



NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

Meld. St. 12 (2010–2011) Report to the Storting (white paper)

Assistance to Norwegians abroad





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*Recommendation from the Ministry of Foreign Affairs, dated 1 April 2011,
approved by the Council of State on the same date.
(Stoltenberg II Government)*

Summary and main message

Norwegians are travelling abroad more and more frequently, and an increasing number of Norwegian citizens are taking up residence in other countries. This has resulted in more, and more complex, requests for consular assistance, combined with high, and at times unrealistic, expectations as to the assistance and support the Norwegian authorities can provide to Norwegians abroad.

This white paper discusses the scope and nature of Norway's consular services today, identifies key trends and challenges, and provides guidelines for how these activities should be carried out in the future. It also touches briefly on a number of specific problems that arise in connection with crises abroad where Norwegians are affected.

The Storting has dealt with individual consular cases and various aspects of Norway's consular efforts on a number of occasions, but has not previously considered Norwegian consular services as a whole.

In order to reduce the gap between the services offered and the public's expectations, it is important that there is general agreement on and acceptance for the kind of consular assistance that should be provided and who should be eligible for such assistance.

Norwegians abroad are subject to the host country's legislation. This imposes clear requirements on the individual traveller and sets limits for the consular assistance that may be provided.

The assistance provided by Norwegian authorities to Norwegians abroad is based on the principles of individual responsibility and self-help. The most important thing people can do to help themselves is to ensure that they have adequate travel insurance.

Most consular assistance is provided by Norway's 95 embassies and consulates-general. Assistance is also provided by the Foreign Ministry in Oslo, for example by the Foreign Service Response Centre, and the some 380 Norwegian honorary consulates, which are spread over large parts of the world. The Foreign Service uses an estimated 200 person-years to assist Norwegian citizens abroad.

The Nordic countries cooperate closely in the consular field, for example by acting on each other's behalf in countries where they do not all have a diplomatic or consular presence, and in crisis situations. The Government will seek to establish even closer consular cooperation with the other Nordic countries, and with the EU in cases where this is considered expedient.

In this white paper, a distinction is made between assistance in emergencies on the one hand, for example in connection with accidents, illness, death, theft and arrests, and more administrative support on the other, for example issuing passports, solemnising marriage, assistance in adoption cases, etc.

Priority will continue to be given to acute and serious matters where human life or health is at

stake, and to cases that could involve violations of human rights and those involving minors.

The Government will seek to ensure that, insofar as possible, the consular services provided in different parts of the world are as equivalent as possible in comparable cases. However, this is not always possible for both formal and practical reasons. In the Government's view, higher priority should be given to assisting Norwegians on short trips abroad than those who are permanently resident in the host country.

In accordance with current practice, the Foreign Service's expenses in connection with consular assistance are covered over the Foreign Minis-

try's operating budget, whereas the individual concerned is responsible for covering his or her own expenses. Exceptions may be made in complex, acute crises. The Norwegian authorities may also require that their expenses are refunded in exceptional cases involving gross negligence and where preventive considerations weigh heavily.

The white paper does not contain proposals for any major changes in the consular services that are currently provided. The Government will give priority to further developing Norway's consular services so that they continue to be as professional, effective and efficient as possible in the future.

1 Introduction

1.1 Background to the white paper

Every year Norwegians make more than 7 million trips involving overnight stays to other countries, while some 80 000¹ Norwegian citizens are registered as permanently resident outside Norway. An increasing number of Norwegians are travelling abroad and spending longer periods of time outside the country due to increased trade and international cooperation, greater spending power, cheaper air tickets and stronger promotion of tourism in many places. This trend is expected to continue in the years ahead.

The vast majority of trips abroad proceed without any problems. A small percentage of those who travel abroad need assistance, but are able to resolve their problem with the help of their insurance company, fellow travellers, friends or relatives. There are many reasons why Norwegians may need assistance; theft and illness are among the most common. Only a small percentage of those who need help contact the Norwegian authorities. However, with the steadily increasing number of Norwegians abroad, combined with new, more exotic travel destinations, there are a growing number of requests from the public for assistance. Requests for assistance are also becoming more complex because many Norwegian citizens have close ties with other countries, and extensive legal assistance is often needed.

At the same time, the eligibility requirements for receiving public assistance are becoming more stringent. Some people seem to think they are entitled to the same assistance when they are abroad as in Norway. At times there is a considerable gap between the public's expectations and the assistance the Norwegian authorities can in fact provide under existing legislation and budgets.

In other words, the consular field is growing and becoming increasingly complex. At the same

time consular matters are attracting more and more attention, both in the media and among the general public. We have also seen cases of people using media coverage to try to get more assistance from the Norwegian authorities.

The Storting has also shown interest in the way consular matters are dealt with, particularly after the tsunami in 2004, but also subsequently. This has taken the form of written and oral questions, debates and parliamentary documents such as Recommendation S. No. 306 (2008–2009), cf. the white paper on the main features of Norwegian foreign policy (Report No. 15 (2008–2009) to the Storting). The Storting has drawn attention to the importance of providing professional consular services and emphasised that this is a key task for the Norwegian Foreign Service. The Storting has been concerned that consular services should be consistently of high quality, but at the same time made it clear that Norwegian citizens cannot expect to receive the same standard of social welfare services abroad as in Norwegian territory. In the above-mentioned recommendation, the Storting therefore asks the Government to define more clearly the kind of consular services Norwegian citizens can expect from the Foreign Service and to ensure that the consular services provided at the various missions abroad are comparable.

The Ministry of Foreign Affairs has drawn up this white paper in response to Norwegians' changed travel habits and the increasing number of Norwegians who are permanently resident abroad, and with a view to complying with the Storting's request for a review of consular services. Both government and private actors have provided valuable input.²

The purpose of the white paper is to highlight the scope and nature of Norway's consular activities today, identify key trends and challenges and indicate how these activities can be further developed to ensure that we can provide professional,

¹ The figure is uncertain due to the different registration practices in the various countries and because many Norwegians do not register at a Norwegian diplomatic or consular mission when they travel abroad.

² The Ministry of Foreign Affairs had meetings with a number of ministries, agencies and other partners in connection with the preparation of this white paper, cf. Appendix 1.

effective and efficient assistance to Norwegian citizens abroad in the years ahead.

The white paper does not contain proposals for making any major changes to Norway's current consular practices. Nonetheless, in the light of the clear signals given by the Storting and the considerable public interest in how the Foreign Service deals with consular matters, the Government considers that it is appropriate to submit this white paper to the Storting.

1.2 What are consular services?

Consular services are generally defined as services provided by a country's authorities to its citizens abroad. From the dissolution of the union with Sweden in 1905 to the end of the 1950s, this assistance was largely focused on seamen and businesspeople. Today most of the requests for assistance come from tourists and other travelers, and from Norwegian citizens who have chosen to take up residence in another country for shorter or longer periods.

The most common consular services provided today are assistance to Norwegians in connection with theft, illness or accidents, applications for passports, legalisation of documents and maritime matters. However, consular matters cover a wide range in terms of both complexity and use of resources, from straightforward questions about visa requirements and forwarding of applications, which normally only take a few minutes to deal with, to cases involving arrests and child abduction, which can require several person-years to follow up.

1.3 Other kinds of assistance to Norwegians abroad

Not all assistance provided by the Norwegian authorities to Norwegians abroad is considered to be consular assistance. Assistance to Norwegian

citizens posted abroad by the Norwegian authorities through the Foreign Service and to persons participating in international military operations or other international service is generally not considered to be consular assistance and is therefore not discussed further in this white paper. Nor is the assistance provided by the Foreign Service to the Norwegian business sector or efforts to promote Norwegian cultural interests abroad.

The Foreign Service's contact with Norwegians in Norway, for example in connection with a particular foreign policy or development policy issue or a commercial matter, is not generally considered to be consular assistance either. Work in the immigration field, such as dealing with visa matters, work and residence permits, etc., is only dealt with briefly in this white paper as it involves assisting foreign citizens who are seeking to come to Norway and therefore does not come within the traditional definition of consular assistance. However, in the EU and Schengen cooperation, immigration matters are considered to be part of the consular field.³

In our efforts to further develop consular services that are as professional and consistent as possible in a situation where there is growing demand for such services, there are several key questions that must be answered. For example, who is eligible for assistance from the Norwegian authorities? And where and when should such assistance be provided? This is discussed in Chapter 4. Other questions concern the level, scope and nature of the consular assistance provided, both in critical and in non-critical situations. These are discussed in Chapters 5 and 6. Opportunities and limitations regarding assistance in crisis situations are discussed in Chapter 7. Finally, the white paper gives an account of key challenges and choices in the consular field and the Government's policy for providing assistance to Norwegians abroad in the years ahead.

³ Cf. Chapter 3.2.

2 Principles and practice

2.1 International legal framework

Under international law, everyone has a duty to comply with the legislation of the country where they are staying at any given time. This applies both to the inhabitants of the country and to visitors. According to international law, the way a state exercises authority in its territory is considered to be that state's internal affairs. However, human rights obligations and other international obligations to which the state is subject set limits for how the state may treat both its own citizens and citizens of other countries.

Therefore, the kind of assistance that the Norwegian authorities may provide to Norwegian citi-

zens abroad is not only contingent on Norwegian legislation and policies, but also on the legislation of the country where that person happens to be.

Norway's ability to safeguard Norwegian citizens' interests in, or in relation to, another country may be governed by international agreements, in addition to national legislation and basic principles of international law. The most important multilateral agreements for Norway in the consular area are the *Vienna Convention on Consular Relations*⁴ and the *Helsinki Treaty on Nordic Cooperation*.⁵ Norway has also entered into a number of bilateral consular agreements.

2.2 No legal right to consular assistance

The primary responsibility for providing assistance to Norwegians abroad lies with the Foreign Service. According to section 1 of the Foreign Service Act,⁶ two of the Foreign Service's primary functions are related to consular matters. They are as follows:

- to provide advice and assistance to Norwegian citizens in relation to foreign authorities, persons and institutions; and
- to provide assistance to Norwegian citizens abroad, including in connection with criminal prosecutions, accidents, illness and death.

The Foreign Service performs functions on its own behalf or on behalf of other Norwegian authorities and institutions. The provisions of the Foreign Service Act are further supplemented by the provisions of the Instructions for the Foreign Service.⁷

However, Norwegians abroad are not legally entitled to consular assistance.⁸ This is partly

Box 2.1 The Vienna Convention and the Helsinki Treaty

The Vienna Convention on Consular Relations provides a comprehensive framework for consular relations between states. It gives a detailed overview of consular functions and underscores the receiving state's duty to ensure that embassies, consulates-general and honorary consulates are able to exercise these functions. It also establishes an overall system that enables states to give their citizens consular protection.

The Helsinki Treaty forms the basis for Nordic cooperation. The treaty includes provisions governing consular cooperation between the foreign services of the five Nordic countries and between their missions abroad.

A key provision of the treaty sets out that public officials in the foreign services of any of the Nordic countries are to assist citizens of another Nordic country if that country is not represented in the territory concerned. The Nordic cooperation also includes close cooperation in connection with natural disasters, war and other crises.

⁴ Vienna Convention of 24 April 1963 on Consular Relations.

⁵ Treaty of Cooperation of 23 March 1962 between Norway, Denmark, Finland, Iceland and Sweden.

⁶ Act of 3 May 2002 No. 13 relating to the Foreign Service.

⁷ Foreign Service Instructions of 13 December 2003, with comments.

Box 2.2 An example of local rules and customs

The rules for the citizens of Dubai, tourists, public and private institutions:

Offence	Penalty
“Indecent” behaviour (kissing, holding hands)	Warning or fine (particularly gross offences may be punishable by imprisonment and/or deportation)
Consuming alcohol outside designated areas	Fine or imprisonment
Purchasing alcohol without a licence to do so	Fine or imprisonment
Driving while under the influence of alcohol	Fine, imprisonment and/or deportation – confiscation of vehicle
Drug abuse or possession of drugs	Fine, imprisonment and deportation
Showing disrespect for Islamic customs and symbols	Fine, imprisonment and deportation
Showing disrespect for the customs and symbols of other religions	Fine or imprisonment
Using vulgar language	Fine or imprisonment
Littering and spitting	Warning or fine
Failing to pick up a pet dog’s excrement	Warning or fine
Vandalising public facilities	Fine
Failing to respect the environment and surroundings	Warning or fine

because the Norwegian authorities do not have enforcement jurisdiction on the territory of other sovereign states.

Nor may the Norwegian authorities force Norwegians abroad to accept assistance. The kind of assistance that the Norwegian authorities can provide to Norwegian citizens abroad is contingent on several sets of legislation, the person’s ties to Norway, the country where the person happens to be and the consular resources available. It is always up to the person concerned to decide whether or not to contact the Norwegian authorities and accept any offer of consular assistance.

Self-help is a fundamental principle of all consular assistance. The most important thing people

can do to help themselves is to ensure that they have adequate and valid insurance coverage. An act that in Norway would barely arouse the authorities’ interest may be regarded as a serious offence in some countries. A number of people have found out the hard way that there is a big difference between being arrested with a small amount of hashish in Norway and in certain countries of the Middle East. Others have found themselves in difficult situations while visiting parents-in-law abroad because their children have been considered to be citizens of the country in question, where the legal relationship between parents and children is very different to that in Norway. It is therefore always important for people to acquaint themselves with the rules and customs of the country they are visiting and to show respect and understanding when they come up against them.

⁸ According to the legislative history of the Foreign Service Act, the rules are not intended to entitle individual citizens to require that the Foreign Service should intervene in a specific matter. The question whether the Foreign Service is to intervene in a specific matter is subject to the discretion of the public administration.

