



# **GRETA**

Group of Experts on Action  
against Trafficking in Human Beings

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## **Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway**

First evaluation round

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on Action against Trafficking in Human Beings  
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## Preamble

As the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) and the monitoring mechanism to evaluate its implementation are relatively new, it is appropriate to set out their salient features at the beginning of the first report to each Party to the Convention.

The Convention was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008. It is a legally binding instrument which builds on already existing international instruments. At the same time, the Convention goes beyond the minimum standards agreed upon in other international instruments and aims at strengthening the protection afforded by them.

The main added value of the Convention is its human rights perspective and focus on victim protection. The Convention clearly defines trafficking as being first and foremost a violation of human rights and an offence to the dignity and integrity of the human being; greater protection is therefore needed for all of its victims. The Convention also has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

As trafficking in human beings is a worldwide phenomenon, one of the express purposes of the Convention is to promote international co-operation in the efforts to combat trafficking. In this context, it is noteworthy that the Convention is not restricted to Council of Europe member states; non-member states and the European Union also have the possibility of becoming Parties.

To be effective, and given the nature of the phenomenon, a strategy for combating trafficking in human beings must adopt a co-ordinated and multidisciplinary approach, incorporating prevention, protection of victims’ rights and prosecution of traffickers. The Convention contains various provisions in each of these three areas, placing obligations on states to take appropriate measures, in partnership with civil society and in co-operation with other states.

The measures provided for by the Convention in the area of prevention include awareness-raising for persons vulnerable to trafficking; economic and social initiatives to tackle the underlying causes of trafficking; actions aimed at discouraging demand; and putting into place border control measures to prevent and detect trafficking in human beings.

The Convention also provides for a series of measures to protect and promote the rights of victims. Victims of trafficking must be identified and recognised as such in order to avoid police and public authorities treating them as “irregular migrants” or criminals. Victims should be granted physical and psychological assistance and support for their reintegration into society. Further, by virtue of the Convention, victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision about their possible co-operation with the authorities. A renewable residence permit should be granted if their personal situation so requires and/or if their continued presence is needed in order to co-operate in a criminal investigation. In addition, the Convention establishes the right of victims to receive compensation and provides for measures for their repatriation and return with due regard to the rights, safety and dignity of the victims.

In the area of substantive and procedural criminal law, the Convention places on Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. Particular attention is paid to the issue of victim and witness protection during investigation and court proceedings. Parties should also provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

GRETA is composed of fifteen independent and impartial experts chosen for their recognised competence in the fields of human rights, assistance and protection of victims, and action against trafficking in human beings, or because of their professional experience in the areas covered by the Convention. The task of GRETA is to evaluate the implementation of the Convention by the Parties, following a procedure divided into rounds. At the beginning of each round, GRETA defines autonomously the provisions to be monitored and determines the most appropriate means to carry out the evaluation, being guided by the Rules of procedure for evaluating implementation of the Convention adopted at GRETA's 2nd meeting (16-19 June 2009). GRETA has decided that the duration of the first evaluation round shall be four years starting at the beginning of 2010 and finishing at the end of 2013.

In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. As a first step, GRETA sends a detailed questionnaire to the authorities of the Party undergoing evaluation. It may also make additional requests for information. By virtue of the Convention, Parties are obliged to co-operate with GRETA in providing the requested information. Another important source of information is civil society and, indeed, GRETA maintains contacts with non-governmental organisations which can provide relevant information. In addition, GRETA may decide to carry out a visit to the country concerned in order to collect additional information or to evaluate the practical implementation of the adopted measures. This visit allows for direct meetings with the relevant bodies (governmental and non-governmental) and is also an occasion for GRETA to visit facilities where protection and assistance are provided to victims of trafficking and other related structures. Furthermore, GRETA may decide to organise hearings with various actors in the field of action against trafficking in human beings.

GRETA's evaluation reports are thus the result of information gathered from a variety of sources. They contain an analysis of the situation in each Party regarding action taken to combat trafficking in human beings and suggestions concerning the way in which the country may strengthen the implementation of the Convention and deal with any problems identified. In its assessment, GRETA is not bound by the case law of judicial and quasi-judicial bodies acting in the same field, but may use them as a point of departure or reference. The reports are drawn up in a co-operative spirit and are intended to assist states in their efforts; they can offer support for the changes on which the national authorities have already embarked, and lend legitimacy to the direction of national policies. Because of its multidisciplinary and multinational composition, and as a consequence of its independent approach, GRETA provides a professional and impartial international voice in this process.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each Party in plenary session. The report is sent to the relevant government for comments, which are taken into account by GRETA when establishing its final report. This final report is adopted by GRETA in a plenary session and transmitted to the Party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month for the Party to make comments, the report and conclusions by GRETA, together with eventual comments made by the national authorities, are made public and sent to the Committee of the Parties. In the context of the first evaluation round, this completes GRETA's task in respect of the Party concerned, but it is only the first stage in an on-going dialogue between GRETA and the authorities.

The second pillar of the monitoring mechanism, the Committee of the Parties, is composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of Parties non-members of the Council of Europe. On the basis of GRETA's reports, the Committee of the Parties may adopt recommendations addressed to a Party concerning the measures to be taken to implement GRETA's conclusions.

## Executive summary

The Norwegian authorities have taken a number of important steps to prevent and combat trafficking in human beings. Several multi-annual plans of action have been adopted since 2003, the current one covering the period 2011-2014. The Inter-ministerial Working Group against Human Trafficking oversees the implementation of the plan of action, while day-to-day co-ordination of anti-trafficking activities has been entrusted to the National Co-ordinating Unit for Victims of Trafficking (KOM), within the Ministry of Justice and Public Security.

GRETA notes that non-governmental organisations play an important role in the provision of assistance to victims of trafficking in Norway, but they are not sufficiently involved in the planning and monitoring of anti-trafficking measures. While welcoming the increased efforts to tackle human trafficking for the purpose of labour exploitation, GRETA considers that the Norwegian authorities should pay more attention to child trafficking, including of Roma children, for all types of exploitation.

Awareness-raising measures have involved information campaigns against the purchase of sexual services in Norway and support for prevention measures in countries of origin. GRETA considers that future awareness-raising campaigns should be planned with the involvement of civil society and on the basis of previous research and impact assessment. Concerning measures to discourage demand, GRETA notes that the effects of the criminalisation of the purchase of sexual services have been difficult to measure, and stresses that this measure does not specifically respond to the obligation under Article 19 of the Convention, which is to criminalise the use of services provided by a person with the knowledge that she/he is a victim of trafficking.

A broad approach towards the identification of victims of trafficking is followed in Norway, allowing all public agencies, organisations and NGOs who may come into contact with victims of trafficking, to identify possible victims of trafficking and refer them to assistance programmes. GRETA is concerned about the lack of clear procedures and criteria for identifying victims of trafficking and urges the Norwegian authorities to adopt a formalised national referral mechanism defining the roles and procedures for all frontline actors.

GRETA notes that the current accommodation system for victims of trafficking focuses on women victims of trafficking for the purpose of sexual exploitation and asks the Norwegian authorities to provide safe and suitable accommodation which is adapted to the victim's needs and gender. Concerning children, the Norwegian authorities have recently adopted a legal provision according to which unaccompanied minors at risk can be held in closed institutions for up to six months. GRETA considers that the Norwegian authorities should keep this measure under review. The Norwegian authorities should also improve the information provided to victims of trafficking on the services and assistance measures available to them, as well as access to education, vocational training and the labour market for victims of trafficking lawfully resident in the country.

GRETA welcomes the provision in Norwegian law of a reflection period for potential victims of trafficking lasting six months. That said, GRETA urges the Norwegian authorities to ensure that the reflection period is not linked to the victim's co-operation in facilitating the prosecution of traffickers. GRETA also urges the authorities to remove the barriers to health care access for victims of trafficking during the reflection period.

Further, GRETA welcomes the fact that Norwegian legislation envisages the issuing of residence permits to victims of trafficking, both on the basis of their personal situation and when co-operating in the investigation or criminal proceedings related to human trafficking. That said, efforts should be strengthened to reinforce co-operation with countries of origin in order to address the lack of identity documents that prevents victims of trafficking from being issued with residence permits in Norway.

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Regarding substantive criminal law provisions, GRETA urges the Norwegian authorities to include slavery, practices similar to slavery and servitude in the types of exploitation covered by the definition of trafficking in human beings in the Criminal Code, in accordance with Article 4(a) of the Convention. GRETA also considers that the Norwegian authorities should assess the effectiveness of the criminal law provisions concerning human trafficking, including the dissuasiveness of the penalties provided for in Section 224 of the Criminal Code and the aggravating circumstances currently applicable to cases of human trafficking.

GRETA welcomes the guidelines issued by the Director of Public Prosecutions referring to Article 26 of the Council of Europe Convention and the offences concerning which prosecuting is assumed to be waived. That said, in the absence of information on their application in practice, GRETA considers that the Norwegian authorities should ensure that the provision allowing not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, is effectively applied.

Finally, GRETA considers that there is need for continuing to improve the knowledge of judges, prosecutors, police investigators and lawyers about trafficking in human beings and victims' rights. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims, and to secure convictions of traffickers.



## I. Introduction

1. Norway deposited the instrument of ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) on 17 January 2008. The Convention entered into force in respect of Norway on 1 May 2008<sup>1</sup>.

2. As established in Article 36(1) of the Convention, the Group of Experts on Action against Trafficking in Human Beings (“GRETA”) monitors the implementation of the Convention by the Parties. GRETA does so in conformity with the procedure laid down in Article 38 of the Convention and the Rules on the evaluation procedure of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties. For the first evaluation round (2010-2013), GRETA drew up a monitoring timetable according to which the Parties to the Convention were divided into groups, Norway being in the second group of 10 Parties to be evaluated.

3. In accordance with Article 38 of the Convention, GRETA proceeded with the examination of the measures taken by Norway to implement the provisions set out in the Convention. The “Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties – first evaluation round” was sent to Norway on 25 February 2011. The deadline for submitting the reply to the questionnaire was 1 September 2011, date on which Norway submitted its reply.

4. In preparation of the present report, GRETA used the reply to the questionnaire by Norway, other information collected by GRETA and information received from civil society. An evaluation visit to Norway took place from 21-24 May 2012. It was carried out by a delegation composed of:

- Ms Alexandra Malangone, member of GRETA;
- Ms Nell Rasmussen, member of GRETA;
- Ms Carolina Lasén Diaz, Administrator at the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings.

