when the majority of those selling sex were white Norwegians, many also struggling with addiction – this prostitution was continuing in ‘closed’ communities of drug users, making it more challenging for Pro Sentret to access and support people.
- Street prostitution was no longer visible in Oslo – as a result, Pro Sentret’s **outreach work was done online rather than on the streets**. It was a time-consuming approach, involving following up adverts placed by individuals.
- Pro Sentret’s health provision (focusing on sexual and reproductive health) was an important way of securing engagement from their target group, as health services were universally understood, whereas many would not have

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experience of social work (and the fact they were only in Norway short-term limited the possibility for case working).

- There was no Norwegian data on the demographic profile of men who purchased sex, which made it difficult to target public information campaigns effectively. As demand was believed to come from a broad spectrum of society, BN believed the most effective way to address demand was through education in schools.
- Pro Sentret invited feedback from service users using a 'Happy or Not?' machine, as this was accessible to the many who would not be able to provide written feedback. People generally valued the service they received, though BN noted that they typically had no point of comparison. Feedback suggested that the **most important thing for service users was the sense of community** Pro Sentret offered them, with its drop-in café seen as a safe space for those with shared experiences. The drop-in café had originally been a women-only service, but had become open to people of all genders when they started working with gender-fluid users. BN had initially been concerned that this might undermine women's sense of the centre as a safe space, but they saw the community of collective experience as more important than gender divisions.
- There was a discussion of the **impact of Norway's criminalisation of the purchase of sex**, and the shift from prostitution being seen as a social issue – responded to by social workers – to it being seen as a criminal one.
- BN and [name redacted] explained that, while victims of human trafficking had more access to support than other migrants who were selling sex, the assistance they received was still short term: the Norwegian Government's goal was ultimately to repatriate people to their countries of origin, and there was no right to permanent residency in Norway.

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<b>What</b>	Lunch meeting
<b>When</b>	12:15 – 13:45
<b>Where</b>	Nasjonal Museet Cafe, Brynjulf Bulls Plass 3, Oslo
<b>Who</b>	[name redacted]
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> </ul>
<b>Why</b>	To discuss Anna’s research on Norway’s transition from juries to mixed panels.

**Matters discussed:**

- CSJHA reflected on her engagements in Oslo so far. She had been struck by the strength of support for lay participation in Norway, which was also illustrated by [name redacted]’s research.
- [name redacted] considered that **removing juries in Norway had been key to preserving the credibility of lay participation**. In the years leading up to the reform juries had been increasingly discredited, with judges making more extensive use of their powers to set aside juries’ verdicts where they believed these were inconsistent with the evidence. Had juries not been replaced by mixed panels, there was the potential for a loss of confidence in lay participation. While moving to mixed panels had reduced the *quantity* of lay participation, [name redacted] contended that it had increased the *quality*.
- There was discussion of the fundamental importance of written reasons for verdicts, which had not been possible under Norway’s jury system and had been a central reason for re-considering the use of juries.
- [name redacted] was currently researching the impact of the change from juries to mixed panels, and hoped to be able to observe panel deliberations as part of this research, to gain further insights on how discussions were facilitated and the dynamics of decision-making. She offered to share further relevant learning and resources, including a survey of Norway’s lay judges that had been carried out in 2018 which looked at their perceptions of the system.

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<b>What</b>	Visit to Children's House - Statens Barnehus Oslo
<b>When</b>	14:00 – 16:00
<b>Where</b>	Statens Barnehus, Skippergata 31
<b>Who</b>	<b>Astrid Johanne Pettersen</b> , director of the Children's House [name redacted], police prosecutor, Oslo police [name redacted], Oslo police social workers, police support centre [name redacted], Ministry of Justice and Public Security [name redacted], Ministry of Justice and Public Security
<b>Officials</b>	<ul style="list-style-type: none"> <li>• [name redacted], Head of Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Criminal Justice Reform Unit, Scottish Government</li> <li>• [name redacted], Private Secretary, Scottish Government</li> </ul>
<b>Why</b>	To learn about Norway's approach to the Barnahus model, and developments in the police's approach to supporting victims in the justice system.

**Matters discussed:**

- The director gave the Cabinet Secretary a tour of the building including the medical and dental examination rooms, the waiting areas, the interview rooms as well as the areas for others to view interviews remotely.
- The director then gave an overview and led a discussion on the background and development of Barnehus in Norway. There are 12 Childrens' Houses in Norway with another three under development. The approach is led by the police and anchored in Justice although it encompasses key elements of child welfare and health policy and practice.
- Legislation in Norway now requires all eligible children to have access to the services of a Childrens' House. In practice this means that children travel to their nearest Childrens' House – this may mean travel by air, sea or road.
- The functions of the Childrens' House include:
  - Facilitating forensic/police interviews
  - Medical/dental examinations of children
  - Treatment/referral for treatment
  - Advice to children and their carers
  - Networking and coordinating
  - Teaching others
- A variety of professionals work in the Childrens' House including police, social workers, psychologists and medical professionals (a doctor and a nurse). It enjoys a low turnover of staff, this is important for the development of expertise and consistency of service provision but also it demonstrates that staff are meaningfully supported to do this difficult work.