2.3 Resources for dealing with consular matters

Most of the assistance to Norwegians abroad is provided directly by the 95 Norwegian embassies and consulates-general located in many parts of the world. These are diplomatic career missions⁹ staffed by personnel posted from Norway. Such assistance is also provided by the Ministry of Foreign Affairs in Oslo and Norway's some 380 honorary consulates, as well as by consulates of the other Nordic countries in places where Norway does not have a diplomatic or consular presence.

The personnel resources devoted to consular matters vary considerably, from almost none at the embassy in Astana to several person-years at the embassies in Manila and Bangkok. Altogether the career missions use approximately 150 person-years in assisting Norwegians with consular matters, which accounts for more than 13% of their total personnel resources.

⁹ A diplomatic career mission is an embassy, permanent mission/delegation or other foreign service representation headed by a foreign service officer posted abroad. A consular career mission is a consulate-general or a consulate headed by a career officer. An honorary consular mission is a consulate-general, consulate or vice-consulate headed by an honorary representative. The term "diplomatic or consular mission" is a general term that covers embassies, consulates and missions/delegations.

The percentage is considerably higher for many of the honorary consulates. The most important function of many of the consulates is providing assistance to Norwegians, particularly in areas where there are many Norwegian tourists and large colonies of Norwegian residents, such as in Spain and Greece, as well as in Turkey, Brazil, France, Italy and Cyprus.

In April 2010 the Foreign Service Response Centre (UD-OPS) was established at the Foreign Ministry in Oslo. The centre has a staff of 13 and is manned around the clock all year round. The centre generally deals with about 100 inquiries concerning consular matters a day. One of its main tasks is to assist members of the general public abroad, as all inquiries addressed to diplomatic and consular missions outside normal office hours are channelled to the centre. Embassies and consulates can also consult the centre on complex consular matters at any time. This is helping to meet the Storting's call for greater consistency of consular services between missions. The establishment and operation of the centre have been funded by reallocating funds within the Foreign Ministry's existing budget. The centre will soon have been operating for one year, and internal evaluations and feedback from members of the public indicate that it has contributed to better and more consistent consular assistance.

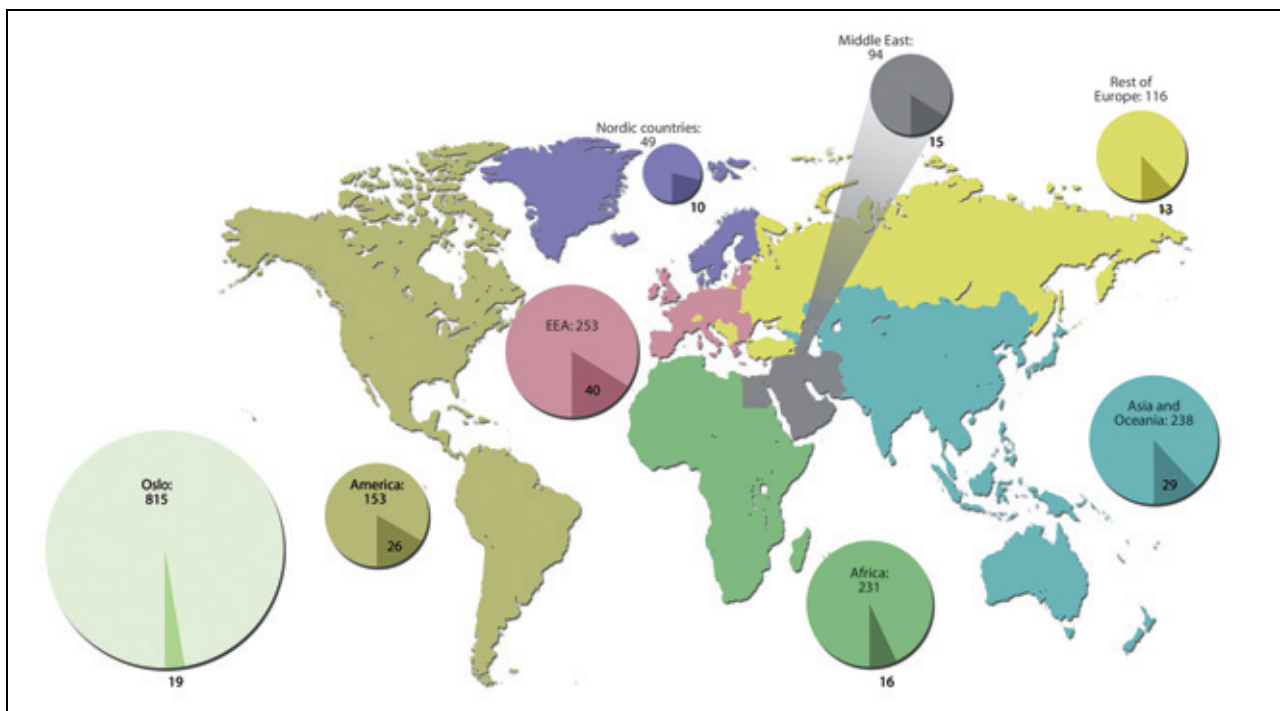


Figure 2.1 Total number of person-years in the Foreign Service and total number of person-years used to deal with consular matters

Box 2.3 Tasks of an embassy with a heavy consular workload

The embassy in Athens has some 600 Norwegians who are permanently resident in its consular district, which also includes Cyprus. In addition, approximately 360 000 Norwegian tourists visit Greece and Cyprus every year. There are eight honorary consulates in Greece and one honorary consulate-general in Cyprus. The embassy and consulates have a heavy consular workload all year round. They deal with most types of consular matters, the most common being paternity cases, solemnisation of marriage, registration of divorces, deaths, accidents, arrests and detention, various health and social welfare matters, including mental illness, substance abuse and compulsory committal, as well as repatriation, loss of passports and emergency loans. The embassy also deals with inquiries from the Greek police concerning verification of Norwegian travel documents on a regular basis, and provides assistance and advice to Norwegians who are the aggrieved party, a witness or the defendant in a court case.

A total of 20 people work full time on consular matters in the Ministry of Foreign Affairs. In addition, a number of people are involved in legal, communication-related and other aspects of consular matters. Including the administrative support functions, it is estimated that the Foreign Service uses some 200 person-years to assist Norwegian citizens abroad.

All individual decisions of the public administration may be appealed in accordance with the Public Administration Act.¹⁰ This also applies to decisions relating to consular matters. Some appeals are to be dealt with by the ministry concerned or other competent agency, for example appeals concerning the issuing of passports are to be dealt with by the Police Directorate. Every year the Ministry of Foreign Affairs receives a few dozen complaints concerning consular matters. Most of them are complaints about legislation. Only a few of them concern the treatment of a person in need of assistance. Nonetheless, the For-

¹⁰ Act of 10 February 1967 No. 10 relating to procedure in cases concerning the public administration (the Public Administration Act).

Box 2.4 Honorary consulates

Norway's aspiration for its own consular service triggered the dissolution of the union with Sweden in 1905. To begin with, the consulates had close links with Norwegian shipping and dealt with the shipping industry's need for assistance. They were therefore concentrated in port cities. Dealing with the shipping industry's needs is still an important part of the workload of many consulates, but the focus is increasingly on assistance to individuals and the Norwegian business sector.

Both tasks and workload vary considerably according to the consulate's location and the number of Norwegians there. Some consulates in remote locations have very little work in connection with Norwegians in need, whereas others use most of their resources on such tasks.

The honorary consuls perform their duties for Norway and Norwegian citizens without any remuneration from Norway. Only costs in connection with duties performed in their official capacity and, in some cases, office expenses are covered by the Norwegian authorities. An important part of the honorary consulates' duties and income has been in connection with immigration and passport matters. The work in these areas has been reorganised, and the Ministry of Foreign Affairs is currently considering how many honorary consulates Norway should have, what tasks they should perform and how they should be financed. Norwegians' travel habits and need for assistance are important considerations in this assessment.

The need for a consular presence and the type of consular services required will be taken fully into account in the planning of the Foreign Service's future structure, including the network of career missions and honorary consulates.

eign Service takes all complaints seriously, values all constructive feedback, and seeks to apply lessons learned to provide even better consular services in the future.

A small percentage of these inquiries concern allegations of various forms of corruption. There is zero tolerance for corruption in the Foreign Ser-

vice, and a whistleblowing channel has been established for registering anonymous inquiries and following them up in an appropriate manner.

Requests have occasionally been made for an open hearing in the Storting on the way the Foreign Service has dealt with a specific consular matter. However, on the basis of written information from the Ministry of Foreign Affairs, the Standing Committee on Scrutiny and Constitutional Affairs found that there was no need for a hearing in these cases.

The costs connected with consular tasks are covered over the regular operating budgets of the Ministry of Foreign Affairs and the diplomatic and consular missions. On several occasions, the Ministry has reallocated personnel and economic resources in connection with particularly demanding consular matters. Substantial economic and personnel resources have been used in special cases, such as that of the two Norwegian citizens who have been sentenced to death in DR Congo. In extraordinary situations, for example in connection with the tsunami in 2004 and the evacuation from Lebanon in 2006, the Storting has allocated extra funds for assisting Norwegians abroad.

Box 2.5 Lessons learned

A Norwegian citizen became entangled in a legal nightmare in the Philippines and was unable to leave the country. His case became publicly known in 2004 through a series of articles in a Norwegian newspaper. It came to light that the Foreign Service did not have a good enough understanding of or failed to deal with a number of fundamental issues at any early enough stage, and that it failed to ensure adequate transfer of information due to staff rotation. This case has since been used in in-house training in the Ministry of Foreign Affairs in order to improve the Foreign Service's ability to provide adequate, timely assistance.

3 International cooperation in the consular field

International cooperation in the consular field is based on the *Vienna Convention on Consular Relations*,¹¹ supplemented by other multilateral and bilateral agreements.

3.1 Nordic cooperation in the consular field

The Nordic countries have cooperated closely in the administrative and consular fields ever since the Nordic Passport Union was established¹² and the Helsinki Treaty concluded. There has also been close cooperation between the Nordic foreign services, both at ministry level and between the diplomatic and consular missions in third countries.

With the exception of Iceland, which has limited opportunities to provide consular services because of its size, all the Nordic countries provide roughly the same type and level of consular services. There are, however, differences as regards internal organisation and resource use.

The Nordic countries cooperate closely on an ongoing basis in the consular field. Nordic working groups have been established in a number of consular areas, and senior officials from the five countries meet on a regular basis to coordinate their activities and exchange information. There are also exchanges of officials between the for-

Box 3.1 The Nordic Passport Union

The Nordic Passport Union was established on 1 July 1954. It allows citizens of the Nordic countries to travel freely across borders in the Nordic region without carrying a passport, and to reside anywhere in the region without a residence permit.

¹¹ Cf. Box 2.1.

¹² Cf. the Protocol of 1 July 1954.

Box 3.2 Nordic cooperation in the consular field

In autumn 2010, the Norwegian Embassy in an African country was informed that a Danish citizen had been arrested for having overstayed his tourist visa. The Norwegian Embassy immediately contacted the Danish Embassy in the closest African country. After obtaining the Danish Embassy's approval, the Norwegian Embassy contacted a local lawyer and the authorities of the country where the Danish citizen was being detained. The Danish citizen was released on bail one month later and left the country a few days after that. The Danish authorities have expressed their appreciation to the Norwegian Embassy for its assistance in the matter.

eign ministries. Diplomatic and consular officers posted abroad from the Nordic countries have local meetings to keep in contact and coordinate their activities.

The intensity of the consular cooperation between the Nordic diplomatic and consular missions varies from place to place – from physical collocation and joint administrative support functions, to joint visa sections and mutual representation in visa cases, as well as mutual assistance in consular cases in connection with major incidents. The Nordic embassies also generally cooperate closely on crisis management and emergency preparedness.¹³

There is general agreement between the Nordic countries on the importance of further developing and strengthening cooperation in the consular field. A number of measures are being considered, such as closer cooperation on travel documents, common procedures for registering information at the missions, common guidelines for appointing honorary consuls, etc.

¹³ Cf. Chapter 7.2.

Further harmonisation in other areas seems more difficult because of different rules and different ways of organising consular assistance. The various Nordic countries' different forms of association with the EU also set limits on the extent to which Nordic consular cooperation can be formalised.

3.2 Consular cooperation with the EU

The EU has been seeking to improve coordination and cooperation in the consular field within the Union for a long time. However, the EU has encountered many of the same problems as the Nordic region, such as lack of harmonisation of legislation and differences in the practical organisation of consular assistance.

Under the Treaty of Lisbon,¹⁴ every citizen of the Union is, when in a country where the member state of which he or she is a citizen is not represented, entitled to protection by the diplomatic or consular authorities of any other EU member state on the same conditions as the citizens of that state. With this in view, an effort is being made to facilitate the exchange of information and improve coordination of the EU member states' national efforts in the consular field and in the field of crisis management. A number of the EU countries are reluctant to accept a greater degree of supranationality in the consular field.

So far consular matters are not part of the portfolio of the EU's new common foreign service, the European External Action Service (EEAS). No section or other entity for dealing with consular matters has been established in the organisation. The aspirations and needs of the various EU countries differ as regards the role the EEAS should play in consular matters. Several of the smaller countries would like EU representations in third countries to have responsibility for consular matters as well, while larger countries such as France, Germany and the UK are not

interested in this. Thus, any extension of the EEAS's role to include consular matters is some way in the future. The Nordic countries agree that developments in the EU must not prevent closer Nordic cooperation in the consular field.

There is a growing tendency in the EU to view the diplomatic and consular missions' work with applications for entry and residence in Schengen countries as being related to the assistance provided by these countries to their own citizens abroad. However, the EU member states have made more progress in coordinating procedures for dealing with immigration cases. Common rules for processing and issuing short-stay visas are already in place in the Schengen area. Norway has formal cooperation arrangements with the EU in this field, but they do not apply to assistance to the respective countries' own citizens.