5. During the visit, the GRETA delegation held meetings with representatives of relevant ministries and other public bodies (see Appendix II). These meetings took place in a spirit of close co-operation.

6. The GRETA delegation held separate meetings with representatives of non-governmental organisations (NGOs) and civil society active in the field of action against trafficking in human beings (THB). Furthermore, the delegation visited two shelters, in the Oslo area, providing accommodation and assistance to victims of trafficking in human beings.

7. GRETA wishes to place on record the excellent assistance provided to its delegation by the contact person appointed by the Norwegian authorities, Mr Jan Austad, Senior Advisor in the Police Department at the Norwegian Ministry of Justice and Public Security.

8. The draft version of the present report was adopted by GRETA at its 15th meeting (26-30 November 2012) and was submitted to the Norwegian authorities for comments. The comments were received on 22 February 2013 and were taken into account by GRETA when establishing its final report, which was adopted at GRETA’s 16th meeting (11-15 March 2013).

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<sup>1</sup> The Convention as such entered into force on 1 February 2008, following its 10th ratification.

## **II. National framework in the field of action against trafficking in human beings in Norway**

### **1. Overview of the current situation in the area of trafficking in human beings in Norway**

9. Norway is a country of destination for trafficked persons, all identified victims of trafficking in human beings (THB) having been foreign nationals. In the period 2010-2011<sup>2</sup>, the main countries of origin of victims of trafficking were Nigeria, Romania and Lithuania, with an increase in the number of victims from Algeria and the Philippines. The number of potential victims of trafficking<sup>3</sup> identified in the past few years has been between 150 and 200 per year<sup>4</sup>. While the majority of these victims were women trafficked for the purpose of sexual exploitation, there were also 79 children (60 boys and 19 girls) identified as victims of trafficking in 2010, and 65 children (33 boys and 32 girls) in 2011. There have been no reports of THB taking place within Norway.

### **2. Overview of the legal and policy framework in the field of action against trafficking in human beings**

#### **a. Legal framework**

10. At the international level, in addition to the Council of Europe Convention on Action against Trafficking in Human Beings<sup>5</sup>, Norway is Party to the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (both of which it ratified in 2003). Norway is also Party to the 1989 UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified in 1991 and 2001 respectively), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1981), as well as conventions elaborated under the International Labour Organisation (ILO)<sup>6</sup>. Further, Norway is Party to a number of Council of Europe conventions in the criminal field which are relevant to action against THB<sup>7</sup>.

11. The Norwegian legal framework in the field of action against trafficking in human beings has evolved in the light of the country's international commitments. In 2003, the crime of THB was introduced in the Criminal Code (Section 224). A revised Criminal Code was adopted in 2005, but has not entered into force yet.

<sup>2</sup> The statistics for 2012 were not available at the time of the adoption of this report.

<sup>3</sup> Victims of trafficking are referred to as "potential" as there is no formal national identification system. Each authority and service provider can identify potential victims of trafficking in accordance with their own criteria but their decision is not binding on other bodies or authorities (see paragraph 130). The term 'potential victims' includes those who are victims of trafficking, but have not yet been confirmed as such, and those considered to be vulnerable to THB.

<sup>4</sup> The data gathered refers to the number of victims who have received assistance by various authorities and organisations in the field, and not necessarily to officially recognised victims.

<sup>5</sup> The Council of Europe Convention is not directly applicable in Norway, in line with the country's dualist system. International conventions are either incorporated into Norwegian law or national legislation is amended to be in line with their provisions. The latter approach was followed in the case of the Council of Europe Anti-Trafficking Convention.

<sup>6</sup> Convention concerning Forced or Compulsory Labour (C29), Convention concerning the Abolition of Forced Labour (C105) and Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182).

<sup>7</sup> In particular, the European Convention on Mutual Assistance in Criminal Matters and its First Additional Protocol; the European Convention on Extradition and its Additional Protocols; the European Convention on the International Validity of Criminal Judgments; the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism; the European Convention on Transfer of Convicted Persons and its Additional Protocol; the European Convention on the Transfer of Proceedings in Criminal Matters; the European Convention of the Compensation of the Victims of Violent Crimes; and the Council of Europe Convention on Cybercrime.

12. The Norwegian Immigration Act and Immigration Regulations provide protection to victims of trafficking, who are considered as “members of a special social group” within the context of the 1951 United Nations Convention relating to the Status of Refugees, and are therefore eligible for refugee status.

13. As regards children victims of trafficking, the Child Welfare Act provides the legal basis for the protection and support of all children in Norway who are in need of care. The Child Welfare Act was amended in August 2012, with a view to allowing the temporary placement of children in a closed institution if they are at risk of being subject to human trafficking (see paragraph 175).

b. National Action Plans

14. Several multi-annual plans of action against human trafficking have been adopted in Norway since 2003, the current one covering the period 2011-2014. This Plan of Action was drawn up by the Inter-Ministerial Working Group against Human Trafficking (see paragraph 18), on the basis of a document prepared by the National Co-ordinating Unit for Victims of Trafficking (KOM), in co-operation with NGOs. There was no assessment of the previous plan before preparing the current one. The Plan of Action envisages activities to be implemented by the Ministries of Labour; Children, Equality and Social Inclusion; Defence; Health and Care Services; Justice and Public Security; Local Government and Regional Development; and Foreign Affairs. The Inter-ministerial Working Group against Human Trafficking oversees the implementation of the Plan of Action.

15. The Plan of Action for 2011-2014 covers the following main areas: strengthening the international legal framework and international co-operation (through intergovernmental organisations); improving cross-disciplinary co-operation and competence development; preventing human trafficking; identifying more victims and offering them assistance and protection; taking preventive measures concerning trafficking in children; and prosecuting traffickers.

16. The previous Plan of Action against THB (2006-2009) focused in particular on male victims of trafficking and trafficking for the purpose of forced labour and the removal of organs, as it was recognised that little attention had previously been paid to these forms of human trafficking. The Plan of Action for 2006-2009 also placed special emphasis on child victims of trafficking due to their special need for protection and assistance. The plan contained 37 measures, some of which aimed at continuing and strengthening the work that had already been initiated, while 16 measures were new.

17. Reference should also be made to the Action Plan on gender equality (“Equality 2014”), one of the goals of which is to achieve freedom from violence, coercion and sexual abuse. The Ministry of Children, Equality and Social Inclusion has the main responsibility for gender equality policy. One of the measures included in the action plan was to investigate working conditions in the country’s strip clubs and the possible connection with human trafficking.

### 3. Overview of the institutional framework for action against trafficking in human beings

#### a. Inter-ministerial Working Group against Human Trafficking

18. The Inter-ministerial Working Group against Human Trafficking was set up in 2003 to oversee the implementation of the plans of action. It is chaired by the Ministry of Justice and Public Security and includes representatives of the Ministry of Labour; the Ministry of Foreign Affairs; the Ministry of Government Administration, Reform and Church Affairs; the Ministry of Local Government and Regional Development; the Ministry of Children, Equality and Social Inclusion; the Ministry of Health and Care Services; the Ministry of Education and Research; and the Ministry of Defence.

19. The Inter-ministerial Working Group meets at least three times per year. The meeting schedule is flexible depending on the needs (e.g. more meetings are held during the preparation of a new plan of action). Thematic meetings are also organised for the Ministries concerned.

20. The Inter-ministerial Working Group prepares status reports on the implementation of the plan of action. The first status report on the implementation of the Plan of Action against human trafficking for 2011-2014 was published in February 2012. The second status report is due in March 2013.

#### b. National Co-ordinating Unit for Victims of Trafficking

21. In 2006 the Government established the National Co-ordinating Unit for Victims of Trafficking (KOM) within the National Police Directorate under the Ministry of Justice and Public Security. Initially, its main tasks were to determine the extent of THB in Norway and to oversee assistance to victims of trafficking. In 2010, an evaluation of KOM was carried out by the research organisation NTNU Social Research, as a result of which revised terms of reference were drawn up. In 2011, KOM became a permanent unit with a mandate to assist the central, regional and municipal authorities and other organisations to identify victims of trafficking and provide them with holistic support and protection. KOM does not deal with individual cases, but works to build capacity and improve cross-disciplinary co-operation at a structural level (see paragraph 144). KOM has an annual budget of 250 000 euros and employs two full-time staff.

22. KOM chairs two groups: an Inter-agency working group consisting of representatives of all responsible directorates and agencies<sup>8</sup> which now form the Inter-ministerial Working Group, and an Operational working group consisting of representatives of non-governmental organisations<sup>9</sup>. Participation in these working groups may vary. The two working groups hold regular meetings, either separately or jointly (four times a year). KOM is not a member of the Inter-ministerial Working Group against Human Trafficking, but it has participated in some of their meetings in order to present or discuss specific issues.

23. According to the 2011-2014 Plan of Action, KOM will be continued as an instrument for improving co-ordination between the authorities and NGOs. In addition, KOM is to further develop methods for identifying victims of trafficking and ensuring their adequate support and protection.

<sup>8</sup> In 2011, the Inter-agency working group comprised representatives from the National Police Directorate; the Higher Prosecution Authorities; the Norwegian Directorate of Immigration; the Directorate for Integration and Diversity; the Labour and Welfare Service; the Norwegian Directorate of Health; the Norwegian Directorate for Children, Youth and Family Affairs; the Children, Youth and Family Affairs Service; the Labour Inspection Authority; the National Criminal Investigation Service; the National Police Immigration Service, Hordaland and Oslo Police District, as well as representatives from the local inter-agency co-operation fora in Bergen, Trondheim, Stavanger, Kristiansand and Oslo.

<sup>9</sup> In 2011, the Operational working group comprised representatives from the ROSA project; the Pro Centre – national resource centre on prostitution; the Church City Mission Nadheim; the Norwegian Association for Asylum-Seekers; the International Organisation for Migration Oslo; Save the Children; the Norwegian Red Cross; the Norwegian Confederation of Trade Unions; REFORM - the men's resource centre; PION, the Prostitutes' Interest Group in Norway; the Salvation Army; the Norwegian Association for Outreach Work with Youth; Hvalstad reception centre for unaccompanied minor asylum seekers; the Norwegian Bar Association; a representative of the guardian service; Grünerløkka Social Centre (Oslo); and the Adora project.