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- The scope of the Childrens' House has expanded and evolved over time. It includes children (as in Scotland, this is those under 18) who are victims of sexual abuse, domestic abuse (that now represents the largest proportion of cases) and other violence. Scope now also extends to children suspected of causing harm. This includes both those over and under the age of criminal responsibility in Norway which is 15. Moreover, sometimes, the Childrens' House may work with parents/carers of children accused of causing them harm where there is to be no prosecution. This would have been unheard of when it first launched.
- Adults with special needs may also be interviewed in the Childrens' House.
- A current key issue for the Childrens' House is in making sure it retains its complement of Health staffing.
- The police prosecutor then delivered a presentation on their role in the Childrens' House and led a discussion.
- The route into a Childrens' House is through a police report. Legislation requires that all eligible children can access a Children's House within one week of the police report. The facilitated police interview (sometimes called the forensic interview) should occur within this timeframe but it is recognised that sometimes the police will require further time to have the investigation sufficiently progressed to ensure that the interview is meaningful. In those cases, the police can justify why it has taken longer to get to interview.
- In general terms, police prosecutors (prosecutors integrated in the police), will lead and co-ordinate planning of the interview with specially trained police officers. One of those police officers will interview the child and the prosecutor and other professionals with watch remotely. The defence are not present at interviews – watching remotely or otherwise. Prosecutors will send them a copy of the interview and they have an opportunity to ask that a second interview is conducted with the child in order that their client's position (or other matters) be put to the child. If there is no agreement as to the need for this second interview, the court will decide whether it is necessary. This second interview is also conducted by the police – preferably the same interviewer. The defence very rarely request a second interview – perhaps less than 1 in 10 cases. This is because of the high quality of the first interview but is also thought to be reflective of a reluctance to give the child an opportunity to make further disclosures.
- Thinking around best practice has evolved in the lifetime of the Children's House. At first there was a very strong emphasis on the need for only one interview to be conducted with the child. Now it is recognised that it is the process of the interview rather than the number of them that is important. There is now much more acceptance that sometimes further interviews are necessary and that does not mean the first was not carried out properly, but merely a reflection of new evidence emerging etc. On some occasions, it is also in the best interests of the child to have multiple interviews e.g where



## **CABINET SECRETARY FOR JUSTICE AND HOME AFFAIRS**

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they are particularly long or where the child needs to build their confidence in the process in order to fully disclose what has happened to them.

- Children who have had their evidence recorded in a Children's House cannot be compelled to give evidence at trial – the defence cannot insist on live evidence rather than use of the recording. However, it is recognised that sometimes older children may want to give evidence in court – this is permitted.
- There is an acceptance that the process must be good for child victims as an end in itself rather than only as a means of securing outcomes (convictions). This is important in the context of the very high threshold for prosecution/conviction in Norway.
- In terms of children who are thought to have caused harm and their inclusion in the scope of the Children's House, a different legislative framework and balancing of rights is required. For example, the training of the police interviewers may be different, they will have a right to a solicitor being present. In relation these children, forensic examinations do not require to be conducted in the Children's House and although there is no separate entrance, access arrangements are carefully managed.

#### **Support Centre for Victims of Crime**

- The chief inspector then gave a brief presentation on support centres for victims of crime and the group was joined remotely by social workers from a centre outside Oslo.
- The purpose of the Support Centres is to engage with victims at an early point in their justice journeys – including before reporting to the police – to give them information and advice on the various parts of the criminal justice system, how to navigate it, what to expect, timescales etc.
- Where victims do report to the police, they will continue to communicate and support the victim right until the conclusion of the case. For some, that may end following a decision by prosecutors not to take action in a case and for others that support will continue to the point a verdict is delivered by the court and written reasons for that verdict are given.
- Part of the information they will give to victim includes information on their rights – e.g. to independent legal advice and to compensation and how to exercise those. The service also includes an element of psycho-social support and signposting to further support services where appropriate.
- A big part of the role is to build confidence in the criminal justice system – this is particularly important in the context of domestic abuse given the risk of re-victimisation. It is important that victims trust the police to give them the confidence to report further incidents. The Centre also seeks to work on prevention by offering advice, support and an element of risk assessment to those in abusive relationships.