It is possible that administration of visas may be incorporated into the work of the EEAS in the longer term as there is already a common policy in this area. One of the aims of the EU framework for cooperation in the field of justice and home affairs in the period 2010–2014, known as the Stockholm Programme, is to examine the possibilities of establishing a common European mechanism for issuing visas. Another aim is to establish more Common Application Centres (CAC). Such centres could replace the current system, where all or many of the member states have diplomatic or consular missions in the same city and issue visas to the same territory. It is possible that it will become more common for visa offices that serve the general public to be incorporated administratively into the various countries' missions to the EU, and that these will also provide certain types of consular services. If the EU further develops cooperation in the consular field on the basis of existing cooperation on the administration of visas, this will also have consequences for Norway. The Government will follow the situation in the EU closely and will assess the need for formal association with EU cooperation in this area on a regular basis.

¹⁴ Cf. Article 23 of the Treaty of Lisbon.

4 Who is entitled to assistance, and where and when is it provided

The question of who is entitled to Norwegian consular assistance and where and when it can be provided may at first glance seem quite straightforward. In many situations, however, it is difficult to answer such basic questions, as the group of people in need of assistance is becoming increasingly heterogeneous and they have increasingly high expectations of what they are entitled to.

4.1 Who is entitled to assistance

According to the Foreign Service Act, one of the functions of the Foreign Service is to provide advice and assistance to Norwegian citizens.¹⁵ This means that all Norwegian citizens should be able to expect assistance from the Norwegian authorities when they are abroad. There are, however, certain limitations in the case of Norwegians who are permanently resident abroad. This is discussed in more detail below.

Some categories of foreign citizens are also entitled to certain types of consular assistance. This applies to refugees and stateless persons resident in Norway who hold a Norwegian refugee travel document or an immigrant passport.¹⁶ In such cases it is required that the person concerned is both resident in Norway and possesses a Norwegian travel document. It is also required that he or she has entered the country in which assistance is requested on a Norwegian travel document. If the foreign citizen has been travelling on another travel document, for example one issued by the authorities of his or her country of origin, any request for assistance in a third country must be addressed to the authorities of the country that issued the travel document.

Foreign citizens who have been issued a Norwegian travel document and who use it when travelling back to their country of origin are indicat-

Box 4.1 Which country should provide assistance?

A Chechen who has been granted permanent residence in Norway generally has or is entitled to a Russian passport. If he travels to Turkey on a Russian passport and finds himself in need of assistance, any request for assistance must be addressed to the closest representative of the Russian authorities.

ing to the Norwegian authorities that they no longer need protection in Norway. In such cases, the Immigration Directorate will consider whether the person's refugee status or other type of permit should be withdrawn and their travel document or immigrant passport revoked.

Foreign citizens who use Norwegian travel documents when travelling to their country of origin cannot expect to receive the same assistance they would be entitled to when staying in a third country, as it is highly probable that the authorities of their country of origin would consider such persons to be citizens of that country. If such persons should, for example, be arrested in their country of origin, they will be tried, convicted and sentenced on the same footing as other nationals of the country concerned. In such cases, any assistance provided by the Norwegian authorities will be contingent on the explicit consent of the authorities of the country of origin of the person concerned. Experience shows that, as a general rule, requests to make a visit or provide other assistance are not complied with. Correspondingly, the Norwegian authorities are very cautious about giving foreign authorities access to Norwegian citizens even in cases where they also have another nationality unless the person concerned so requests.

¹⁵ Cf. section 1 of the Foreign Service Act.

¹⁶ Cf. Chapter 8 of the Foreign Service Instructions.

4.2 Where and when assistance is provided

The assistance provided by the Norwegian authorities is also dependent on the country where the person happens to be and whether he or she is there on a short stay or permanently resident abroad.

The largest category of people who receive assistance from the Foreign Service is Norwegian citizens who are resident in Norway who need assistance in connection with short stays abroad.¹⁷ In practice the Foreign Service bases its assessment of where a person is resident on information in the National Population Register.

Box 4.2 Payment of benefits to persons living/resident abroad

Every year approximately NOK 4 billion is paid to persons entitled to Norwegian benefits who are resident abroad. This sum includes all kinds of benefits that are administered and disbursed by the international office of the Norwegian Labour and Welfare Administration (NAV International) to persons living abroad. Most of the disbursements are in connection with old age pensions, disability pensions and widow/widower's pension.

NAV also pays benefits to other categories of persons who are staying abroad, such as:

- Pensioners who commute between Norway and another country and spend up to six months abroad every year
- Family members who are resident in the country of origin of labour migrants from EU countries. A number of them may be entitled to short-term benefits from the National Insurance Scheme, such as health services, child benefit and cash benefits for families with young children.
- Labour migrants from EU countries who are entitled to sickness benefits. They may stay in their country of origin during the period specified in the doctor's certificate. Such persons retain the pension rights they have accrued in the National Insurance Scheme.
- Pensioners resident in Norway who provide for a spouse and children resident abroad

Box 4.3 Unrealistic expectations

A young man on a weekend trip to a major European city calls the Foreign Service Response Centre. He had been out on the town with some friends and became separated from them. He is noticeably under the influence of alcohol and/or drugs and wonders whether the Response Centre can help him find his way back to a hotel whose name he cannot remember. The staff at the Response Centre try to explain that he has to call his friends so that they can find each other. He gets upset and asks why the Response Centre can't use the GPS on his phone to guide him in the right direction. Finally he manages to contact his friends and they help him back to the hotel.

An increasing number of Norwegian citizens reside abroad. Many of them are in close contact with the Norwegian authorities on a regular basis.

Permanent residence abroad has a bearing on the need for assistance from the Norwegian authorities and sets limits to the assistance the Norwegian authorities can provide, both in the country where the person concerned is resident and in third countries. A Norwegian citizen who is resident in Spain has a different status under Spanish law from that of a Norwegian on a charter tour to the Canary Islands. A Norwegian citizen who is resident in France and on holiday in Thailand is not in the same situation as a Norwegian citizen who is resident in Norway and on holiday in Thailand.

The Storting has drawn attention to these differences in Recommendation S No. 265 (2004–2005) on the white paper on the tsunami disaster in South-East Asia and the central crisis management system (Report No. 37 (2004–2005) to the Storting), which reads:

¹⁷ In section 2.1 of the National Insurance Act, "resident in Norway" is defined as follows: a person who intends to stay, or has stayed, in Norway for at least 12 months. A person who moves to Norway is deemed to be resident in Norway from the date of entry into the country. A condition for membership of the National Insurance Scheme is that the person concerned is lawfully resident in Norway. In the event of a temporary absence from Norway for a period that is not intended to exceed 12 months, the person concerned is still deemed to be resident in the country.

Box 4.4 Mental illness

The Foreign Service has to assist Norwegian citizens who are, or become, seriously mentally ill outside Norway more and more frequently. Persons suffering from serious mental illness are often particularly vulnerable and it may be difficult to help them. Therefore a special scheme, administered by the County Governor, has been established for assisting and repatriating Norwegians abroad who are suffering from such illness. An assessment of whether the person concerned should be repatriated is made by medical personnel, and repatriation is conditional on the consent of the person concerned. In recent years, 15–30 mentally ill Norwegian citizens have been repatriated to Norway. Persons suffering from a serious mental illness who are unable to take care of themselves abroad may be denied a passport or have their passport revoked when they return to Norway. As a general rule, this is only done in cases where a person has been in this situation on more than one occasion.

“The Committee has noted, and concurs, that Norwegian citizens who are permanently resident abroad are a special case and that they cannot expect the same assistance as Norwegians who stay in a country for a short period of time.”

How this is followed up will in practice depend on whether it is a matter of ordinary assistance in individual cases or assistance in connection with a crisis.¹⁸

Norwegian citizens who are permanently resident abroad often contact the Foreign Service and ask for assistance vis-à-vis the local authorities in the country of residence. As a general rule, Norwegians who are resident abroad should be on more or less the same footing as others who are resident in the country as regards both rights and obligations. Correspondingly, foreign citizens who are lawfully resident in Norway are increasingly being accorded the same treatment as Norwegian citizens. This means that Norwegians who are permanently resident abroad will be given lower priority than Norwegians on a short stay abroad if they need assistance. Thus, Norwegian diplomatic and consular missions will refer Nor-

wegians who are permanently resident in the host country to the local authorities where it is possible and natural to do so.

There is also an increasing number of Norwegian citizens who are permanently resident abroad who have a greater need for assistance or are suffering from a mental illness and who have rights under Norwegian legislation. It can be difficult for such persons to deal with the many different authorities in Norway, and they often have considerable need for assistance from the diplomatic and consular missions. For this reason, the Government will give priority to the work being done to make it easier to contact the appropriate authorities in Norway and to coordinate the various services.

The assistance provided will also vary according to the country concerned. In the Nordic countries, assistance is provided by the local authorities, for example on the basis of the Nordic Convention on Social Assistance and Social Services¹⁹ and the Nordic Convention on Social Security.²⁰ Within the EEA, there are a number of rules that affect what kind of assistance the Norwegian authorities may provide.

Occasionally there have been allegations of differential treatment in consular cases on the basis of ethnic origin or social status. Such differential treatment is not acceptable. Consular assistance is provided in accordance with requests for such assistance and within the framework provided by international, local and Norwegian legislation. At the same time, it is important to be aware that no two consular cases are the same and that it is not possible or appropriate to deal with all cases in the same way.

4.3 Openness and information to the general public

Some Norwegians have an unrealistic idea of what kind of assistance they can expect from the Norwegian authorities if they should encounter difficulties abroad. Some seem to believe that the level of assistance is the same as that provided in Norway, regardless of national and local legislation and Norway’s consular representation at the place in question.

In the Foreign Ministry’s view, it is important to reduce the gap between the consular services offered and the public’s expectations. An effort is

¹⁸ Cf. Chapter 7.

¹⁹ Nordic Convention of 14 June 1994 on Social Assistance and Social Services.

²⁰ Nordic Convention of 18 August 2003 on Social Security.

Box 4.5 Official travel advice

There are two main types of official travel advice in Norway: the travel advice provided by the Foreign Ministry, and the information for travellers on health issues provided by the Norwegian health authorities.

The Foreign Ministry publishes official travel advice in cases where there is reason to caution Norwegians against travelling to a specific country, area or region, or advise them to leave that place. This is generally because of war, war-like situations or other forms of unrest that, on the basis of an overall assessment, indicate that Norwegian citizens should not travel to the place in question or stay there. Official travel advice is issued and withdrawn on the basis of a concrete assessment of the individual situation.

The Norwegian health authorities publish advice on health issues to Norwegian citizens travelling abroad on their websites. There are links to these websites on www.landsider.no. This gives an overview of advice and information from the Norwegian authorities designed for Norwegians who are travelling abroad or who plan to do so.

being made to do this by actively disseminating general information to the public and practising openness in relation to the various consular cases being dealt with within the limits imposed by considerations of privacy.

Proper preparation is important for a successful trip abroad, regardless of the destination and the duration of the stay. Experienced travellers will generally have obtained information about the destination and thought through what they would do if a difficult situation should arise. It is important to have valid insurance that covers all eventualities, as well as up-to-date information about what assistance can be expected from the Norwegian authorities.

The Foreign Service publishes information and practical advice, as well as official travel advice, on www.landsider.no. The Ministry of Foreign Affairs will seek to ensure that the travel advice is useful and up-to-date and that it is coordinated with the information provided by the other Nordic countries. The website www.landsider.no has links to the websites of the various diplomatic and consular missions, where more country-specific information can be found. These webpages

are updated on a regular basis and the introduction of new services is being considered. The Ministry is also considering the possibilities offered by new technology and social media to facilitate dialogue and disseminate information quickly to a larger number of people.

An information brochure on the assistance Norwegians can expect when abroad has been published, which also includes travel tips. The brochure is distributed via the diplomatic and consular missions and will be made available to the general public by other means as well. It can also be downloaded free of charge from the Internet.²¹

The Foreign Ministry has also developed an online form to be used by Norwegians travelling abroad to register where they are staying abroad. This can be accessed via www.landsider.no (click on *reiseregistrering* for the online form – Norwegian only). This will make it easier for the Foreign Service to get in contact with Norwegians in the event of a crisis. The Foreign Ministry is also planning to develop a system for registering email addresses that can be used to send information to Norwegians in non-crisis situations. It is recommended that everyone who is planning to travel to countries outside Europe and North America should register their whereabouts. Those who plan to stay abroad for a longer period, such as students and other persons permanently resident abroad, are also advised to register. The information provided will be dealt with in accordance with the Per-

Box 4.6 The Foreign Ministry's travel tips

1. Do not set out on a trip abroad without a valid passport and travel insurance
2. Register your destination
3. Show respect for local customs
4. Listen to experienced travellers
5. Be equipped to deal with a crisis
6. Remember your visa and vaccinations
7. Keep away from dangerous situations
8. Turn back in time
9. Save money and obtain new funds if necessary
10. A well planned trip can be the experience of a lifetime.

Have a good trip!

²¹ See www.landsider.no.

Box 4.7 Services and assistance provided by the Norwegian Church Abroad to Norwegians abroad in 2010:

Solemnisation of marriage*	877
Social welfare cases**	1599
Visits to sick Norwegians in hospital and at home	5086
Visits to Norwegians in prisons	109
Funerals/memorial services	153

* In addition to this is the service of blessing on marriage after a civil wedding ceremony in places where the chaplain is not authorised to perform marriages.

** Many of these cases are dealt with in cooperation with and at the request of the Foreign Service.

sonal Data Act.²² It will not be disclosed to third parties, and will be deleted soon after the person's stay abroad has ended. Those who have registered their personal data have full access to this data and may change it at any time. Such registration is extremely important to enable the Foreign Service to provide rapid and effective assistance in a crisis situation. At the same time it is important to note that such registration alone is not sufficient in the event of a crisis. Other information channels will also be used should a crisis arise.