24. KOM publishes an annual report on THB but there is a lack of comprehensive data collection on victims of trafficking, prosecutions, convictions and compensation to victims, despite a unified template for reporting introduced in 2010 (see paragraph 75).

c. The Directorate of Immigration

25. The Directorate of Immigration (UDI) is the central agency co-ordinating the immigration administration of Norway. It can identify victims of trafficking (see paragraph 135) and processes applications for a reflection period, residence permits and asylum. UDI also processes applications for visas to enter Norway. UDI has a competence team on THB issues including persons from different departments.

26. UDI works with the International Organisation for Migration (IOM) to provide financial and practical support for the voluntary return and reintegration in their home countries of vulnerable persons, including victims of trafficking (see paragraph 217).

d. NGOs

27. A number of NGOs in Norway are involved in action against trafficking in human beings, in particular in the provision of assistance to victims of trafficking (outreach, health and social services, language courses, vocational training, employment). Some NGOs, such as the ROSA Project, Church City Mission Nadheim, the Adora Project and the Salvation Army, have received public funding for their anti-trafficking activities, including for the provision of accommodation and other assistance to victims of trafficking. Other relevant NGOs are Save the Children, the Norwegian Association for Outreach Work with Youth, and the Norwegian Red Cross. A number of these NGOs are members of KOM's Operational working group.

28. The 2011-2014 Plan of Action refers to the need to further develop co-operation at international level between governments and NGOs.

e. Other relevant organisations

29. The Pro Centre, a national documentation and outreach centre on matters related to prostitution, which is jointly funded by the Norwegian government and the City of Oslo, works on THB-related issues with a focus on sexual exploitation, including job programmes aimed at enabling women and men previously engaged in prostitution to enter the labour market.

### III. Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway

#### 1. Integration of the core concepts and definitions contained in the Convention in the internal law

##### a. Human rights-based approach to action against trafficking in human beings

30. Article 1(1)(b) of the Convention establishes as one of its purposes the protection of the human rights of the victims of trafficking. Further, Article 5(3) includes the obligation for Parties to promote a human rights-based approach in the development, implementation and assessment of the policies and programmes to prevent THB. The Explanatory Report of the Convention states that the main added value of the Convention is its human rights perspective and its focus on victim protection. In the same vein, the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking emphasise that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”<sup>10</sup>.

31. THB constitutes an offence to the dignity and fundamental freedoms of the human being and thus a grave violation of human rights. GRETA emphasises the obligations of states to respect, fulfil and protect human rights, including by ensuring compliance by non-state actors, in accordance with the duty of due diligence. The human rights-based approach entails that a state that fails to fulfil these obligations may, for instance, be held accountable for violations of the European Convention on Human Rights (ECHR) (in case the state concerned is a Party to it). This has been confirmed by the European Court of Human Rights in its judgment in the case of *Rantsev v. Cyprus and Russia*, where the Court concluded that THB “within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the European Convention on Human Rights”<sup>11</sup> (which prohibits slavery, servitude and forced or compulsory labour). The Court further concluded that Article 4 entails a positive obligation to protect victims, or potential victims, as well as a procedural obligation to investigate trafficking<sup>12</sup>.

32. GRETA considers that the human rights-based approach to action against THB requires states to set up a comprehensive framework for the prevention of THB, the protection of trafficked persons as victims of a serious human rights violation, and the effective investigation and prosecution of traffickers. Such protection includes steps to secure that all victims of trafficking are properly identified. It also includes measures to empower trafficked persons by enhancing their rights to adequate protection, assistance and redress, including recovery and rehabilitation, in a participatory and non-discriminatory framework, irrespective of their residency status. Further, measures to prevent THB should be taken in the field of socio-economic, labour and migration policies.

33. GRETA wishes to stress the need for States to also address THB as a form of violence against women and to take account of gender-specific types of exploitation, as well as the particular situation of child victims of THB, in line with the relevant international legal instruments<sup>13</sup>.

<sup>10</sup> Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingeng.pdf>

<sup>11</sup> *Rantsev v. Cyprus and Russia*, no. 25965/04, paragraph 282, ECtHR 2010.

<sup>12</sup> See also *Siliadin v. France*, no. 73316/01, ECtHR 2005 VII; *C.N. and V. v. France*, no. 67724/09, ECtHR judgment of 11 October 2012; and *C.N. v. the UK*, no. 4239/08, ECtHR judgment of 13 November 2012.

<sup>13</sup> Such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; the United Nations Convention on the Rights of the Child and the Optional Protocol thereto on the Sale of Children, Child Prostitution and Child Pornography; the United Nations Convention on the Elimination of All Forms of Discrimination against Women; and the International Labour Organisation Convention Concerning Decent Work for Domestic Workers (No. 201).

34. The 2011-2014 Plan of Action against THB emphasises that human trafficking “violates fundamental human rights and infringes provisions of international law such as the prohibition on slavery and forced labour in Article 4 of the ECHR”. The Plan of Action also refers to trafficking in children as a “gross violation of human rights and a serious form of crime”.

35. The Norwegian Constitution establishes a general duty for public authorities to respect and secure human rights (Section 110-c of the Constitution). This duty applies regardless of whether the rights in question stem from the Constitution, Norwegian law or international conventions binding Norway. The ECHR has been incorporated into Norwegian law through the Human Rights Act No. 30 of 21 May 1999. In case of conflict, the provisions of the ECHR prevail over Norwegian legislation (Section 3 of the Human Rights Act).

36. According to the Norwegian authorities, there are many ways in which a human rights issue may be brought before a Norwegian court or administrative authority, in the context of criminal or civil proceedings or in connection with a civil claim. An individual who considers that his/her human rights have been violated may demand that a court rules on the case. On a general level, persons have the right to submit a complaint to the Parliamentary Ombudsman concerning an alleged violation committed by a public authority, including human rights violations. The opinion of the Ombudsman is not legally binding but, in practice it is very often followed.

37. The human rights-based approach to action against THB entails transparency and accountability on the part of the State through the adoption of a national policy and action plans for combating trafficking in human beings, the co-ordination of the efforts of all relevant actors, the regular training of relevant professionals, research and data collection, and the provision of adequate funding for the implementation of all these measures. The following sections of this report examine in detail the effectiveness of the policies and measures taken by the Norwegian authorities in these fields.

b. Definition of “trafficking in human beings” and “victim of THB” in Norwegian law

i. *Definition of “trafficking in human beings”*

38. In accordance with Article 4(a) of the Convention, trafficking in human beings includes three components: an action (“the recruitment, transportation, transfer, harbouring or receipt of persons”); the use of certain means (“threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”); and the purpose of exploitation (“at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”). In the case of children, pursuant to Article 4(c) of the Convention, it is irrelevant whether the means referred to above have been used.

39. Section 224 of the Norwegian Criminal Code (CC) defines THB as follows:

“Any person who by force, threats, misuse of another person’s vulnerability, or other improper conduct exploits another person for the purpose of:

- a) prostitution or other sexual purposes,
- b) forced labour, including begging,
- c) war service in a foreign country, or
- d) removal of any of the said person’s organs,

or who induces another person to allow himself or herself to be used for such purposes, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years.

Any person who:

- a) makes arrangements for such exploitation or inducement as is mentioned in the first paragraph by procuring, transporting or receiving the person concerned,
- b) in any other way aids and abets such exploitation or inducement, or
- c) provides payment or any other advantage in order to obtain consent to such exploitation from any person who has authority over the aggrieved person, or receives such payment or other advantage,

shall be liable to the same punishment”<sup>14</sup>.

40. GRETA notes that the three elements of the definition of THB under the Convention (action, means and purpose of exploitation) appear split in two paragraphs in Section 224 of the CC. According to the Norwegian authorities, the offence in the first paragraph of Section 224 of the CC does not require the element of “action” if the use of means and the purpose of exploitation are present. The authorities have pointed out that, according to the preparatory works of the CC, it is the second paragraph of Section 224 that applies primarily to human trafficking, and gives effect to the obligation under Articles 18 and 4 of the Convention. The offences in the second paragraph of Section 224 of the CC, sub-paragraphs a) and b), require the three elements of the Convention’s definition. GRETA, however, notes that the first paragraph of Section 224 explicitly refers to the offence of “human trafficking”. GRETA further notes the different requirements and interpretations of the two paragraphs of Section 224. **GRETA underlines that it is of fundamental importance to use a definition of trafficking in human beings that is in compliance with the Council of Europe Convention on Action against Trafficking in Human Beings.**

41. Concerning the list of means contained in the first paragraph of Section 224 of the CC, the Norwegian authorities have informed GRETA that the wording “misuse of another person’s vulnerability” covers coercion, deception, abuse of power or of a position of vulnerability, and that “other improper conduct” would cover abduction, fraud and giving and receiving payments or benefits to achieve the objective. According to the Norwegian authorities, the terms of Section 224 are wide enough to cover not only all the means listed in the Convention, but also other relevant means. When interpreting the terms of Section 224 of the CC, Norwegian courts can take into consideration both the terms of any relevant Convention and the preparatory works of the CC. GRETA understands that there is no case-law concerning the interpretation of the means included in the first paragraph of Section 224 of the CC.

42. The Norwegian authorities have indicated that the core element of Section 224 of the CC is the exploitation of another person for a certain purpose, or inducing a person to allow him/herself to be used for such a purpose. It is stated in the preparatory works of the CC that the term “exploit” means to use someone to obtain an advantage; and “induce” implies that it is punishable to influence or persuade someone to take part in THB. Regarding the forms of exploitation, Section 224 of the CC does not cover slavery or practices similar to slavery and servitude, which are listed in Article 4(a) of the Convention. GRETA notes that the CC contains slavery as a separate offence in Section 225<sup>15</sup>. According to the Norwegian authorities, this provision also covers practices similar to slavery and servitude. However, given that Article 4(a) of the Convention provides the minimum content of the types of exploitation included in the definition of THB, **GRETA urges the Norwegian authorities to include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings.**

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<sup>14</sup> Unofficial translation provided by the Norwegian authorities.

<sup>15</sup> “Any person who causes another person to be enslaved, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than five years and not exceeding 21 years. Any person who engages in slave-trading or the transporting of slaves or persons destined for slave-trading, or who aids and abets thereto, shall be liable to the same penalty. Any person who conspires with another person for the purpose of carrying out any act referred to in this section, or aiding and abetting thereto, shall be liable to imprisonment for a term not exceeding 10 years”.