It can be difficult to provide adequate, correct information to the people who need it most. The Government therefore intends to intensify its information efforts in the time ahead, for example by expanding the existing cooperation with other organisations that deal with Norwegians abroad, such as the Association of Norwegian Students Abroad (ANSA) and the Norwegian State Educational Loan Fund. The Government will also increase its contact with other actors and organisations, such as the Confederation of Norwegian Business and Industry (NHO), Finance Norway (FNO) and the Norwegian Shipowners' Association, and will consider the possibility of making greater use of new technology and social media in its information efforts.

There has been close cooperation between the Foreign Service and the Norwegian Church Abroad for a long time, but this cooperation was not formalised until 2008, when an agreement was concluded between the two. This agreement was recently

extended and expanded and provides a good basis for further cooperation in consular cases.

This has not affected the annual operating grant provided by the Ministry of Government Administration, Reform and Church Affairs to the Norwegian Church Abroad. According to the agreement between the Foreign Ministry and the Norwegian Church Abroad, the two organisations are to cooperate with a view to safeguarding the welfare of Norwegian citizens abroad. The two organisations have different roles and they supplement each other. The Norwegian Church Abroad is an NGO affiliated with the Church of Norway. It has approximately 50 churches/missions in more than 80 countries on all continents. There are a number of examples of cases where the Foreign Service and the Norwegian Church Abroad have joined forces to provide assistance to Norwegians in connection with a disaster, for example when the Air France aircraft crashed into the Atlantic Ocean on its way from Rio in 2009, and in difficult individual cases, such as that involving two Norwegians sentenced to death in Congo and the students in Budapest after the tragic murder of a Norwegian citizen in August 2010.

4.4 Notification of suspected benefit fraud

The diplomatic and consular missions occasionally become acquainted with information that gives grounds for suspicion, for example, of benefit fraud. This may be in connection with an application for a new passport where it transpires that the person concerned has not been in Norway for a long time, and is receiving benefits from the Norwegian authorities that he or she is thus not entitled to. The missions are not authorised to investigate such cases. At the same time information about such cases is of great interest to the competent Norwegian authorities, particularly NAV. The provisions of the Personal Data Act do not prevent the authorities from obtaining information from a diplomatic or consular mission under the National Insurance Act.²³ At the same time the relationship between the missions and the people requesting assistance must be one of mutual trust. In the light of this, the Government will continue to encourage the missions abroad to inform the competent Norwegian authorities in cases where they have reliable information that gives grounds for suspicion of benefit fraud.

²² Act of 14 April 2000 No. 31 relating to the processing of personal data.

²³ Cf. section 21.4 of the National Insurance Act.

5 Assistance in critical situations

The assistance provided by the Foreign Service to Norwegians abroad may be divided roughly into two categories. The first is assistance in critical situations in connection with accidents, illness, death, arrest or detention, etc., and the follow-up of such cases. The second is in connection with administrative tasks, such as issuing passports, solemnising marriage, performing notarial acts, etc. The second category of assistance is generally provided by the diplomatic and consular missions on behalf of other Norwegian public institutions or as authorised by such institutions. This type of assistance is dealt with in Chapter 6. The missions also provide assistance to Norwegians in crisis situations, and this is discussed in Chapter 7.

For many Norwegians, the first encounter with the Norwegian Foreign Service is due to an unforeseen incident during a trip abroad, such as illness, an accident, theft or death. The Foreign Service always gives priority to assisting people who have an acute need for help, regardless of where they happen to be or the time of day or night. The Foreign Service Response Centre can convey information and put the closest embassy or consulate in contact with a person in distress when necessary.

The Norwegian authorities do not keep regular statistics on Norwegians who are involved in accidents abroad. Figures from Finance Norway show, however, that there were more than 260 000 accidents in 2010, an increase of more than 13% over the previous year. More than NOK 1.3 billion was paid out in damages.

5.1 Accidents

Many Norwegians who are involved in accidents abroad contact the Foreign Service in connection with treatment by a doctor or at a hospital. All embassies and consulates are required to have an overview over doctors and hospitals in the area. The missions cannot, however, guarantee the quality of the services these doctors and hospitals provide. Insurance companies generally have their own lists of hospitals they recommend, and

Box 5.1 Travel insurance is essential

Many people have accidents in mind when they consider the need for travel insurance. It is, however, important to check exactly what such insurance covers – and what it doesn't. For example, ordinary travel insurance does not cover accidents that occur in connection with extreme sports or expenses in connection with illnesses known to the insured person before starting on the trip. There are big differences between the various types of insurance. A year-round travel insurance generally provides much better coverage than a one-off insurance policy that is sold together with another product as an extra service.

sometimes even require their clients to use them in order to have their expenses reimbursed.

The assistance provided by the Foreign Service after a person has been treated by a doctor or at a hospital is mainly in the form of help to contact family members, relevant hot-lines, insurance companies and, if appropriate, the Norwegian Labour and Welfare Administration (NAV) and the Norwegian Church Abroad.

Sometimes Norwegian citizens abroad expect, and even demand, that the Norwegian authorities cover both medical expenses and their return ticket to Norway. The Foreign Service does not, however, have funds available for such purposes. Therefore it cannot cover such expenses or provide a guarantee for such expenses unless the person concerned, a family member, an employer or some other person provides a guarantee. If there is no one who can provide a guarantee for such expenses, a mission may in certain cases grant the person concerned an emergency loan.

Likewise, the Foreign Service may not reimburse expenses for search or rescue operations involving Norwegians who are missing in connection with an expedition abroad. In such cases, too,

Box 5.2 Emergency loans

Only after all other means have been exhausted may a diplomatic or consular mission grant an emergency loan, which will normally be for transport back to Norway at the earliest available opportunity. An emergency loan may not be given to enable a person to continue their holiday or a stay abroad for other reasons. In order to be eligible for an emergency loan for transport back to Norway, the person concerned must be a Norwegian citizen, have a permanent address in Norway and receive a fixed salary, pension or social security benefits in Norway. Applications for loans must be made on the prescribed form, and the applicant must confirm that he or she consents to regular deductions being made from his or her income, social security benefits or pension to repay the loan. If an emergency loan is not repaid as agreed on return to Norway, the amount will be collected by the tax authorities, who will deduct it from earned income, pensions or social security benefit payments.

any assistance will be confined to notifying and following up the matter with the competent local authorities in the country concerned.

Box 5.3 Search and rescue operations

The responsibility for search and rescue following accidents or natural disasters lies with the authorities of the country concerned, whereas the Norwegian authorities are in control of and responsible for any rescue operations carried out in areas that fall under Norwegian search and rescue jurisdiction. The priorities set by the authorities in another country may differ from those many Norwegians would consider to be reasonable and prudent. This may be due to different traditions, different ways of organising rescue operations or differences in terms of available resources. It is important that Norwegians are aware that any expenses incurred in connection with search and rescue operations abroad are not covered by ordinary travel insurance.

5.2 Illness

As a general rule, Norwegian citizens are not entitled to medical treatment abroad. This does not, however, apply to stays in another Nordic country or temporary stays in another EEA country²⁴ or Switzerland.²⁵ In such cases, Norwegian citizens are entitled to reimbursement of expenses for any medical treatment required during their stay on an equal footing with citizens of the country concerned on presentation of a European health insurance card certifying that he or she is a member of the Norwegian National Insurance Scheme.²⁶ If a need for medical treatment should arise during the trip and the person concerned has not taken such a card with them, they may contact the HELFO service centre, which will issue a temporary card and send it to the institution providing treatment. The temporary card entitles the holder to the same rights as the health insurance card. It is important to be aware that not all European countries have the same health service standards as Norway.

Medical expenses incurred during temporary stays outside the EEA/Switzerland are not covered by the Norwegian authorities or the authorities of the country concerned.

Norwegian citizens who have moved away from Norway are not entitled to reimbursement of medical expenses regardless of their place of residence as they are no longer members of the Norwegian National Insurance Scheme. Persons who have resided or intend to reside abroad for more than 12 months, or for more than six months a year over a period of two years or longer, are considered to have moved away from Norway. This does not apply for example to students who are financing their studies abroad through the Norwegian State Educational Loan Fund, or to persons who have been granted voluntary membership of the National Insurance Scheme.²⁷

It is therefore essential that persons travelling or staying outside the EEA/Switzerland for extended periods have travel insurance.

²⁴ In accordance with the Nordic Convention on Social Security and the EEA Agreement, respectively.

²⁵ <http://www.helfo.no/privatperson/Sider/eos-landene.en-GB.aspx>.

²⁶ A European health insurance card may be obtained from the Health Economics Administration (HELFO).

²⁷ For example, the Embassy in Bangkok makes advances of about NOK 12 million every year for treatment and return transport for Norwegians who become ill while in Thailand.

Box 5.4 Illness abroad

The vast majority of travel insurance claims are related to illness abroad. In 2010 there were more than 83 000 claims for compensation in this category, totalling NOK 594 million. Since 2005, this type of compensation has more than doubled measured in constant prices. Compensation for illness while travelling is increasing much more quickly than compensation for other losses due to theft and lost baggage, trip cancellation and accidents.

In 2010, travel insurance compensation payments totalled NOK 1.36 billion, and there were a total of 260 000 claims. The second highest category was compensation for losses due to theft and lost baggage, which totalled NOK 296 million. This was followed by trip cancellation claims, totalling NOK 203 million, and accident compensation claims, totalling NOK 130 million.

Although the Foreign Service does not have resources to cover hospital expenses incurred by Norwegians abroad, the missions may provide a financial guarantee to cover such expenses provided the patient, a relative or other person has deposited sufficient funds with the Ministry of Foreign Affairs beforehand. The same applies with regard to return transport to Norway in the event of serious illness.²⁸ Both hospital care and return transport to Norway can be extremely expensive. For example, emergency treatment for a heart attack at a private hospital in the US may cost several hundred thousand Norwegian kroner. The cost of transporting a patient back to Norway in a hospital bed, accompanied by medical personnel, is in the same range.

An increasing number of Norwegians are travelling abroad on their own initiative to try out new and often untraditional treatment methods because they consider the treatment available in Norway insufficient. For example, clinics in a number of countries offer experimental cancer treatment that Norwegians may be interested in. It is important to be aware that travel insurance does not cover expenses in connection with illnesses known to the insured person before start-

ing on the trip. Thus, private trips abroad for medical treatment entail a considerable financial risk.

5.3 Theft

Various types of theft are very common in many countries, not least in many typical tourist destinations. The Foreign Service is not always involved in cases involving theft of money, credit cards and mobile phones, as the persons concerned often contact their bank and insurance company and the police themselves.

In cases where a traveller's passport is stolen, however, the assistance of a Norwegian diplomatic or consular mission is required to obtain a new passport or other travel document.

The Foreign Service can also provide travellers with advice and guidance in other areas where they are unable to resolve their problems on their own.

5.4 Arrest and prosecution

Sometimes Norwegians are arrested while they are abroad. The grounds for the arrest may be anything from suspicion that the person has overstayed his or her visa to allegations of sexual assault or murder. If a diplomatic or consular mission learns that a Norwegian citizen has been arrested, it will give the matter high priority. The mission will seek to ensure that the person's right to due process is respected, but will not interfere in the case itself or take a position on the question of guilt. The mission can, however, assist the arrested person by contacting family members and others he or she may wish to speak to. The mission will also ensure that the arrested person has access to a lawyer or legal aid in accordance with the rules and procedures applicable in the country in question. If a lawyer has not been appointed, the mission may provide the person concerned with a list of lawyers and help establish contact with them. The Foreign Service may not, however, recommend a specific lawyer or pay for legal expenses or other legal aid.

Norwegian citizens who are accused of serious criminal offences or are the victim of a serious crime abroad (see Chapter 5.5) may apply to the County Governor in Oslo and Akershus for free legal aid.²⁹ The mission can assist in forwarding applications for such assistance. Legal aid may

²⁸ This does not apply to the Nordic countries, as extra expenses for return transport from these countries in the event of illness may be reimbursed.

²⁹ Act of 13 June 1980 No. 35 relating to free legal aid.

cover expenses for legal expenses in the country in question and other expenses connected with any judicial proceedings. In certain cases, expenses related to the assistance of a Norwegian lawyer may also be covered. Free legal aid is generally only provided to persons whose income and assets are below a certain level. If there are legal aid arrangements that cover legal assistance in the country in question, the person concerned must avail him- or herself of those. There seems to have been some doubt in certain cases as to whether the Norwegian legal aid system covers legal aid provided abroad. The Ministry of Justice and Public Security will therefore consider whether there is a need to amend the Act relating to free legal aid in order to clarify this point.

If the diplomatic or consular mission is in reasonable proximity to the prison, it will generally also be able to assist in transferring money so that the arrested person can buy necessary items and services while in custody. The mission will not provide translation services, neither simultaneous interpretation nor translation of documents, in connection with court proceedings. In all countries, it is the responsibility of the prosecuting authority to ensure that persons charged with an offence understand the proceedings. In civil cases it is up to the parties to produce certified translations of the documents concerned.

The Norwegian authorities can only provide assistance if the mission has been informed of the arrest and the arrested person wants such assistance. This is not always the case. When Norwegian citizens are arrested abroad, the Norwegian authorities are not automatically informed of the matter,³⁰ as it is up to the arrested person to request that this be done. Moreover, sometimes the arrested person does not want any contact with the Norwegian authorities.

Despite extensive efforts in recent decades to promote human rights and the rule of law across national borders, legal systems and due process guarantees vary from country to country. Norwegian citizens who are arrested and detained abroad cannot expect the same standards as in Norway.

In cases where Norwegian citizens abroad are suspected of and perhaps subsequently charged

for a serious criminal offence, the Norwegian authorities may become involved in various ways. In some cases, the Norwegian police authorities may, subject to certain restrictions, initiate an investigation.³¹ The Norwegian authorities may, in cooperation with the local authorities, assist in establishing the facts of the case provided that they have information that is relevant for the investigation. The Norwegian authorities may also be requested to provide legal assistance. In recent years, international police cooperation has been intensified and there is closer cooperation between foreign and Norwegian police and prosecuting authorities, including in cases where Norwegians are under criminal prosecution abroad. Such cooperation involves Norwegian police liaison officers who are attached to the embassies, and it is important to clarify the roles to be played in relation to the consular assistance provided by the Foreign Service. In cases that go on for some time or are complex, it may be difficult to find a balance between various Norwegian considerations. The Government is seeking to improve coordination in such cases.

The Norwegian authorities set clear limits to the right of foreign states to intervene in legal proceedings before Norwegian courts.³² Likewise, they show great caution about going into the legal aspects of cases that are being prosecuted before foreign courts. However, the Norwegian authorities may become more actively engaged in cases where Norwegian citizens are involved and the criminal process is obviously unsatisfactory, there is gross differential treatment, or human rights are being violated.

5.5 Serious criminal cases

Norwegian citizens abroad are occasionally subject to gross violence, such as rape or murder, for example in connection with crimes for gain. The need for assistance varies considerably according to the type of crime, where in the world it took place and how long ago. The Foreign Service always gives priority to such cases. The assistance provided by the diplomatic and consular missions primarily involves contact with relatives, and if necessary with local welfare services and the Nor-

³⁰ It follows from the Vienna Convention on Consular Relations that States are not entitled or obliged to contact the authorities of the receiving State when a foreign national is detained. This does not, however, apply to the UK or Russia because of special bilateral agreements. Persons who are detained, on the other hand, are entitled to contact consular representatives of their own country (cf. Article 36).

³¹ Cf. section 12 of the Penal Code.

³² According to the principle of territoriality in international law, the receiving State is entitled to exercise authority by enacting legislation, rendering judgments and employing coercive measures within its own territorial limits.

wegian Church Abroad. It may also be appropriate to establish contact with the local police and the judicial authorities, and with a lawyer if the victim so chooses.

Judicial procedures and views of the seriousness of various crimes vary greatly from country to country. This applies not least to cases involving violence against women. Reporting cases of rape and other forms of violence against women to the police and judicial authorities in certain countries may put a great strain on the victim. Because of differing views of the victims' legal status, particularly if they are women or children, some people choose not to pursue a case any further abroad even though they would have done so in Norway.

The authorities of the country where the crime was committed are responsible for investigating and prosecuting the case. In murder cases, relatives may have a need for contact with the victim's local police in Norway, and the Norwegian police authorities may also have information that is relevant to the investigation being carried out by the foreign authorities. Such contact is generally in the form of cooperation between the prosecuting authorities of the two countries. This cooperation is subject to the approval of the country conducting the investigation and it must be in accordance with existing legislation and agreements. Foreign police authorities may request assistance from their Norwegian colleagues through police channels. In some cases, vital time and information can be lost and important investigative steps impeded because a request from another country is received too late or not at all. With a view to assisting relatives as best possible and helping to solve the case in the best possible way, the Foreign Service and the National Criminal Investigation Service (Kripos) will develop new routines for notifying family members when Norwegian citizens are killed abroad. This will enable the Norwegian police to contact relatives quickly and to offer assistance and information on their own initiative to the foreign police authorities investigating the case.

Criminal prosecution is difficult in cases where Norwegian citizens are injured or killed abroad and the suspect is from a third country and manages to return to that country after committing the crime. Regardless of whether there are convention obligations or an extradition agreement with the third country in question, most countries, including Norway, have provisions in their domestic legislation that prevent them from extraditing their own citizens to a foreign state.³³

As long as the suspect remains in his or her country of origin, the only option may be to transfer criminal proceedings to that country. However, this is not possible in cases where there is insufficient information or where the prosecuting authority of the country where the crime was committed does not wish to transfer the proceedings to that country. There may be a number of reasons why a country does not wish to transfer proceedings to the suspect's country of origin. For example if that country practises the death penalty. In such cases, the only solution is to issue international bulletins with a view to apprehending the suspect in connection with a trip abroad and for him or her to be extradited to the country where the crime was committed, alternatively for the suspect to return to that country voluntarily.

The Norwegian authorities are strongly engaged in international efforts to abolish the death penalty. In cases where Norwegian citizens are sentenced to death abroad, or are indicted for crimes that may carry the death penalty, the Norwegian authorities will underscore Norway's opposition to the death penalty as a matter of principle and request that the sentence not be carried out. The possibility of the perpetrator being sentenced to death will affect cooperation on the investigation with the country concerned as the Norwegian authorities will not provide information or other evidence that enhances the possibility that a person will be sentenced to death.

5.6 Piracy

In recent years there has been an increase in piracy, particularly in the sea areas off the coast of Somalia. On several occasions, attempts have been made to board ships with ties to Norway.

Shipping today is truly international. The crew members are often from a number of different countries, the ship may be owned and operated by another country, and it may be registered under the flag of yet another country. Under international law, if a ship is attacked by pirates, the primary responsibility for dealing with the situation lies with the flag state. If there are Norwegian citizens among the crew, the Government will seek to ensure that they are released, regardless of the flag state. In other cases, for example where the ship's ties to Norway are primarily commercial, the Norwegian authorities will play a less promi-

³³ Norway may only extradite its own citizens to other Nordic countries.

nent role unless there are special circumstances indicating that they should do otherwise.

5.7 Serving a sentence abroad

As of 1 April 2011, there were about 60 Norwegians serving prison sentences in other countries.³⁴ They are in prisons all over the world. The Foreign Service seeks to visit Norwegian inmates in foreign prisons as often as possible if the persons concerned so wish. However, some of the prisons are located far from any Norwegian diplomatic or consular mission, which makes frequent visits difficult. There are a number of other factors that determine how many visits Norwegian inmates can expect, such as the size of the staff at the nearest mission, whether special permission is required, security considerations, etc. The Norwegian Church Abroad and other NGOs also carry out such visits.

Norwegian citizens serving sentences in other countries cannot expect standards that are higher than the general prison standards in the country in question. In many prisons, however, inmates may purchase items and services that make their situation easier. In many cases, the Foreign Service will be able to assist in transferring funds provided by relatives or others to the inmate.

Once there is a final judgment, the convicted person may apply to be transferred to Norway to serve his or her sentence. Such applications may be sent via the nearest Norwegian embassy to the Ministry of Justice and Public Security for consideration.³⁵ The Council of Europe Transfer Convention, which Norway is party to, has been ratified by 64 member states. Norway has also entered into a bilateral agreement on the transfer of sentenced persons with Thailand and a similar agreement with Romania. The Norwegian authorities may also enter into transfer agreements in individual cases, for example in cases where Norwegians are serving a sentence abroad under difficult conditions and wish to be transferred to Norway. Such agreements only apply to a specific case.

³⁴ The Foreign Ministry's statistics on Norwegians serving prison sentences abroad may not be up to date, among other things because some inmates do not want the Norwegian authorities to know that they are in prison and therefore do not contact the Foreign Service. The real figure is therefore probably somewhat higher.

³⁵ Act of 20 July 1991 No. 67 relating to the transfer of convicted persons and the Council of Europe Convention of 21 March 1983 on the Transfer of Sentenced Persons (Council of Europe Transfer Convention).

5.8 Assistance to minors

Every year the Foreign Service is contacted in cases where Norwegian minors³⁶ abroad are in acute need of assistance. Most of these involve a serious disagreement between the parents and the child, or between the parents themselves on a matter regarding the child. Both types of case can be very difficult.

Most of the cases involving disagreement between the parents and the child concern the abandonment of children. For example, immigrants sometimes entrust the care of their child to others, for example relatives, in their country of origin, to ensure that the child is brought up in accordance with that country's culture and values. If the parents have joint parental responsibility and both agree that the child should remain abroad, there is little the Norwegian authorities can do. The Norwegian child welfare service can only intervene in cases of proven neglect when the child is in Norway. Once the child has left the country, the Norwegian authorities cannot formally pursue the matter, even if the child is a Norwegian citizen, without the parents' consent. However, if the Foreign Service learns that a Norwegian child is in a difficult situation abroad, it will generally contact the parents and/or notify the child welfare service in the country in question. Unless the parents give their consent, the Foreign Service will only take further steps in cases where it is deemed that the child's life and health are in immediate danger.

In 2004 a proposal was put forward in the Storting to amend the Child Welfare Act³⁷ to apply also to Norwegian children who are resident abroad. The proposal was not adopted, partly because it would be incompatible with the principle of territoriality in international law.

Norwegian children may also be abandoned for short periods of time, for example because their parents have drug abuse or mental health problems. In such cases care of the children may need to be provided until the parents are once more able to care for them. Several times a year, the Foreign Service has to organise assistance for children who have been abandoned by their parents while on holiday abroad. This is done in close consultation with the tour operator, the Norwegian Church Abroad and, if necessary, the local

³⁶ In Norway, persons under the age of 18 are considered to be minors.

³⁷ Act of 17 July 1992 No. 100 relating to child welfare services (Child Welfare Act).

Box 5.5 Abandoned children

The Foreign Service Response Centre received a call at 04:30 one morning from a representative of a tour operator who said that they were concerned about an 11-year-old. His mother, who had been intoxicated for much of the stay, was nowhere to be found despite the fact that they were due to leave for Norway in a few hours. The Response Centre contacted the child welfare duty officer in the child's county of residence, who arranged for someone to fetch the child on arrival at the airport in Norway if the mother did not turn up. The Response Centre therefore advised the tour operator to send the child to the airport. The child's mother came back to the hotel just before they were to depart for the airport, but was not allowed to board the plane because she was intoxicated. The child travelled back home with another family and was fetched by his uncle on arrival in Norway. His mother returned on a later flight.

health service, child welfare service or police. In particularly grave cases, the Foreign Service assists in the child's return to Norway, after which the child welfare service arranges for further follow-up.

The Ministry of Children, Equality and Social Inclusion has drawn up guidelines for dealing with cases involving children who have been abandoned abroad,³⁸ and a guide for Norwegian families with children who move abroad.³⁹

Such problems may also arise in connection with forced marriage and female genital mutilation, both of which are criminal offences under Norwegian law.⁴⁰ The Norwegian authorities are very concerned about both these forms of abuse and have drawn up action plans for combating them.⁴¹ In addition to the measures implemented in Norway, such as employing advisers on minority matters at several Norwegian schools, integration advisers have been posted at four Norwegian

³⁸ Cf. <http://www.regjeringen.no/nb/dep/bld/dok/rundskriv/2002/q-1038-b-retningslinjer-for-handtering-a.html?id=109059> (Norwegian only).

³⁹ Cf. http://www.regjeringen.no/nb/dep/bld/dok/veiledninger_brosjyrer/2005/veileder-for-norske-familier-som-flytter.html?id=461431 (Norwegian only).

⁴⁰ Cf. section 253 of the Penal Code and section 1 of the Act relating to female genital mutilation.

Box 5.6 Forced marriage

Seventeen-year-old "Nora", who is a Norwegian citizen and resident in Norway, was taken to her father's country of origin with the rest of the family. There she became engaged to a much older cousin. She did not want to marry him, so she contacted a friend in Norway and told her what had happened. Her friend notified a member of staff at the school, who contacted Nora. The school counsellor also contacted the integration and diversity adviser at the embassy in the country concerned, who followed up the case there. However, as Nora was still under 18 years of age and had to have her father's consent to leave the country, which he refused, it was not possible to help her to return to Norway. Nora contacted the school counsellor again immediately after her 18th birthday. She said that she would soon be forced to move in with her cousin, who had abused her and threatened to rape her. She was in a desperate situation and requested help to leave the country. She would have to leave without her cousin finding out about it. The Embassy arranged transport to the airport and issued an emergency passport, and helped to get her back to Norway. She had to break off all contact with her family.

embassies: Amman, Ankara, Islamabad and Nairobi. Their task is to prevent these practices, for example through networking, and they also give advice in specific cases. If a diplomatic or consular mission becomes aware of a serious risk of such abuse, it will immediately contact the competent authorities in the country concerned and in Norway with a view to preventing a forced marriage or female genital mutilation from being carried out or facilitating the victim's return to Norway.

As of 2009, persons who reside in Norway and were under the age of 25 when they married, and whose spouse is a citizen of a country from which a visa is required to enter Norway, are required to submit to an interview in connection with an appli-

⁴¹ *The Government's current action plans for combating forced marriage and female genital mutilation (2012) are a follow-up to the previous plans in these areas, which covered the period 2008–2011, cf. http://www.regjeringen.no/nb/dep/bld/dok/rapporter_planer/planer/2010/handlingsplaner-mot-tvangsekteskap-og-kj.html?id=670387 (Norwegian only).*

Box 5.7 The Hague Convention

The aim of the Hague Convention is to restore the child's situation to the way it was before the abduction or retention took place. Children abducted from Norway to another country must be returned to Norway so that decisions about their future may be made there. The return of a child does not entail a decision about who will have custody, where the child will live or the extent of access in future. However, in practice it determines which country will deal with these issues.

cation for family reunification. The purpose of this new rule is to identify cases of forced marriage. The interview is generally carried out after the spouse has applied for family reunification, but it may also take place before the marriage is solemnised.

Cases where the parents disagree on what is in the child's best interests can be both deeply distressing and very difficult for everyone involved.⁴²

The Norwegian authorities regularly come into contact with families where the parents have different nationalities and where, after a separation or divorce, they are unable to agree on who should have responsibility for the child. If the child is also of foreign nationality and is staying in that country, the assistance the Norwegian authorities can offer is limited.