43. The definition of child trafficking in the third paragraph of Section 224 of the CC does not require the use of means, which is in line with the Convention. Child trafficking is considered as an aggravating circumstance (see paragraph 229), which can bring a penalty of up to 10 years of imprisonment.

44. Pursuant to Article 4(b) of the Convention, the consent of the victim is irrelevant where any of the means set forth in the definition of THB have been used. There is no reference to the issue of consent in the Norwegian CC, as agreed during the preparatory works of the CC, which explicitly state that consent is irrelevant. The Norwegian authorities have indicated that the focus of THB is on exploitation, which implies a lack of consent. If exploitation by use of force or threat, or misuse of a person's vulnerability is proven, it follows that the victim has not given his/her consent. Further, Section 224 of the CC states that providing payment or any other advantage in order to obtain consent to exploitation from any person who has authority over the victim, or receiving such payment or advantage, are offences. By way of example, the Norwegian authorities have referred to the case Rt-2006-111 in which the Supreme Court upheld a ruling of the Frostating Appeals Court which had convicted two men under Section 224 of the CC for trafficking for prostitution, stating that any consent to prostitution is irrelevant, on the basis of both the preparatory works of the CC and Article 4(b) of the Convention.

45. For further analysis of the definition of THB and related offences from a substantive criminal law perspective, see paragraphs 226 - 236 of this report.

*ii. Definition of "victim of THB"*

46. The Convention defines "victim of THB" as any natural person who is subjected to THB as defined in Article 4 of the Convention. Recognition of victims of THB as such is essential as it gives rise to their entitlement to the broad range of protection and assistance measures set out in the Convention.

47. Norwegian law does not contain a definition of a victim of THB. According to the Norwegian authorities, the term "victim" ("aggrieved person") means a person in respect of whom an offence has been committed, based on an interpretation of the relevant provision. Thus, a victim of THB is any person who has been exploited or induced as stated in Section 224 of the CC (see paragraph 39).

48. GRETA recalls that it is sufficient for persons to present reasonable grounds that they have been subjected to a combination of the three elements of the definition of THB referred to in paragraph 39 (action, means and exploitation) in order to be considered as victims of trafficking. In this context, GRETA refers to the 1985 United Nations Declaration on the Principles of Justice for Victims of Crime and Abuse of Powers, according to which a person may be considered a victim "regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted".

49. The issue of the definition of victim of THB will be further discussed in the sections of this report dealing with the identification of victims and the assistance measures provided to them, along with the related proposals made by GRETA.

- c. Comprehensive approach to THB, co-ordination of all actors and actions, and international co-operation
  - i. *Comprehensive approach and co-ordination*

50. One of the aims of the Convention is to design a comprehensive framework for the protection and assistance of victims and witnesses. To be effective, any national action to combat THB must be comprehensive and multi-sectoral, and take on board the required multidisciplinary expertise. Article 29(2) of the Convention requires Parties to take measures to ensure the co-ordination of national policies and actions against THB, including through the setting-up of specific co-ordinating bodies. Further, the Convention refers to the need to co-operate and build strategic partnership with civil society through co-operative frameworks that can help governments fulfil their obligations under the Convention (Article 35).

51. The legal and policy framework in the field of action against THB in Norway is intended to cover all types of victims of THB. The 2011-2014 Plan of Action is comprehensive in nature, covering prevention, protection and prosecution measures. Further, the composition of the Inter-ministerial Working Group against Human Trafficking, which oversees the implementation of the Plan of Action, is multi-disciplinary in nature.

52. Overall responsibility for co-ordinating action against THB lies with the Ministry of Justice and Public Security, which chairs the Inter-ministerial Working Group against Human Trafficking and under which KOM operates. The Plan of Action 2011-2014 stresses the need to intensify co-ordination in order to combat THB more effectively. The evaluation of KOM, referred to in paragraph 21, concluded that, although KOM ensured broad co-operation, cross-disciplinary co-operation and competence development had to be improved. The Plan of Action envisages the development of KOM's capacity as a prime vehicle for cross-disciplinary co-operation, and the use of KOM's annual reports on THB trends and challenges to set priorities.

53. In 2011, KOM convened meetings within the Inter-agency and Operational working groups, respectively, as well as two joint meetings of both groups, to discuss the Plan of Action and the issue of unaccompanied children in Oslo City. These meetings addressed issues such as the return of victims of trafficking and challenges related to moving from the reflection period to the asylum system. These issues were carried over into KOM's 2012 work plan.

54. The 2011 annual report drawn up by KOM refers to the overall objective of contributing to reduce the incidence of THB in Norway, in co-operation with the national authorities and NGOs. In order to reach this objective, KOM is to prioritise the tasks of networking, providing advice, developing competences, as well as documentation and development of working tools. However, KOM has no mandate to give instructions to other bodies.

55. GRETA welcomes the co-ordination among different governmental agencies carried out by the Inter-ministerial Working Group and KOM, but it notes that KOM has no formal frameworks for institutional co-operation. GRETA stresses the value of formalised agreements in order to clarify roles and increase transparency. In this context, the Plan of Action includes as a specific measure the conclusion of formal co-operation agreements between the police and other national agencies, in order to clarify the division of roles and ensure predictability. The Norwegian authorities have informed GRETA that this measure has not been implemented as some organisations, e.g. the police and the ROSA project (see paragraph 147), are not convinced of the usefulness of introducing formal co-operation agreements at the national level. Formal agreements at the local level might be more appropriate, but they are not in place anywhere.

56. As noted in paragraph 27, NGOs provide a range of services to victims of trafficking in Norway and co-operate with KOM. However, NGOs are not represented in the Inter-ministerial Working Group. While NGOs are recognised as important actors in the implementation of the Plan of Action, they are not represented in the meetings where such implementation is monitored. NGOs would like to be more closely associated with the government's efforts to combat THB. Specialised NGOs have also called for more formalised collaboration between relevant governmental agencies and civil society stakeholders to combat child trafficking. GRETA notes that additional mechanisms for involving NGOs in the development and implementation of anti-trafficking policy are needed in order to create synergies and increase efficiency.

57. While the Plan of Action against THB for 2006-2009 referred to the lack of evidence that THB for the purpose of labour exploitation or forced labour took place in Norway, it stressed the need to keep a watchful eye on sectors such as construction, agriculture, hotels, restaurants and other services. The 2011-2014 Plan of Action includes measures to address THB for the purpose of labour exploitation, which can affect domestic workers and *au pairs*, employees of restaurants, cleaning firms, car repair firms, the construction industry and agriculture, as well as beggars and street sellers.

58. According to the 2012 status report on the implementation of the Plan of Action, measures regarding THB for the purpose of labour exploitation are being implemented and the police needs to pay more attention to employers. This was one of the main conclusions of the report "Forced labour – mapping of indicators", published in 2011, which addressed forced labour in the sectors mentioned above and involving foreign workers in Oslo. The Norwegian authorities have informed GRETA that this report has been followed-up with several trainings, and an operational team in the Oslo police department has been given the prime responsibility for detecting THB cases. That said, in the second half of 2012, the police department has not has the possibility to give full priority to such cases. Action against THB for the purpose of forced labour is also to be strengthened through co-operation between the Labour Inspection Authority and other relevant departments in order to detect THB in the framework of seasonal work.

59. The Plan of Action addresses the difficult issue of the borderline between 'social dumping' and forced labour, in relation to foreign employees working in conditions where the health, environment and safety legislation is contravened, including rules governing working hours, accommodation standards, wages and other benefits. The Plan of Action refers to two action plans to combat 'social dumping' (the most recent adopted in 2009) and their evaluation to co-ordinate the implementation of relevant measures, most of which have been targeted at the construction sector. The Norwegian authorities have informed GRETA that the action plans against 'social dumping' were evaluated in 2011 by the Fafo Institute for Labour and Social Research. Overall, the evaluation showed that most of the measures had had the desired effect. However, the need to make greater use of collective agreements was highlighted. The action plans against 'social dumping' have no direct links with combating THB, but if the supervisory authorities (Labour Inspection Authority and Petroleum Safety Authority) discover conditions or circumstances related to THB, they report them to the competent authorities.

60. The Plan of Action refers to the risk of *au pairs* being subjected to THB. From 2000 to 2008, the number of *au pairs* in Norway increased from 691 to 2 860, the largest group being nationals of the Philippines. An evaluation of the regulation of *au pairs* in Norway found that demand for foreign domestic workers is growing and people make use of *au pairs* to that end. The report from this evaluation is being followed up by the Ministry of Justice and Public Security with a view to safeguarding the rights of *au pairs*. GRETA notes that the Concluding Observations concerning Norway adopted by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in March 2012 express concern about the lack of monitoring of the *au pair* system, which can lead to exploitation<sup>16</sup>. The Norwegian authorities have informed GRETA that the evaluation of the *au pair* scheme has pointed to the need to change certain aspects of the relevant regulations and procedures, namely the introduction of a system of sanctions for host families who violate the provisions of the *au pair* scheme or are convicted for offences against the *au pair*; a telephone/counselling service for *au pairs*; and more information for *au pairs* and host families, on their rights and duties, to be provided by the Directorate of Immigration. In 2012, the Embassy of the Philippines, KOM, the National Police Directorate and the NGO "JURK" co-operated with a view to offering Norwegian language courses to Philippines citizens, and informing them about their rights and the risk of THB.

61. Gender issues and gender mainstreaming are important elements of anti-trafficking policy. The Norwegian Action Plan on Gender Equality ("Equality 2014") envisaged an investigation of working conditions in strip clubs and the connection with THB (see paragraph 17). The Norwegian authorities have informed GRETA that this investigation failed to find a connection between THB and strip clubs in Norway. The Plan of Action also refers to male trafficking victims, who are primarily subject to forced labour, and the need to apply a gender-sensitive approach. According to the Norwegian authorities, a gender-sensitive approach to combating THB is followed in training courses, meetings, seminars and conferences on THB at the national, regional and local levels, with the aim of raising awareness on gender issues among professionals likely to come into contact with possible victims of trafficking. Special attention is reportedly paid to identifying situations and sectors where gender plays a decisive and dominant role.