Child abduction cases are particularly challenging. These are cases where a child is taken out of the country unlawfully, i.e. in contravention of the parental rights of one of the parents. The term also covers cases where a child is retained abroad following a holiday or access visit, and cases where a child is abducted after being placed in care by the child welfare service. Child abduction by a parent is unlawful under Norwegian law⁴³ and subject to a penalty in cases where the parent who has access rights abducts a child from the parent with whom the child lives permanently.⁴⁴ It is also a criminal offence for parents to

⁴² See Chapter 6.1 for a discussion of the challenges involved in issuing passports to minors.

⁴³ Act relating to the recognition and enforcement of foreign decisions concerning custody of children, etc., and on the return of children.

Box 5.8 Child abduction – amicable settlement

A mother and father had joint custody of their daughter after a family break-up. The mother took the child with her on holiday to her country of origin, but failed to return as agreed. The father contacted the Ministry of Foreign Affairs and the Norwegian embassy and consulate in the country where the child was staying and engaged a lawyer. The honorary consul helped him to find his daughter. The father brought the case before a court and was awarded the day-to-day care of the child. According to the ruling, she was to return to Norway. However, the daughter had dual citizenship, and in the country in question the mother was automatically awarded the care of the child until her seventh birthday. The only solution was to reach an amicable settlement with the child's mother. The father contacted the mother and child and made an agreement with the mother that the child could return home with him. The embassy issued a passport and provided practical assistance in connection with the trip back to Norway.

abduct a child from the child welfare service or foster parents after a care order has been made. Child abduction cases are often very complex because those involved – both parents and children – may have different nationalities. In some cases the legislation of the two countries may come to different conclusions with regard to which of the parents has responsibility for the child. International conventions and agreements have been drawn up to safeguard the best interests of the child in situations where the parents disagree on who is to have parental responsibility. The most important of these is the Hague Convention of 1980,⁴⁵ but there are other agreements as well.⁴⁶

⁴⁴ Cf. section 216 of the Penal Code.

⁴⁵ *The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, incorporated into the Child Abduction Act.

⁴⁶ Cf. the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980, but it is rarely invoked.

A legal settlement is generally reached in cases covered by international agreements. However, as a number of cases illustrate, it can take a long time to reach a decision, and this can be difficult to implement. One reason for this is a lack of expertise in this area of law in the local courts of certain countries.

The most difficult child abduction cases are those between Norway and countries that are not party to the Hague Convention or other international agreements. This includes Middle Eastern countries in particular as well as other countries where the case-law differs greatly from that in Norway. In these cases, the Norwegian authorities can do little more than seek to facilitate arbitration between the parties, put them in touch with local lawyers and, if necessary, issue passports and provide assistance in connection with the child's return to Norway where the applicable national law provides for this.

A total of 43 new cases involving 64 children were registered in 2010. Sweden (18) tops the list of countries to which children were abducted from Norway in the period 2004–2010, followed by the UK (15), the US (12), Denmark (10), Iran* (9), Iraq* (9), Turkey (9), Brazil (8), Spain (8) and the Philippines* (7).⁴⁷

There is reason to believe that the increase in the number of marriages and partnerships between people from different countries will lead to an increase in the number of child abduction cases. The Norwegian authorities are therefore working actively, both internationally and nationally, to prevent child abduction and further strengthen legislation in this field. Information on the Government's efforts and measures to deal with child abduction is available on a special website on the subject.⁴⁸ The Government is also considering the possibility of stopping public benefits and child allowance in international child abduc-

⁴⁷ The countries marked with an asterisk have not acceded to the Hague Convention.

⁴⁸ www.barnebortføring.no.

Box 5.9 Child abduction – legal settlement

A foreign citizen who is resident in Norway had children with two different Norwegian fathers. She was deprived of the day-to-day care of the children by the District Court. Soon afterwards she took the children with her to her country of origin, an island state in the Pacific Ocean. The case was brought before a local court. The judge gave decisive weight to the ruling of the Norwegian District Court and the children were returned to their fathers in Norway.

tion cases. It is also considering practical and financial arrangements for returning minors to Norway without both parents' consent. The Government attaches great importance to preventing child abduction. The Norwegian authorities are for example seeking to persuade more countries to join the Hague Convention of 1980.

The Government's aim is that Norway should also accede to the Hague Convention of 1996.⁴⁹ This convention entered into force in 2003 and supplements the child abduction conventions with provisions governing parental responsibility and a number of procedural measures for protecting children. An interministerial committee is in the process of reviewing the Children Act, the Child Welfare Act, the Guardianship Act and the legislation relating to the administration of justice to determine whether Norwegian legislation would need to be amended if Norway were to become party to the convention.

⁴⁹ Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

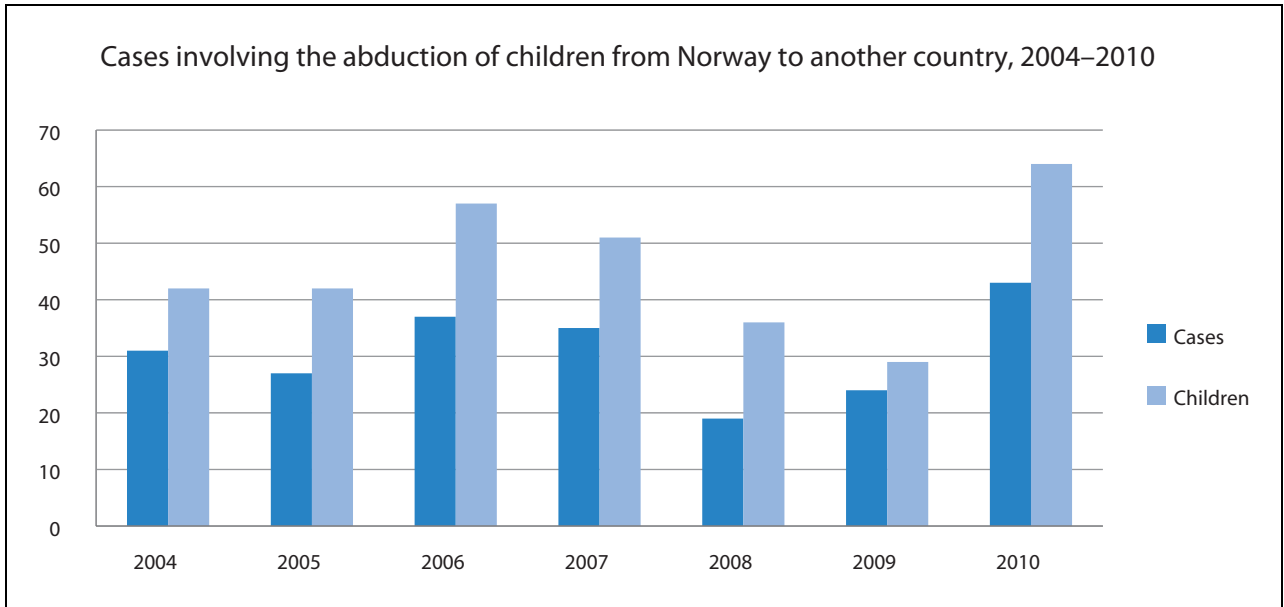


Figure 5.1

6 Administrative assistance

Most consular matters involve routine administrative tasks, such as issuing passports and other travel documents, solemnising marriage, providing notarial services, providing assistance in adoption cases and in connection with deaths, etc. Most of these tasks are straightforward and are therefore only dealt with briefly in the following. The main focus of this chapter is on new developments and their consequences for consular services.

6.1 Passports and other Norwegian travel documents

In the past few years, Norwegian diplomatic and consular missions have issued between 15 000 and 20 000 passports a year, cf. Table 6.1

Career missions have the same authority to issue passports as police districts in Norway. The statutory basis,⁵⁰ application procedures and fees are the same as those in Norway. However, it generally takes longer to obtain a passport from a diplomatic or consular mission as passports are produced in Norway for security reasons and then sent abroad to be issued.⁵¹ Once a passport is ready, it may also be issued by a diplomatic or con-

Table 6.1

Year	Emergency passports	Standard passports
2008	1 567	17 156
2009	1 617	17 423
2010	1 559	14 396

Source: The Norwegian police.

⁵⁰ Act of 19 June 1997 No. 82 relating to passports (Passport Act).

⁵¹ In order to enhance the security of Norwegian passports, a requirement has been introduced whereby fingerprint data is to be collected from all persons above the age of 12 who apply for a standard passport. This requirement came into effect in April 2010. Fingerprint data may only be registered at career missions.

Box 6.1 Obtaining a passport abroad

A Norwegian citizen who spends large parts of the year in Spain applies for a new passport from the police in Bodø while visiting her family during the Christmas holiday. She asks to have the passport issued at the consulate-general in Alicante. After returning to Spain, she is contacted by the consulate-general and informed that her new passport is ready and can be fetched there. When she goes to the consulate-general to receive her new passport, she also hands in her old one.

sular mission other than the one where the application was submitted.

Norwegian citizens who have lost their passport abroad and who cannot wait for a new standard passport to be issued may apply for an emergency passport. An emergency passport may be issued, for example, in cases where the person concerned is already abroad and cannot continue their journey without a valid travel document. The criteria and fees for emergency passports are the same as those for standard passports. However, the period of validity is limited to a maximum of one year. Since emergency passports are issued at missions abroad, they can be processed very quickly. It is important to note that some countries do not accept emergency passports, whereas others only accept such passports in connection with return travel to Norway.

In order for a minor to be issued with a passport, both parents must sign the passport application. The purpose of this is to prevent one of the parents from taking the child out of the country or away from its permanent place of residence without the consent of the other parent. There is, however, a drawback to this requirement in that it may impede the implementation of legally binding court decisions, for example in child abduction cases where the child happens to be abroad and

the parent who has not been awarded the day-to-day care of the child (often the abductor) is opposed to the child being issued with a passport. A similar problem may occur in cases involving female genital mutilation or forced marriage where minors are subjected to abuse while abroad, but do not themselves possess travel documents for returning to Norway. In such cases the mission may, in consultation with the competent authorities in Norway, invoke the exception clause in the Passport Act as regards the issuing of a passport to a minor without the consent of both parents.⁵²

Under the Passport Act, the authorities may also refuse to issue a passport in other exceptional cases, for example on the grounds that the applicant is suffering from a serious mental illness and is not considered capable of taking care of himself while abroad, or that the person has repeatedly incurred expenses for the public purse by failing to repay emergency loans, etc.

In certain cases, diplomatic and consular missions may also issue other types of travel documents, but only when this has been agreed with the competent Norwegian authorities. For example, foreign citizens who have lost their Norwegian refugee travel document or immigrant passport while travelling abroad may be issued with a *laissez-passer* that authorises a single entry into Norway. A *laissez-passer* is only issued on the basis of written instructions from the Directorate of Immigration.

Diplomatic and consular missions may also issue an Emergency Travel Document (ETA) instead of an emergency passport in special cases. Such a travel document, which is only accepted by certain countries, applies only to return travel to Norway. In the EU, a special form has been drawn up for applying for an ETA. The Ministry of Foreign Affairs will, in cooperation with the Ministry of Justice and Public Security, examine the use of temporary travel documents more closely.

Approximately 27 000 Norwegian passports were reported as lost in 2010. Most of them are probably still in the possession of the holder, as many people are simply unable to find their passports when preparing for a trip. These passports are not usually misused. Nevertheless, the loss of

any passport is to be reported to the police or a Norwegian diplomatic or consular mission. The passport will then be registered as invalid both with the National Criminal Investigation Service (Kripos) and in Interpol's database in France. People who attempt to use these passports will be apprehended.

There is an ongoing effort to make Norwegian passports more secure. For example, all passports that are issued today contain both a portrait photo and biometric fingerprint data. The Ministry of Justice and Public Security will continue to give priority to this work.

6.2 Registration in the National Population Register

Children born in a country other than Norway are Norwegian citizens if their father or mother is a Norwegian citizen,⁵³ but the child is not automatically registered as a citizen of Norway. The parents must apply for a national identity number and registration in the National Population Register before they can apply for a passport for the child. This may be done through a Norwegian diplomatic or consular mission on the basis of a birth certificate issued by the authorities in the country where the child was born.⁵⁴

Paternity may only be registered in the National Population Register when it has been established in accordance with the provisions of the Children Act. Paternity may be established according to the *pater est* rule and may be acknowledged by the embassy if the parties have sufficiently close ties to Norway. Alternatively, a foreign certificate of paternity may be submitted to NAV International for recognition under Norwegian law. In some countries it is relatively easy to obtain false documents. In certain countries, therefore, men who claim to be the father of a

⁵² Cf. section 4, last paragraph, of the Passport Act.

⁵³ Act of 10 June 2005 No. 51 relating to Norwegian nationality (Nationality Act).

⁵⁴ The Directorate of Taxes, which is responsible for the National Population Register, has, in cooperation with the Ministry of Children, Equality and Social Inclusion and the Ministry of Foreign Affairs, drawn up guidelines for registering Norwegian children born abroad: <http://www.skatteetaten.no/no/Artikler/2010/Barn-fodt-i-utlandet/> (Norwegian only).



Figure 6.1 Brochure on the rights of Thai-Norwegian children

child are required to submit to a DNA test in connection with the registration of children.⁵⁵

Some children who have Norwegian citizenship are not registered with the Norwegian authorities until several years have passed. There is also reason to believe that there are children who have, for various reasons, never been registered as Norwegian citizens, for example in cases where one of the parents is a citizen of the country where the family is resident and the child becomes a citizen of that country and grows up there. If a Norwegian father dies or abandons a child abroad, it may be difficult for a foreign mother to obtain information about the child's rights as a Norwegian citizen. This has been a problem in Thailand, for example. The Norwegian authorities have therefore published a brochure in Norwegian and Thai providing information for mothers and children who find themselves in such a situation. It is important to be particularly aware of this group of children in order to ensure that their rights are safeguarded.