62. The 2011-2014 Plan of Action addresses begging as a type of exploitation and stresses the need to "take steps to limit organised begging in the long and the short term". In this context, a review of the conditions applying to the right of stay in Norway and the grounds for expelling EEA nationals has been carried out. Some towns have introduced municipal by-laws requiring beggars to notify their activities to the police, similarly to street musicians and street sellers, as a way of controlling this activity. The status report also mentions that the Ministry of Justice has analysed the legal situation concerning begging in Norway carried out by foreigners and will consider possible legislative changes in order to decrease begging in public areas. GRETA underlines that the Convention is concerned with forced begging as a type of exploitation, and not with begging per se. The Norwegian authorities have stressed that they do not consider "forced" and "organised" begging as being equivalent. There is a lack of information on the way organised groups of beggars function and the Norwegian authorities accept that groups can be organised without anyone in the group being exploited or forced by others. However, there is a possibility that beggars are victims of trafficking, as investigations have shown. The Norwegian authorities are in the process of preparing measures aimed at limiting begging, and will keep GRETA informed as to the scope of these measures.

63. The UNICEF report "Child Trafficking in the Nordic Countries - Rethinking strategies and national responses", published in December 2011, stated that *Uteseksjonen*, the municipal outreach service of the City of Oslo, had found that even though there was no clear evidence to confirm THB cases, Roma children originating from Romania and other South Eastern European countries were at risk of falling victim to exploitation, including human trafficking. The majority of the Roma children that this outreach service came across were from Romania or other South Eastern European countries.

<sup>16</sup> Document CEDAW/C/NOR/CO/8 (dated 23 March 2012), at paragraph 25.

64. GRETA welcomes the efforts of the Norwegian authorities to adopt a comprehensive approach to action against THB and to address different types of exploitation. That said, **GRETA considers that the Norwegian authorities should take further steps, in particular by adopting a proactive approach to detecting trafficking of children, including Roma children, for all types of exploitation.**

65. Further, GRETA considers that the Norwegian authorities should strengthen co-ordination among Government departments, and between public authorities and NGOs. This could involve providing KOM with formal institutional co-operation tools and ensuring that NGOs are involved in the planning and monitoring of Norway's anti-trafficking policy. Written agreements should be established to set out the specific framework for co-operation, including plans for periodic reviews of their application. GRETA invites the Norwegian authorities to consider whether KOM has sufficient mandate and resources to carry out its tasks and reach its overall objective.

66. GRETA commends the Norwegian authorities for the practice of periodically evaluating the impact of anti-trafficking measures. In addition to the status reports on the implementation of the Plan of Action prepared by the Inter-ministerial Working Group, **GRETA invites the Norwegian authorities to commission an evaluation of the Plan of Action by an independent body. This can serve as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.**

*ii. Training of relevant professionals*

67. According to information provided by the Norwegian authorities, KOM is responsible for identifying gaps in the competence of the various authorities and organisations combating THB. In 2010, KOM organised a two-day national training seminar for all relevant actors who might come across possible victims of trafficking in their daily work (see paragraph 129).

68. The Directorate of Police has produced a brochure on combating THB and has established a task force to develop and disseminate knowledge and best practices. The Police also organise trainings for specialised staff working against THB. The 2011-2014 Plan of Action includes the organisation of a national seminar by the Ministry of Justice to train police officers, prosecutors, lawyers and judges. A national conference on THB was held in Trondheim on 23-24 April 2012, with the participation of 125 police officers and prosecutors. The Norwegian authorities have informed GRETA that lawyers and judges were not invited to this conference as it was considered more urgent to focus on THB-related issues of concern for police officers and prosecutors.

69. The Fafo Institute for Labour and Social Research has developed training modules on THB, commissioned by the Ministries of Labour and Children. These modules were used by staff working at reception centres for asylum seekers and social welfare officers who may come into contact with child victims of trafficking. Further, the Norwegian Directorate of Immigration (UDI) carried out training seminars, in five regions, for staff working at reception centres for asylum seekers. Employees of UDI, as well as other immigration authorities, are an important target group for various trainings, including the identification training conducted by KOM.

70. Norway has also participated in the planning and implementation of training seminars for diplomatic and consular staff conducted by the Council of the Baltic Sea States (CBSS) expert group on THB. In 2011, the group produced a handbook for diplomatic and consular staff on how to assist and protect victims of trafficking<sup>17</sup>.

<sup>17</sup> "Handbook for diplomatic and consular personnel on how to assist and protect victims of human trafficking", Council of the Baltic Sea States Secretariat, 2011.

71. UNICEF has stressed that professionals working with migrant children must be made fully aware of the possibility, nature and manifestations of child trafficking<sup>18</sup>. In this sense, UNICEF has encouraged the Governments of Nordic countries, including Norway, to strengthen the knowledge and awareness of professionals and officials working with and for children, about the specific concept and meaning of child trafficking and how to respond to it. The 2011-2014 Plan of Action contains measures to improve anti-trafficking expertise, including the organisation of regional training courses on child victims of trafficking for the child welfare service and other relevant services. On 2-3 May 2011, the Directorate for Children, Youth and Family Affairs organised regional training courses on child trafficking for the child welfare service and other relevant services, with the participation of around 70 professionals.

72. Furthermore, the ROSA project (see paragraph 147) provides training to staff working at shelters for victims of trafficking in order to provide specialised services to them.

73. GRETA welcomes the efforts made by the Norwegian authorities to train relevant professionals. **GRETA considers that there is need for further investment in the continuous training and awareness raising of relevant professionals, in particular prosecutors, judges, border police, immigration officials, labour inspectors, social workers and members of NGOs likely to come into contact with victims of trafficking. Further training programmes should be designed with a view to improving the knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims, and to secure convictions of traffickers.**

*iii. Data collection and research*

74. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. An essential element is the regular availability of comprehensive statistical information on both trends in human trafficking and on the performance of main actors in the fight against human trafficking. The collation of data from different state institutions and NGOs raises concerns about data protection, especially when personal data are involved. International standards have been set for the collection, storage, transfer, compilation and dissemination of data. In order to ensure full compliance with these standards, Parties are expected to apply appropriate measures and techniques of data protection. An additional requirement for human rights-based anti-trafficking policies is the conduct of research and analysis with special attention to the rights and interests of victims.

75. Since 2007, KOM has collected data on THB cases identified by the authorities and victims of trafficking assisted by service providers. Until the end of 2009, relevant organisations and authorities sent information to KOM on the basis of their own data collecting systems and indicators. In 2010, KOM introduced a standardised template to gather data from all relevant institutions, including UDI, the police, service providers and NGOs. However, data is collected on a voluntary basis and is not subject to regulation by specific agreements or memoranda of understanding. Because data are anonymous, the only way KOM can avoid double counting is to be cautious when data are compared. The Norwegian authorities have informed GRETA that, when in doubt, KOM assumes that there is double reporting and removes the relevant data from the template.

76. One of KOM's tasks is to publish data on trafficked persons in its annual reports. A significant proportion of the available data relates to persons considered by the authorities or service providers as potential victims of trafficking.

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<sup>18</sup> "Child Trafficking in the Nordic Countries - Rethinking strategies and national responses", UNICEF, December 2011

77. GRETA notes that in its Concluding Observations on Norway, CEDAW called upon the authorities to ensure a systematic monitoring and periodic evaluation of THB and the exploitation of women in prostitution, as well of the *au pair* scheme, including the collection and analysis of data<sup>19</sup>.

78. Research carried out in the framework of a regional project on co-operation in preventing and combating THB in the Baltic Sea region, run by the United Nations Organisation on Drugs and Crime (UNODC) and the CBSS<sup>20</sup>, has brought to light shortcomings in collecting reliable data, including in Norway. According to the CBSS report "*Hard Data – Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region*"<sup>21</sup>, there was in general a lack of comparable and comprehensive data, resulting in large uncertainties about the scope of THB. The report highlighted the gap between operational actors who collect data and policy actors who use it. Concerning Norway, the report indicated that, in contrast to the large amount of data collected on victims of trafficking, no data was collected on the traffickers and only very limited information was gathered on the traffickers involved in criminal justice responses. Further, no information on the number of victims of trafficking filing compensation claims and obtaining compensation was collected. According to the Norwegian authorities, KOM's annual reports provide an overview of criminal cases resulting in convictions under Section 224 of the CC, including the number, gender and nationality of the traffickers.

79. A project on Data Collection and Education on Forced Labour Exploitation and Counter Trafficking (DEFLECT) was developed by the CBSS in 2010 to prevent THB for the purpose of forced labour, to identify, assist and protect victims, and to provide a firm basis for policy development through improved data collection and training of key actors. The project involved labour inspectorates, trade unions, employment agencies and other relevant actors. Partners to the project included international and regional organisations such as the European Institute for Crime Prevention and Control, the International Organisation for Migration, the International Labour Organisation, the International Trade Union Confederation, the International Union for Food, the Baltic Sea Labour Network, the Baltic Sea Trade Union Network and the Baltic Sea Parliamentary Conference.

80. The first phase of the DEFLECT project was launched in April 2011, with the financial support of the Swedish International Development Co-operation Agency (SIDA). It included an international expert conference in Oslo in June 2011 and a baseline study to assess the situation of THB for the purpose of labour exploitation in the region. The second phase of the project envisages four training seminars, the development of a data collection checklist and guidelines, and the publication of a handbook for labour actors. GRETA would like to be kept informed of the outcome of this project.

81. The private foundation LOVDATA, set up by the Ministry of Justice and the Faculty of Law at Oslo University, makes legal information and court decisions available to its subscribers through an online system. It is possible to search and find all THB cases that have been handled by the courts in Norway. Nevertheless, no statistics can be processed by the system.

82. GRETA welcomes the introduction of a standardised template for data collection in Norway. That said, **GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Norwegian authorities should further develop and extend a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including prosecutors, courts and the Criminal Injuries Compensation Authority, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.**

<sup>19</sup> CEDAW, Concluding Observations, doc. Ref. CEDAW/C/NOR/CO/8 (dated 23 March 2012), paragraph 26 (b).

<sup>20</sup> "*Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims' Assistance and Protection*", UNODC, 2010.

<sup>21</sup> Available at <http://www.cbss.org/civil-security-the-human-dimension/tf-against-trafficking-in-human-beings>

83. The Plan of Action states that knowledge about child trafficking in Norway is fragmented and not always adequately documented as potential child victims of trafficking may be registered by several agencies. The Plan of Action indicates that a research project will be commissioned by the Ministry of Children, Equality and Social Inclusion to obtain more evidence about child victims of trafficking. **GRETA would like to receive a copy of the report when it is available.**

84. GRETA notes that the previously mentioned report by UNICEF (see paragraph 63) has recommended conducting research to better understand the potential risks and benefits for children involved in return procedures, including returns undertaken directly by municipalities in collaboration with embassies or consulates.

85. The Norwegian Ministry of Foreign Affairs has funded a number of research projects on THB-related issues. By way of example, the Fafo Institute has carried out a number of studies on THB, including on the reasons why some victims of trafficking decline the assistance offered to them, challenges to family reintegration, and approaches and challenges to the identification of victims of trafficking, all three published in 2012<sup>22</sup>. Further research is being conducted to evaluate THB referrals in Oslo and Bergen.

86. The Ministry of Justice also funds THB research projects, such as an evaluation of the reflection period carried out by the Fafo Institute (see paragraph 191). In 2013, the Ministry of Justice will dedicate one million NOK to evaluate the ban on purchasing sexual services (see paragraph 112). **GRETA would like to be informed, in due course, of the outcome of this evaluation.** Further research is planned, including on the effects of police interventions against THB and on Nigerian women involved in prostitution in Norway.

87. GRETA welcomes the efforts to fund and develop research on THB-related issues and **invites the Norwegian authorities to continue conducting and supporting research on THB-related issues as an important source of information on the impact of current policies as well as a basis for future measures. Areas where further research is needed, in order to shed more light on the extent of the problem of THB in Norway, include trafficking for the purpose of labour exploitation, domestic servitude and child trafficking.**

*iv. International co-operation*

88. The Convention requires Parties to co-operate with each other “to the widest extent possible” in order to prevent and combat THB, protect and assist victims, and investigate related criminal offences (Article 32).

89. The Norwegian authorities have informed GRETA that there is no national law on international mutual legal assistance, but Norway is a Party to the 1959 European Convention on Mutual Assistance in Criminal Matters, as well as to the Schengen Agreement of 1990. Norway has co-operation agreements with Europol and Eurojust according to which the Norwegian police can provide information through Europol or Interpol channels without prior request. This tool has been used in THB cases where victims of trafficking provided information about exploitation that had taken place in other countries. Norway also co-operates on THB cases with Interpol and in the framework of the Nordic Police and Customs Co-operation, as well as on a bilateral basis with other parties to the Council of Europe Anti-Trafficking Convention, such as Albania, Bulgaria and Lithuania.

90. The Norwegian authorities collaborate closely with EU countries to investigate THB cases, including with Bulgaria, Romania, the Slovak Republic, the Czech Republic, Italy and Spain, either directly or through Europol and Eurojust. This co-operation has not taken place within the framework of Joint Investigation Teams, as Norway only became a party to the EU’s Convention on Mutual Legal Assistance in 2013.

<sup>22</sup>

The reports are available at <http://www.fafo.no/pub/emner/menneskehandel.htm>



91. In 2011, the Nordic Council of Ministers initiated a project entitled “Nordic, Baltic, Russian Co-operation on the Fight Against Human Trafficking - regional co-operation across juridical, law enforcement, social authorities”, aimed at strengthening the regional operational network and co-operation mechanisms through training of judges, law enforcement officers and social workers, as well as NGOs.

92. In recent years, the Norwegian police have conducted a number of broad-based investigations and have participated in extensive international co-operation in connection with the prosecution of traffickers in Norway and abroad. The Norwegian authorities have informed GRETA that there has not been a comprehensive assessment of international police co-operation. However, it was stressed that the police need to set priorities for these investigations, which are challenging as the perpetrators and their networks operate in many different countries. In addition, as most of the victims and many of the perpetrators in criminal proceedings conducted in Norway are foreign nationals, interpretation and translation costs are high.

93. The 2011-2014 Plan of Action contains measures to further develop international police co-operation, such as deployment of Norwegian police officers abroad to take an active part in the fight against human trafficking in the country of origin, and focusing international co-operation on specific targets. In addition, Norwegian armed forces are to support efforts against human trafficking when they carry out their missions in NATO and the UN. The status report on the implementation of the Plan of Action mentions that THB has long been a compulsory element in the training for international operations. The training programme of armed forces going into international assignments highlights the vulnerability of women to THB in armed conflict areas, and underlines the obligation for all personnel to report any suspicion of THB.

94. The Plan of Action also includes measures to continue strengthening co-operation on the identification and protection of child victims of human trafficking through regional bodies such as the Nordic Council of Ministers and the CBSS. The 2012 status report on the implementation of the Plan of Action mentions that trafficking in children continues to be a priority and there are plans to assess how to strengthen knowledge and communication to prevent this phenomenon in the Baltic Sea region. Since 2003, the CBSS Expert Group for Co-operation on Children at Risk has implemented the Programme on Unaccompanied and Trafficked Children in the Baltic Sea Region, aimed at preventing THB, protecting child victims of trafficking and ensuring that their right to care and assistance is respected. The 2nd Plan of Action on Unaccompanied and Trafficked Children, agreed by the CBSS countries in October 2008, led to a series of training seminars for professionals providing assistance to child victims of trafficking. The priorities for the CBSS on this issue, for 2011-2013<sup>23</sup>, include exploring demand for all forms of exploitation of children. In 2012, the CBSS Expert Group for Co-operation on Children at Risk launched the project “Children trafficked for exploitation in begging and criminality: A challenge for law enforcement and child protection”, with the participation of Norway, Sweden, Poland and Lithuania to strengthen and develop co-operation against THB. The report of this project was published in February 2013.<sup>24</sup>

95. The Norwegian authorities are committed to playing a leading role in international efforts to strengthen, co-ordinate and implement international legislation against THB, especially within the UN, the Council of Europe and the CBSS. Since 2000, the Ministry of Foreign Affairs has supported a number of projects to combat THB worldwide, with an emphasis on prevention and protection of victims. A total of 252 million NOK has been allocated to 110 anti-trafficking projects between 2000 and 2010, including campaigns to prevent THB in countries of origin by targeting those who are particularly vulnerable to exploitation. In particular, 800 million euros are provided for social and economic development projects in Central and Southern Europe through the EEA/Norway Grants<sup>25</sup>.

<sup>23</sup> Priority Paper for 2011-2013 (CBSS Expert Group for Co-operation on Children at Risk), available at [http://www.childcentre.info/public/Priority\\_Paper\\_EGCC\\_2011\\_2013.pdf](http://www.childcentre.info/public/Priority_Paper_EGCC_2011_2013.pdf)

<sup>24</sup> Available at [http://www.childcentre.info/public/Childtrafficking\\_begging\\_crime.pdf](http://www.childcentre.info/public/Childtrafficking_begging_crime.pdf)

<sup>25</sup> The beneficiary countries of the EEA/Norway Grants are: Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic, and Slovenia. See at <http://www.eeagrants.org/>

96. The Plan of Action stresses that international co-operation is vital to stop illicit financial flows generated by THB and strengthen financial investigations aimed at confiscating the proceeds of human trafficking. Further, the Plan of Action refers to human trafficking as a continuous important topic in Norway's human rights dialogues with China, Indonesia and Vietnam. The Norwegian authorities intend to put THB on the agenda of their high-level dialogue with countries of origin of victims of trafficking identified in Norway. The Norwegian Embassy in Abuja has supported IOM to assist victims of trafficking returning to Nigeria, in close dialogue with the Nigerian authorities and especially with the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Following a dialogue with the Romanian authorities, Norway has concluded an agreement under the EEA/Norway Grants which includes anti-THB projects and border control co-operation. Bulgaria has also received EEA/Norway Grant funding for anti-trafficking projects. In Lithuania, co-operation with the authorities takes place within the overall framework of human rights initiatives. On the other hand, the Eritrean authorities have for many years rejected Norwegian requests to discuss human rights issues, including THB.

97. In addition to efforts to combat 'social dumping' (see paragraph 59), the Norwegian Government drew up a strategy in 2008 to strengthen and co-ordinate Norway's efforts to promote workers' rights abroad. The strategy complements efforts against 'social dumping' in Norway, based on the International Labour Organisation's "Decent Work Agenda". Norway has signed a co-operation agreement with ILO for the period 2012-2015 to contribute financially to ILO's activities to combat THB and child labour.

98. GRETA welcomes the high importance attached by the Norwegian authorities to international co-operation to combat THB. As all victims of trafficking identified in Norway have been foreign nationals, **GRETA invites the Norwegian authorities to continue developing international co-operation with a view to preventing THB, assisting victims of trafficking and prosecuting offenders, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.**

## 2. Implementation by Norway of measures aimed to prevent trafficking in human beings

99. According to Article 5 of the Convention, Parties must take co-ordinated action to prevent THB, with the involvement of relevant NGOs, other organisations and members of civil society as appropriate. The Convention requires Parties in particular to take measures to discourage demand, strengthen border controls and ensure the integrity, security and validity of travel or identity documents (Articles 6 to 9).

100. In accordance with the Convention, measures to discourage demand for the services of victims of trafficking, especially women and children, should be understood as a positive obligation on Parties to adopt and reinforce such measures as regards THB for the purpose of any form of exploitation (see paragraph 108 of the Explanatory Report of the Convention). As it is stated in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, strategies aimed at preventing THB shall address demand as a root cause of trafficking<sup>26</sup>.

### a. Measures to raise awareness

101. The Plan of Action against human trafficking stresses that, in order to effectively reduce the market that encourages exploitation by human traffickers, legislative amendments, targeted information campaigns, research projects, education programmes and other measures need to be kept continually under review, including in relation to any new forms of exploitation.

102. The Norwegian authorities have informed GRETA that there have been no general awareness-raising campaigns in 2010-2011, as the approach has been to provide information directly to possible victims of trafficking.

103. There are no specific measures to raise awareness of THB among students in primary and secondary education in Norway. That said, awareness of human rights and human rights violations is an integral part of school education, as established by the Education Act. The school curricula state overall objectives and it is up to the individual schools, teachers and students to choose the most relevant themes and methods to reach those aims. For example, in 2007, the Pro Centre launched an information campaign on THB for upper secondary schools in the context of courses on "Religion, philosophies of life and ethics" and "Politics and human rights", with the support of the Ministry of Children, Equality and Social Inclusion.