⁵⁵ In certain cases where registration in the National Population Register is considered unproblematic beyond any reasonable doubt and there are weighty reasons to issue an emergency passport, diplomatic and consular missions may issue such a passport to a child who has not been given a national identity number. This exception is practised very restrictively.

6.3 Surrogacy

Surrogacy is an arrangement by which a woman enters into an agreement with another woman to become pregnant and give birth to a child, and then to hand the child over to the other party to the agreement. The surrogate mother may be the child's genetic mother or be implanted with an egg donated by the woman who commissioned the surrogacy arrangement or a third woman.

Egg donation is prohibited under Norwegian law,⁵⁶ which means that gestational surrogacy, i.e. using a fertilised egg from a woman other than the one who will carry the child to term, is illegal.

Some Norwegian couples and single people travel to other countries and make agreements with women who bear a child on their behalf. When the child is born, they apply to a Norwegian diplomatic or consular mission for assistance in establishing paternity, registering the child in the National Population Register and obtaining a passport for the child.

Under the Children Act,⁵⁷ the woman who has given birth to the child is regarded as the mother of the child.

The man the woman is married to at the time of the child's birth is regarded as the father. In cases where the mother is unmarried, the father may acknowledge paternity.⁵⁸ A Norwegian diplomatic or consular officer may accept such acknowledgement of paternity in cases where the requirements of the Children Act have been fulfilled.⁵⁹ If the surrogate mother is married, paternity may be transferred to another man who has acknowledged paternity provided that all the parties affected agree to this and the Norwegian Labour and Welfare Administration (NAV) considers it probable that the other man is the father of the child.⁶⁰ A DNA analysis is made as a matter of routine in surrogacy cases where the surrogate mother is married, in order to exclude the possibility that the woman's husband is the biological father of the child. Diplomatic and consular missions may provide assistance in connection with DNA testing. DNA samples are sent to the Institute of Forensic Medicine in Oslo to be analysed.

⁵⁶ Act of 12 May 2003 No. 100 relating to the application of biotechnology in human medicine, etc.

⁵⁷ Section 2 of Act of 8 April 1981 No. 7 relating to children and parents (Children Act).

⁵⁸ Cf. section 4 of the Children Act.

⁵⁹ Cf. section 81 of the Children Act.

⁶⁰ Cf. section 7 of the Children Act.

Surrogacy raises some serious ethical and legal dilemmas. Currently, a child born of a surrogate mother may risk ending up stateless and without rights. There is also reason to be concerned that surrogacy could encourage trafficking in children and other gross abuse of children. In June 2010, an interministerial working group submitted a report on some of the challenges posed by surrogacy.⁶¹

The Government attaches great importance to complying with the provisions of the UN Convention on the Rights of the Child. Insofar as Norwegian citizens are involved in surrogacy cases, the Government will focus primarily on safeguarding the best interests of the child within the framework of local, Norwegian and international law. At the same time it will seek to promote greater international understanding of the many ethical and legal problems raised by surrogacy.

6.4 Adoption

Children who are adopted in accordance with Norwegian law⁶² become Norwegian citizens as soon as the adoption process has been completed. Parents may register the child in the National Population Register and apply for a national identity number for the child through a diplomatic or consular mission. In many cases the time it takes to obtain a national identity number and then a standard passport may seem unnecessarily long. In some countries where there is no Norwegian embassy, the procedures may be very time-consuming and complex. Therefore an arrangement has been established whereby certain honorary consulates have been authorised to issue emergency passports for single entry into Norway for newly adopted children, provided that this is in accordance with local legislation.

The Norwegian authorities are obliged under the UN Convention on the Rights of the Child and the Hague Convention to ensure that adoption is in the best interests of the child, and to prevent abduction and child trafficking in connection with adoption.

In autumn 2009 an official Norwegian report on adoption was presented, which proposes a number of measures for simplifying and stream-

lining adoption procedures and improving their quality. Efforts are currently being made to follow up these proposals.

6.5 Solemnisation of marriage

Under Norwegian law,⁶³ Norwegians may be married abroad either by a public official of the country in question or a chaplain of the Norwegian Church Abroad, or at a Norwegian diplomatic or consular mission.⁶⁴ The Foreign Service was originally authorised to solemnise marriage in order to give Norwegian seamen who were rarely in Norway an opportunity to marry. Today both parties to a marriage tend to be permanently resident in Norway, but prefer a less traditional wedding. It is very popular to get married at a diplomatic or consular mission. There are long waiting lists at the most sought-after places (for example Madrid, Paris and Rome), particularly at certain times of the year, and a number of missions have had to limit the number of marriages they perform.

In order for a diplomatic or consular mission to perform a marriage, the marriage must be legal in form and substance, both under Norwegian law and under the legislation of the country where the ceremony is to take place. The Ministry of Foreign Affairs may authorise a mission to solemnise marriage after having consulted the authorities of the country concerned. Without such authorisation, no diplomatic or consular mission has the authority to solemnise a marriage between a Norwegian citizen and a citizen of the country where the mission is located.⁶⁵

Since the entry into force on 1 January 2009 of amendments to the Norwegian Marriage Act

Table 6.2

Year	Heterosexual marriages	Homosexual marriages	Total
2008	743	16*	759
2009	656	16	672
2010	639	14	653

* Partnerships entered into before the new Marriage Act came into force.

⁶¹ Cf. the report of 28 June 2010 from the interministerial working group on dealing with surrogacy cases to the Ministry of Children, Equality and Social Inclusion.

⁶² Act of 28 February 1986 No. 8 relating to adoption (Adoption Act).

⁶³ Act No. 20 of 30 June 1955 relating to the authority of Norwegian public officials to solemnise marriage abroad, and of foreign public officials to solemnise marriage in Norway.

⁶⁴ Regulations of 21 May 2001 relating to the solemnisation of marriage by Norwegian Foreign Service officers.

according homosexual couples the same right to marry as heterosexual couples, the Ministry of Foreign Affairs has been examining the possibilities of marrying people of the same sex in those countries where Norwegian diplomatic or consular missions already have the right to solemnise marriage. The feedback from most countries is that this is not possible as such marriages would not be valid under the law of the country concerned. Thus, at present same-sex couples may only get married at the missions in Brussels, Copenhagen, Sofia, Berlin, Hamburg, Stockholm, The Hague, Madrid and Lisbon. Some of these countries require both parties to the marriage to be Norwegian citizens, and none of them allow a mission to solemnise a marriage where one of the parties is a citizen of that country.

Now that there are far fewer Norwegian seamen and it is much easier for Norwegians who are resident abroad to travel to Norway, it can be argued that there is no longer a need to solemnise marriage at Norwegian diplomatic and consular missions. Nonetheless, given that Norwegian missions have a long, highly valued tradition of solemnising marriage, the Ministry intends to maintain this service at the current level. If this should require additional resources, or if the waiting times at certain missions should become excessively long, the Ministry will recommend an amendment to the Regulations relating to the solemnisation of marriage abroad whereby at least one of the parties to the marriage must be permanently resident in the country in which the marriage is contracted.

There are business policy considerations that could make it potentially profitable to expand the right to solemnise marriage, for example by authorising captains of Norwegian-registered cruise ships to perform civil marriages on board. The Government is currently considering whether the Marriage Act should be amended to provide for this.

Although bigamy is not a big problem in connection with marriages performed abroad, there have been instances of Norwegian citizens marrying two or more spouses in different countries. Bigamy is illegal under Norwegian law; it also creates major problems in connection with inheritance, for example when two surviving spouses are both legally registered as married to the deceased and are thus entitled to inheritance.

6.6 Deaths

It is only natural that the increase in the number of Norwegians travelling and living abroad has been accompanied by an increase in the number of deaths outside Norway. In 2010 the Foreign Service received reports of 753 Norwegians who died while abroad, and the mission in the consular district concerned provided assistance in most of these cases.

Notification of next-of-kin is an important task in the event of a death. In cases where close relatives or friends were together with the deceased, the mission will attempt to put them in contact with a chaplain of the Norwegian Church Abroad or other appropriate support person at the place in question. If the closest relatives are in Norway, the mission will, after having obtained the necessary documentation from the local authorities, inform the Foreign Service Response Centre, which will contact the National Criminal Investigation Service (Kripos), which will then see to it that relatives are notified by the police, a district sheriff or a clergyman at their place of residence.⁶⁵ Great importance is attached in this connection to ensuring that no personal data concerning the deceased is released and that relatives are not notified until the deceased's identity has been established beyond doubt. In some cases it may take some time before the mission receives written confirmation of the deceased's identity, and can thus begin the notification process. In the meantime, the next-of-kin may have been informed of the death through other channels, which of course creates a very difficult situation. Nonetheless, the missions will continue to follow the existing routines as the incorrect notification of a death can be very distressing.

In the event of a death abroad, the diplomatic or consular mission will also be able to assist in establishing contact with the local authorities and providing information and practical assistance in connection with transporting coffins or urns back to Norway. However, the Foreign Service does not have funds to cover local expenses or transport costs to Norway.

The settlement of an estate after a death abroad may be a complex matter, particularly if the deceased owned property abroad. In some countries, the legislation of the country of which the deceased is a citizen applies in such cases. In other countries, the legislation of that country –

⁶⁵ An overview of the diplomatic and consular missions that are authorised to solemnise marriage and the conditions that must be fulfilled is available at www.landsider.no.

⁶⁶ In the event of a death in the Nordic region, notification is made directly through the Nordic police districts.

i.e. the country of residence or the country where the property is located – applies. In the latter case, the diplomatic and consular missions advise the next-of-kin to contact the local probate authorities and a lawyer for assistance. The settlement of an estate is generally less complicated if a proper will has been drawn up with the help of a local lawyer.

6.7 Other assistance

The diplomatic and consular missions also perform other legal acts and services for Norwegian citizens abroad, primarily in connection with maritime matters, legalisation, service of process and letters of request.

Norwegian diplomatic and consular missions deal with a large number of maritime matters every year. These services are carried out on behalf of the Norwegian maritime authorities and include assistance to Norwegian and foreign seamen who are employed on Norwegian-registered vessels. This work is extremely important in terms of safeguarding Norwegian shipping interests.

In recent years there has also been a considerable increase in the need for notarial services,⁶⁷ particularly legalisation.⁶⁸ This is not only because more Norwegians need to have documents legalised in their dealings with other countries, but also because an increasing number of foreign citizens and recently naturalised Norwegian citizens have documents that they need to have legalised. In 2010, the Foreign Service legalised approximately 16 000 documents in Oslo, and more than 6 000 at missions abroad. Most of these were certificates, notifications, articles of association and export documents. Efforts are being made at international level to simplify legalisation procedures by means of electronic systems. Norway is participating actively in this work, but it seems that there is still a long way to go before

⁶⁷ The tasks imposed on a notary public by statute or regulations, for example solemnising marriage and legalising documents.

⁶⁸ Act of 1 July 2002 No. 12 relating to the notary public.

Box 6.2 Legalisation

Legalisation is the formality by which a Norwegian public official certifies the authenticity of the signature and the capacity in which the person signing the document has acted. The document must bear the official seal or stamp of the institution concerned. Legalisation does not entail any validation of the accuracy of the content of the document. The general procedure is that a document is certified first by a notary public (i.e. the city recorder or the district court), then by the Ministry of Foreign Affairs, and finally by the respective countries' embassies that are accredited to Norway. The diplomatic and consular missions are authorised to act as notary public abroad.

common international electronic procedures and standards are established in this field.

The diplomatic and consular missions also perform other legal services, such as tasks on behalf of the Norwegian judiciary in connection with the extradition of offenders and letters of request. The latter include service of process, recording statements and taking evidence. The diplomatic and consular missions are involved in the service of process (notification to the parties and witnesses from the public authorities, or in connection with court proceedings) and letters of request (requests from one court to another to perform a legal service, for example to take evidence or serve process) in approximately 800 cases a year. The missions will continue to give priority to these tasks as long as there is no alternative that adequately safeguards the interests of Norwegian citizens.

The diplomatic and consular missions also provide facilities for receiving absentee ballots in connection with all types of official elections in Norway. The ballots are sent to the voters' respective constituencies. Therefore there are no overall statistics on the number of ballots cast abroad. In the general election in 2009, it was possible to vote at some 100 diplomatic and consular missions and 200 honorary consulates.

7 Assistance in a crisis

Travelling and living abroad will always entail some risk of serious accidents, terrorist attacks, natural disasters or other crises. There are, however, many things that can be done to avoid such situations and minimise the damage if they do arise. Firstly it is important to consider carefully whether it is safe to travel to the destination in question and whether it is absolutely necessary to do so. The Norwegian authorities may provide information that can help people make a well-considered decision, but it is the traveller himself who must make that decision.

Once the decision has been made and preparations have started, there are a number of steps that can be taken to enhance safety and security besides registering with the Norwegian authorities,⁶⁹ such as obtaining further information on the general security situation in the area and notifying family members of the destination and dates and contact information. It may also be useful to refresh general first aid skills and take along certain useful items when travelling.⁷⁰ The Ministry of Justice and Public Security has published a handbook on how to prepare for a trip and how to enhance personal safety and security and deal with serious incidents while abroad.⁷¹

7.1 Assistance from the Norwegian authorities

Thorough preparations will help to ensure a successful trip, and will be valuable in the event of an accident or crisis. It is recommended that everyone planning to travel to countries outside Europe

Box 7.1 The Foreign Ministry's crisis management system

The Foreign Ministry has established a crisis preparedness and management system to support local crisis management operations led by the diplomatic or consular mission in the area in question.

The Ministry's strategic leadership group, headed by the Secretary General, is responsible for the strategic aspects of crisis management. An emergency response team, consisting of four groups on a roster, is established as needed to take care of operational tasks. One of the groups on the roster must be able at any given time to get to the Ministry within one hour if a crisis occurs. The emergency response team also includes liaison officers from the Armed Forces, the health service and the police. The team is prepared to send out a special emergency response unit made up of personnel from the police and the health service, in addition to Foreign Ministry employees, at five hours' notice to assist the Norwegian diplomatic or consular mission with the management of a local crisis. The emergency response team also includes a number of people with particular responsibility for dealing with family members and with the media. All members of the Foreign Ministry's crisis management system are given thorough training and take part in regular exercises.

In addition to providing information and advice and helping to establish contact between those affected by a crisis and their family members, the emergency response team assists in the voluntary evacuation of Norwegian citizens from crisis areas.

⁶⁹ Cf. Chapter 4.3.

⁷⁰ For example, a first aid kit, torch, extra mobile phone battery, etc.

⁷¹ Cf. http://www.regjeringen.no/nb/dep/jd/dok/Veiledninger_brosjyrer/2009/sikker-reise.html?id=582926. (Norwegian only).

and North America should register their travel details in advance.

If a crisis should occur, Norwegians abroad should be aware that it is the authorities of the

country they are staying in that are responsible for taking immediate action such as fire fighting and rescue operations and searching for survivors, and for maintaining law and order and implementing measures to prevent pandemics.⁷²

Some crises are of such a magnitude that the country concerned requests international assistance. Any such assistance will always be a supplement to the national relief effort. Moreover, such government-to-government assistance must be provided in accordance with general criteria established by the authorities of the recipient country. A more detailed discussion of such assistance, which may take different forms and involve non-state actors as well, falls outside the scope of this white paper.

The measures taken by the Government in crises abroad in which Norwegian citizens are involved will depend on the scale of the crisis and the particular needs of those affected. As a general rule, it is the Ministry of Foreign Affairs that deals with crises affecting Norwegians abroad.⁷³ If the Ministry's crisis management system is unable to deal with the situation alone, an emergency response team will be established. Other ministries and government agencies will support the Ministry of Foreign Affairs as needed, depending on the scale and nature of the crisis. In such situations, the Government's crisis council may be convened to coordinate the ministries and others involved in the crisis management operation.

The Ministry of Foreign Affairs' crisis management system was established on the basis of the guidelines set out in the white paper on the tsunami in South-East Asia and the central crisis management system.

As part of ongoing crisis preparedness, all diplomatic and consular missions carry out risk analyses and draw up contingency plans for their respective areas of responsibility, which are updated annually or more frequently. Regular exercises are also held both at the missions abroad and in Oslo to prepare for different types of crisis.

⁷² Norway has for example drawn up a national preparedness plan for pandemic influenza, cf. <http://www.regjeringen.no/en/dep/hod/documents/reports-and-plans/plans/2006/Norwegian-National-Influenza-Pandemic-Pr.html?id=102132>.

⁷³ Exceptions to this may be made in the case of incidents that occur in the immediate vicinity of Norway. In such cases, the ministry responsible for the sector that is most severely affected will lead the response, with the support of other affected ministries and the Government's crisis support unit.

Box 7.2 The Government's crisis council

The Government's crisis council is responsible for the strategic coordination of complex crises. A crisis does not have to be particularly severe for the crisis council to be convened. It assesses which ministry should lead the response, and ensures that the measures implemented are closely coordinated and that information to the media, the general public and others is clear and consistent. The permanent members of the crisis council are the secretaries general of the Prime Minister's Office, the Ministry of Foreign Affairs, the Ministry of Justice and Public Security, the Ministry of Defence and the Ministry of Health and Care Services.

The Government's crisis council is to ensure that matters requiring political approval are quickly submitted to the ministers concerned or the Government for consideration. The crisis council has a coordinating role, but the competent ministry still has decision-making authority regarding individual matters in crisis situations. The ministry that is designated to lead the response serves as a secretariat for the crisis council and is assisted in this task by the Government's crisis support unit. The crisis support unit is responsible for preparing up-to-date situation reports and analyses and dealing with information to the media and the general public.

Since 2005, the Ministry of Foreign Affairs has established a crisis response team on a number of occasions, for example, in connection with the terrorist attack in London in July 2005, the cartoon controversy in 2006 (when the Norwegian Embassy in Damascus was set on fire), the Lebanon crisis in summer 2006, the attack on the Serena Hotel in Kabul in January 2008, the kidnapping of a Norwegian journalist in Afghanistan in November 2009, the earthquake in Chile in spring 2010, the political unrest in Egypt at the beginning of 2011, and the earthquake and tsunami that struck Japan in March 2011.

On the whole, the Ministry's crisis management system has functioned well. However, ways to further professionalise the system are considered on an ongoing basis. These include improving training and exercises, closer coordination

between the Foreign Ministry Response Centre and the rest of the crisis management system, and the introduction of new technology to maintain an up-to-date overview of Norwegian citizens in crisis areas and to get in touch with them.

Experience from previous crises has demonstrated the importance of maintaining a close dialogue with other actors such as the Norwegian Church Abroad, travel agencies, insurance companies, etc. This will continue to be in focus in future crises.

Experience from situations where the Norwegian authorities have helped to evacuate people from a crisis area has revealed a need to clarify who may be included in such evacuations. For example, only Norwegian citizens and others who are lawfully resident in Norway are entitled to transport back to Norway. One of the challenges that arose during the Lebanon crisis was that family members of Norwegian citizens were evacuated to Norway without a visa or residence permit. There were also problems involving Norwegian citizens with no ties to Norway, and no social or family network here, who did not have anywhere to stay or anyone to turn to for help when they arrived in the country.

The Government has therefore decided to introduce more clearly defined rules for dealing with such situations. Importance will be attached to keeping families together. This means that when a person is offered assistance in leaving an area, his or her immediate family (spouse, registered partner/cohabitant and children) will be offered the same assistance.

The Lebanon crisis also showed that, in some cases, Norwegian citizens may need to be evacuated rapidly by sea. Most ships are not, however, equipped to transport a large number of passen-

gers. The Ministry of Trade and Industry, in cooperation with the Directorate for Civil Protection and Emergency Planning, has therefore drawn up contingency plans for rapid provision of food, water, life jackets, etc. The civil defence has also developed plans for establishing reception centres for large numbers of Norwegians who return to Norway after having been evacuated from abroad.

No two crises are alike, and it is essential to maintain a strategic and operational flexibility for dealing with individual crises within a general framework. In the Foreign Ministry's view, the current crisis management system takes this fully into account.

7.2 International cooperation on crisis preparedness and management

The Nordic countries cooperate closely in matters concerning crisis preparedness and management, both at capital level and in third countries. This cooperation is in addition to the established consular cooperation between the Nordic countries. Cooperation in crisis situations includes everything from contingency planning and the regular exchange of information to joint exercises and coordination of activities in actual crisis situations. The division of tasks such as dealing with the media, manning family support centres and setting up rosters at hospitals, airports, etc., is also agreed at local level as needed.

Formalised consular cooperation between the EU countries is still being developed. At the same time, the EU countries are increasingly coordinating their response to accidents, natural disasters and other crises, particularly with regard to information sharing, but also with regard to evacua-

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Figure 7.1

tions. The European Commission is currently considering establishing common guidelines under the Community Mechanism for Civil Protection on how the member states can coordinate their efforts to safeguard the needs and rights of EU citizens in the event of major incidents and crises.

The Nordic EU countries are participating actively in EU cooperation in this area and are interested in coordinating their efforts with Norway as well. In some cases Norway has been able to participate directly in EU coordination activities at both local and central level.

The Ministry of Foreign Affairs will continue to attach great importance to assisting Norwegians abroad in connection with crises and disasters, and will improve crisis preparedness, hold regular exercises, further develop the system for registering travel information prior to departure, and provide information and advice to Norwegian citizens abroad. Importance will also be attached to further developing Nordic cooperation in this field and cooperating more closely with the EU on crisis management where possible and appropriate.

8 Reimbursement of expenses

The increasing number and complexity of consular matters, sometimes combined with irresponsible behaviour on the part of Norwegian citizens, raises the question whether the Norwegian authorities can or should claim reimbursement of expenses incurred in providing assistance to Norwegian citizens abroad. This applies both to individual cases and to more extensive crises.

Under the current rules, expenses incurred by the Foreign Service in connection with consular assistance are covered over the Ministry of Foreign Affairs' operating budget, whereas the individual concerned covers his or her own expenses.

As a general rule, the same distinction applies in crisis situations. This means, for example, that if the Norwegian authorities provide assistance in connection with an evacuation, those evacuated are responsible for covering the expenses this entails. In practice this means that prior to evacuation, they must confirm that they have adequate insurance coverage or sign an agreement in which they undertake to repay an emergency loan. In general, evacuation assistance is only provided from a country or area in which the situation is dangerous to a safe area. This is in keeping with the coverage provided by most insurance policies. In certain cases, however, it may be appropriate to assist those concerned with transport all the way back to Norway. In connection with the earthquake and tsunami in Japan in March 2011, a plane was chartered to transport Norwegians and their families and other Nordic citizens to Norway. Each person paid the regular airfare.

Today, the general rule is that the consent of the person concerned or a family member must be obtained before any measures entailing extraordinary expenses are implemented. Exceptions are very rarely made to this rule, and only in cases where there is serious threat to life. In such cases the Foreign Service requests the person concerned to reimburse the expenses incurred afterwards, either themselves or through their insurance company.

The possibility of claiming reimbursement of expenses incurred by the authorities in connection with assistance to a Norwegian citizen abroad who has, deliberately or negligently, taken a great risk is being considered. According to case law and administrative practice relating to search and rescue operations in Norway, the authorities may, in special cases, claim reimbursement of search and rescue expenses in cases where the person in need of assistance has shown gross negligence. The Supreme Court has ruled that the authorities' claims for compensation are not limited to expenses incurred through the purchase of private services. The Norwegian authorities will therefore seek to recover the costs from the person concerned (or their insurance company) in extraordinary cases where gross negligence has been shown and where preventive considerations weigh heavily.

The Ministry of Foreign Affairs intends to continue its stringent practice as regards individuals' responsibility for covering their own expenses in consular matters.

9 Looking ahead

In this white paper, the Government has sought to present the scope and nature of Norway's consular services today. As mentioned at the beginning, the Foreign Service devotes considerable resources to consular activities. Other ministries and central and local government institutions and agencies also provide assistance in consular matters.

The demand for consular services is expected to increase in the years ahead. In order to prevent an even greater gap between the public's expectations and the actual services offered to Norwegians abroad, it is important to foster general agreement on the extent of consular assistance that should be provided and who should be eligible for it. This is particularly important given the high level of interest in the consular field shown by both the general public and the media.

It should be absolutely clear that the Norwegian welfare state only covers Norwegian territory and that it is the legislation of the country concerned that applies to Norwegians when they are abroad.

In the Government's view, consular assistance must continue to be based on the principles of individual responsibility and self-help. It is essential to have adequate travel insurance that covers all eventualities.

The Government will continue to give priority to acute and serious cases where human life or health is at stake, including cases that involve violations of human rights or minors.

The Government will seek to establish even closer consular cooperation with the other Nordic countries and with the EU in cases where this is considered appropriate.

Efforts to develop and mobilise support for multilateral agreements in the consular field will be continued. The possibility of entering into agreements concerning specific situations will also be considered.

Priorities in the various areas of consular assistance will be determined in accordance with the guidelines set out in this white paper.

The Government will seek to ensure that the consular services provided in different parts of the world are as equivalent as possible in comparable cases. This will, however, be difficult for both formal and practical reasons.

The Government will give higher priority to assisting Norwegians staying abroad for a short period than those who are permanently resident in another country.

Under the current rules, expenses incurred by the Foreign Service in connection with the provision of consular assistance are covered by the Norwegian authorities, whereas the individual covers his or her own expenses. This will continue to be the case. However, the Norwegian authorities will consider the possibility of claiming reimbursement of the expenses they have incurred in cases where the person concerned has shown gross negligence or where preventive considerations weigh heavily.

Assisting Norwegians abroad requires expertise in a number of different areas. Importance will be attached to continuing efforts to ensure that all employees working in the consular field have relevant, up-to-date expertise. Further measures will also be taken to improve the internal and interministerial coordination of the Norwegian authorities' assistance to Norwegians abroad.

The Government will continue to give priority to providing professional, effective and efficient consular services to Norwegians.

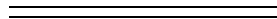
The Ministry of Foreign Affairs

h e r e b y r e c o m m e n d s :

that the recommendation from the Ministry of Foreign Affairs of 1 April 2011 on assistance to Norwegians abroad, dated 1 April 2011, be submitted to the Storting.

Appendix 1**List of ministries, agencies and organisations consulted in connection with the preparation of the white paper**

Prime Minister's Office	Oslo Police District
Ministry of Justice and Public Security	Oslo Tax Office
Ministry of Labour	Directorate of Immigration
Ministry of Children, Equality and Social Inclusion	Adopsjonsforum
Ministry of Finance	Norwegian Bar Association
Ministry of Defence	Association of Norwegian Students Abroad (ANSA)
Ministry of Health and Care Services	DIXI Resource Centre
Ministry of Local Government and Regional Development	Norwegian Refugee Council
Ministry of Trade and Industry	Federation of Norwegian Commercial and Service Enterprises
Ministry of Government Administration, Reform and Church Affairs	Finance Norway
Directorate for Civil Protection	Islamic Council of Norway
County Governor of Oslo and Akershus	Norsk Reiselivsforum
Directorate of Health	Save the Children Norway
Directorate of Integration and Diversity	Red Cross
National Criminal Investigation Service (Kripos)	Norwegian Church Abroad
Norwegian Labour and Welfare Administration (NAV)	Stiftelsen Kirkens Fengselsarbeid (KIFA)
	Norwegian Shipowners' Association



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