104. GRETA notes that a report by ECPAT highlighted that the issue of child trafficking has not yet been integrated into the school curriculum for teachers, and advocated that the Norwegian government should develop and implement awareness-raising programmes focusing specifically on the prevention of child trafficking<sup>27</sup>.

105. The Plan of Action refers to the need to develop new awareness-raising measures to prevent all forms of THB and tasks KOM with developing proposals for information campaigns and competence-building measures to raise awareness and prevent new forms of THB. An information campaign is envisaged to be prepared before the end of the Plan of Action (i.e. 2014). Concerning competence-building measures, KOM is preparing two national seminars to be conducted in March and June 2013 as part of the regional CBSS project "Adstringo". These seminars will focus on THB for the purpose of forced labour and services. New stakeholders in the field of anti-trafficking work in Norway will be invited, including trade unions, employers' associations, the private sector (such as larger hotel and business companies), the construction and the fishing sectors.

<sup>26</sup> Principle 4 of Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

<sup>27</sup> 2010 Country Progress Card - Norway, available at: [http://www.ecpat.net/TBS/PDF/2010\\_Norway\\_Progress\\_Card.pdf](http://www.ecpat.net/TBS/PDF/2010_Norway_Progress_Card.pdf)

106. The Plan of Action includes measures to prevent human trafficking in countries of origin, by continuing to finance projects in transit countries and countries of origin that support the authorities' efforts to combat THB (see paragraphs 95-96).

107. The 2012 status report on the implementation of the Plan of Action refers to 22 projects supported through NGOs or directly by the Norwegian Agency for Development Co-operation (Norad) in countries of origin and transit of victims of trafficking including, *inter alia*, funding to develop and consolidate child care mechanisms for child victims of trafficking and other abused children in Albania, a project to reintegrate Albanian victims of trafficking and persons at risk of THB, a project to prevent THB and the abuse of children in the West Balkans, and a project to strengthen border control in four Central Asian countries to prevent THB.

108. GRETA welcomes the efforts of the Norwegian authorities to raise awareness about THB for the purpose of forced labour and services, with the involvement of the private sector, and to support prevention of THB in countries of origin. **GRETA considers that the Norwegian authorities should plan future information and awareness-raising campaigns in the country with the involvement of civil society and on the basis of previous research and impact assessment. More should be done to raise awareness of child trafficking and of THB for the purpose of labour exploitation, including in private households.**

109. **Further, GRETA invites the Norwegian authorities to continue contributing to awareness-raising prevention activities in the main countries of origin of victims of trafficking found in Norway.**

b. Measures to discourage demand

110. In 2008, the Norwegian Parliament adopted legislation amending Section 202a of the Criminal Code in order to criminalise the purchase of sexual services (in force since 1 January 2009). According to the Norwegian authorities, the main intention behind this legislative initiative was to combat human trafficking by reducing the prostitution market. An important argument in the political debate leading to this criminalisation was that it can be used to combat THB for the purpose of sexual exploitation.

111. Information campaigns against the purchase of sexual services have been conducted at airports (aimed at influencing young men who might buy sex for the first time in a foreign country), on the internet and by means of notices in taxis. The Norwegian authorities have informed GRETA that it is not possible to evaluate the impact of such information campaigns, which are aimed at a long-term change of attitudes.

112. The effects of the criminalisation of the purchase of sexual services have been difficult to measure. There were 128 clients of prostitutes reported by the Oslo police in 2009, and 67 in 2010. The Plan of Action envisages an evaluation of the criminalisation of the purchase of sexual services in 2013 (see paragraph 86). CEDAW's Concluding Observations addressed to Norway in March 2012 also included a recommendation to study the effects of the amendment of Section 202a of the Criminal Code, "including on the type and extent of prostitution and trafficking, as well as on social perceptions on prostitution and on the purchase of sex services, as well as on women who engage in prostitution"<sup>28</sup>. **GRETA would like to be kept informed of the outcome of the evaluation of the criminalisation of the purchase of sexual services in Norway.**

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CEDAW, Concluding Observations, doc. Ref. CEDAW/C/NOR/CO/8 (dated 23 March 2012), paragraph 26(e).

113. GRETA notes that criminalising the purchase of sexual services is not required by Article 19 of the Convention, according to which parties must consider criminalising the use of services provided by a person with the knowledge that she/he is a victim of trafficking. GRETA stresses the need to differentiate THB for the purpose of sexual exploitation from prostitution, as the latter does not automatically amount to trafficking. **GRETA considers that the Norwegian authorities should:**

- **discourage demand for the services of victims of trafficking for the purpose of sexual exploitation;**
- **strengthen their efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation in economic sectors at higher risk of human trafficking, such as construction, agriculture, cleaning, hotels, catering and entertainment, as well as domestic work.**

114. **GRETA also invites the Norwegian authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.**

- c. Border measures to prevent THB and measures to enable legal migration

115. The Norwegian authorities have informed GRETA that most victims of trafficking arrive in Norway with valid travel documents and therefore not many cases of THB can be detected through border control measures. There is on-going co-operation between police and customs officials at airports, with a focus on Nigerian and other West African nationals, as most victims arrive in Norway by plane.

116. Information on the procedures of entry and residence of foreigners in Norway is provided through the websites of the Ministry of Foreign Affairs and the Norwegian Directorate of Immigration (UDI), as well as on information boards in Norwegian embassies and consular offices.

117. When dealing with visa applications, all relevant and available information is considered and the decision is based on an individual assessment. However, in most cases Norwegian border authorities need to rely on other information to identify possible victims of trafficking, after their arrival in Norway.

118. UDI has issued a circular on identification of possible victims of trafficking (see paragraph 135), which provides guidance to the immigration authorities about identification procedures.

119. That said, GRETA has received information from civil society highlighting shortcomings in the identification of victims at border crossings, including lack of training of border officials to detect possible victims of trafficking. NGOs have stressed the good co-operation with police officers at Oslo's Gardermoen Airport, but have pointed out that border officials at the airport tend to consider potential THB cases as immigration law violations. In this context, the Norwegian authorities have underlined the general difficulties of identifying victims of trafficking in the context of border control, and have indicated that border officials at Gardermoen Airport, who are civilian staff, are trained on the identification of potential victims of trafficking.

120. As mentioned in paragraph 70, Norway has participated in training seminars for diplomatic and consular staff conducted by the expert group on THB of the CBSS and based on the handbook for diplomatic and consular staff on how to assist and protect victims of human trafficking, published in 2011.

121. **GRETA considers that the Norwegian authorities should make further efforts to:**

- **detect and prevent THB through border control measures;**
- **introduce a checklist to identify potential THB-related risks during the visa application system;**
- **provide written information to foreign nationals planning to travel to Norway, in a language that they can understand, in order to alert them about the risks of THB for sexual and labour exploitation, inform them of their rights and where to turn for advice and assistance.**

d. Measures to ensure the quality, security and integrity of travel and identity documents

122. The Norwegian authorities have informed GRETA that, since 2005, all Norwegian passports include biometric identifiers (a facial image and two fingerprints). Express passports are planned to be issued at Norwegian airports in order to replace most of the temporary emergency passports issued by Norwegian foreign missions which have a low security level.

123. The Norwegian authorities have decided to introduce a national identity card, from 2013, containing an electronic chip similar to those in passports, as well as an electronic identity document for secure electronic communication and signing. There are also plans to introduce an identity card for permanent residents from third countries, with the same security level as passports and national identity cards.

124. The Norwegian authorities have informed GRETA that a system for the verification of travel documents ('e-Gates') was launched in December 2012, but it has so far been used only for Norwegian citizens arriving from outside the Schengen area. E-Gates is a way of verifying the authenticity of passports following a two-step system, which includes a passport check carried out by a machine and, in case of need, a passport check carried out by a passport inspector. Norway has recently established a new authority, the National Identity and Documentation Centre, to provide updated knowledge about passports and identity checks.

### **3. Implementation by Norway of measures to protect and promote the rights of victims of trafficking in human beings**

#### **a. Identification of victims of THB**

125. Article 10 of the Convention requires Parties to adopt measures to identify victims. In order to do so, Parties must provide their competent authorities with persons who are trained and qualified in preventing and combating THB and in identifying and helping victims, including children. Identifying a trafficking victim is a process which takes time, and therefore the Convention provides that if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, that person shall not be removed from the country until the identification process is completed and shall receive the assistance required by the Convention.

126. The Norwegian authorities have informed GRETA that no single government agency has either the monopoly on or the prime responsibility for the identification of victims of trafficking. In principle, all agencies, organisations or individuals who find themselves with grounds for concern that a person may be subject to human trafficking (e.g. social workers, police, teachers, medical staff, labour inspectors, child welfare officials, staff of asylum reception centres, NGOs, etc.) have the statutory duty to identify the person concerned as a possible victim and to refer him/her to the relevant authorities and assistance programmes, while complying with the privacy and confidentiality regulations for certain professionals. Victims of trafficking may also report themselves to the authorities or NGOs. Every person identified as a possible victim of trafficking must be treated as a victim of trafficking, with all the corresponding rights and duties, until the contrary is proven. In other words, formal identification is not required for a person to be entitled to assistance and protection as a victim of trafficking.

127. KOM has developed a "Guide to the Identification of Possible Victims of Trafficking", published in November 2008, as well as an information leaflet (available in Norwegian and English) giving an overview of the types of assistance to which victims of trafficking are entitled (see paragraph 143). The Norwegian authorities have informed GRETA that the guide is widely distributed to all actors that may come across THB cases in their daily work, such as service providers, police and immigration authorities. The Guide is also used in KOM's training activities and, upon request, is sent to actors seeking to build capacity and knowledge in the anti-trafficking field. KOM plans to review the identification guide and a workshop is planned for the autumn of 2013 to review and, to the extent needed, update the information leaflet.

128. According to KOM's identification guide, a person who is identified as a possible victim of trafficking may be verified as such by the police, the prosecution authorities, the immigration authorities or, in the case of children, the Child Protection Service. Only the courts, the police, the Directorate of Immigration and the child welfare authorities can grant a person the status of a victim in the context of a police investigation, a criminal case against a trafficker or a procedure for issuing a temporary residence permit. However, none of the previously mentioned agencies has a specific mandate to conduct formal identification of victims of trafficking. In fact, identification takes place through the performance of their ordinary duties, i.e. investigation and prosecution of offences by the police and the prosecution authorities, processing of applications for residence and work permits by the Immigration Directorate, and consideration of children's care by the Child Protection Service. The KOM identification guide states that "there is no requirement that the police, the immigration authorities and the Child Protection Service come to the same conclusion as regards whether a person is a victim of trafficking", as these services work on the basis of "different legal foundations, their evaluations have different objects, and they have different criteria for proof and preponderance of evidence in their verification work".

129. The Plan of Action refers to the need for all those who may come into contact with potential victims of trafficking to be aware of THB, to have the expertise necessary to identify victims of trafficking and to be able to provide them with correct information. The public authorities concerned include the police, the customs authorities, the health and welfare services, the child welfare service, the immigration authorities and the Labour Inspection Authority. In September 2010, KOM conducted a two-day national seminar on the identification of victims of trafficking, with 200 participants from the previously mentioned authorities as well as NGOs (see paragraph 67).

130. KOM's identification guide states that identification helps to prevent further exploitation and ensures that the victims are informed of their rights and can be referred to the appropriate agency for further assistance. KOM's Inter-agency working group was set up to identify frameworks and procedures for cross-disciplinary co-operation on the identification, assistance and protection of victims at the central, regional and local levels (see paragraph 23).

131. The Labour Inspection Authority supervises health, environment and safety conditions, as well as wages and working conditions in Norwegian enterprises. It plays a key role in exposing cases of labour exploitation and may come into contact with possible victims of trafficking when inspecting workplaces and through information from employees and others. However, the Norwegian authorities have informed GRETA that the possibility for labour inspectors to identify victims of trafficking is limited. During labour inspections, employees are asked questions about their working conditions, usually without the employer being present, but there is no obligation for them to talk to labour inspectors. Labour inspectors supervising wages and working conditions for migrant workers receive an annual training in methods for detecting serious breaches of the legislation, which includes indicators of serious labour exploitation. Although detecting THB is not an explicit part of this training, information on THB and relevant legislation and co-operation between different agencies has been provided, and experienced labour inspectors have reported potential cases of THB. The Norwegian authorities have informed GRETA that the Labour Inspection Authority will review the training programme for labour inspectors to incorporate the detection and follow-up of THB, using the knowledge and tool kits developed by KOM.

132. Health care also provides a good opportunity to detect possible victims of trafficking, as a health-related approach often meets with a positive response and is a good way of making contact with vulnerable persons. Specific offers of health care or referrals to the health service have been a central element in measures against THB. The Norwegian authorities have stressed the importance of continuing these measures under the auspices of the municipal authorities and through NGOs focusing on outreach activities and health care for groups where potential victims are likely to be found (e.g. sex workers).

133. The Outreach Services of the City of Oslo (*Uteseksjonen*) work with KOM's indicators for the identification of possible victims of trafficking and promote awareness and use of these tools among social outreach workers throughout Norway. As far as the detection of child victims of trafficking is concerned, in addition to the use of such indicators, an overall evaluation of the child's living situation is important when assessing whether or not the child has been exposed to THB<sup>29</sup>. Further, the City of Oslo uses the work of the CBSS Expert Group for Co-operation on Children at Risk (see paragraph 94) as guidelines to assist children. In 2009, *Uteseksjonen* was in contact with 1 778 persons, 956 of whom received follow-up services; 487 persons met by the outreach services were under 18 years old, mainly in relation to drug use. Based on this experience, *Uteseksjonen* published an information brochure to guide social outreach professionals by providing an overview of the rights of non-nationals in Norway, including asylum seekers, undocumented migrants, labour migrants and possible victims of trafficking. The brochure provides information on relevant laws and regulations, the role of social workers and their reporting obligations, and contact details of institutions and authorities that can assist outreach workers with additional information and advice. The brochure has been distributed among professionals working with social outreach and other relevant services.

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<sup>29</sup> "Child Trafficking in the Nordic Countries – Rethinking strategies and national responses", UNICEF, December 2011



134. One of the objectives of the Plan of Action is to improve the identification of victims of trafficking and to offer them support and protection. In order to achieve this, the Plan of Action envisages the development of new strategies and measures to improve the identification of victims of trafficking for the purpose of forced labour, as well as to raise awareness of THB among private-sector agencies whose staff may come into contact with victims of trafficking, such as airlines employees. The 2012 status report on the implementation of the Plan of Action refers to a mapping of forced labour involving foreign workers, carried out by Oslo district police in co-operation with the Labour Inspection in 2011, which called for four follow-up actions to be considered by the police: the setting up of a multi-sectoral task force to inspect sectors at risk where a large percentage of vulnerable foreign workers are employed; enhancing the knowledge of frontline officers concerning indicators for forced labour; prioritising joint investigations (across specialised entities within the police) to address forced labour and related offences; and improving protection measures for foreign workers in the Alien Act. Two national seminars on THB for the purpose of forced labour and services, to be carried out in 2013 (see paragraph 105), will seek to engage new stakeholders such as the private sector.

135. In 2011, the Directorate of Immigration (UDI) published circular RS 2011-007 with guidance for the identification and referral of adult and child victims of trafficking by authorities dealing with foreign nationals<sup>30</sup> and circular RS 2011-006 on identification procedures for employees at reception centres. Immigration officials and employees at reception centres must follow the instructions provided in these two circulars. According to the first circular, identification should be performed in case of suspicion of exploitation in Norway and/or another country, and related to either past or present exploitation. In case of suspicion, the possible victim of trafficking must be interviewed and be given relevant information on their rights to support and protection and be referred to assistance. The circular also contains guidance on how to conduct interviews with possible victims. The Norwegian authorities have informed GRETA that the new guidelines have been the subject of several training modules, including a one-day internal seminar for 100 UDI executive officers and a session at a two-day national training seminar organised by KOM. Further, in 2012, the Norwegian Immigration Appeals Board published internal guidelines on procedures to identify and assist possible victims of trafficking.

136. The Plan of Action contains a separate chapter concerning children, given their particular vulnerability and special needs. According to it, child victims of trafficking need to be detected among unaccompanied asylum-seekers, children staying at reception centres (run by UDI, for those aged 15 to 18) or care centres (run by the Child Protection Service, for those under 15), and foreign children who arrive unaccompanied and do not seek asylum. The Plan of Action also refers to children who arrive in Norway accompanied, but can be victims of trafficking exploited by their parents or other family members. Another vulnerable group of children are those staying irregularly in Norway, either on their own or together with their parents or other persons. Guidelines have been issued on how to deal with disappearances of unaccompanied or separated children and on the follow-up to be given by reception centre staff in possible cases of THB.

137. According to civil society representatives met by the GRETA delegation, the fact that police officers carry out ID controls and detect violations of immigration laws may be at odds with their role to detect possible victims of trafficking. NGOs have reported that police officers target Nigerian women, asking them to prove that they are able to support themselves in Norway but, as the women do not have official income or bank statements, they are asked to leave the country or are deported. Further, there appears to be a lack of proactive police action to identify cases of THB for non-sexual types of exploitation, such as forced labour or services, domestic servitude or illegal activities.

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<sup>30</sup> These authorities include the aliens unit of the police, including the foreign citizens units of the district police, the asylum division of UDI, the regional and reception division of UDI, the residence division of UDI, and consular and foreign services of Norway abroad.

138. GRETA notes the broad approach to identification of potential victims of trafficking in Norway, but at the same time is concerned by the lack of clear procedures and criteria for the formal identification of victims of trafficking. This means that even if service providers apply a low threshold for giving potential victims of trafficking access to assistance and support, if the police, prosecutors or immigration officials do not consider them as victims of trafficking, they are deprived of certain rights set forth by the Convention, such as the recovery and reflection period, compensation and redress.

139. **GRETA urges the Norwegian authorities to set up a formalised national referral system defining clear procedures and roles of all frontline actors who may come into contact with victims of trafficking, in order to improve clarity and legal certainty. In this context, GRETA considers that the Norwegian authorities should:**

- **provide all frontline staff with operational indicators, guidance and toolkits for the identification of victims of trafficking (for sexual and non-sexual types of exploitation), and train them to use those identification tools in order to ensure that they adopt a proactive and harmonised approach to detecting and identifying victims of trafficking;**
- **harmonise the indicators and criteria used by the competent authorities to identify victims of trafficking;**
- **improve the identification of victims of trafficking among irregular migrants and asylum seekers, including through training of immigration police officers;**
- **involve child specialists in the development of procedures for the identification of child victims of trafficking.**

b. Assistance to victims

140. The Convention requires Parties to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in co-operation with NGOs and other organisations engaged in assistance to victims. This assistance must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children, and it must not be made conditional on the victim's willingness to act as a witness (Article 12). The need to take account of victims' needs is also referred to in the Convention's provisions concerning temporary residence permits (Article 14) and the rights of children victims of THB (Article 12(7)). The Convention also establishes that the assistance to victims of THB must include appropriate and secure accommodation.

141. As mentioned in paragraph 126, formal identification of victims of trafficking is not required to provide them with access to assistance. Service providers are responsible for the provision of information to possible victims of trafficking on their rights and the assistance available.

142. The Norwegian authorities have informed GRETA that all persons identified as possible victims of human trafficking have the following rights:

- temporary residence and work permit for six months (a reflection period), granted by UDI (see paragraph 182);
- legal assistance and free legal aid in advance of any criminal charges<sup>31</sup>;
- safety measures (following a risk assessment), provided by the police;
- safe house within the shelter structure (see paragraph 146);
- tailored follow-up care provided by social services or immigration authorities<sup>32</sup>;

<sup>31</sup> The 1980 Act on free legal assistance gives the Ministry of Justice the right to introduce special assistance measures for needy groups (Section 7). Directive G-12/06, in force since 1 January 2007, introduced the right to up to five hours of free legal counsel for possible victims of trafficking.

<sup>32</sup> Pursuant to sections 17 (on information, advice and guidance) and 18 (on economic aid) of the Act on social services in the Labour and Welfare Service.

- medical assistance (see paragraph 158);
- social assistance and measures to access to labour market, provided by the social security system<sup>33</sup>;
- activities to assist the recovery of victims;
- safe voluntary return and re-establishment in the home country, provided through an agreement with the International Organisation for Migration (see paragraph 217).

143. The KOM information leaflet for possible victims of trafficking (see paragraph 127) states that they “may be entitled” to the measures listed above. The leaflet stresses the duty of confidentiality of everyone working with victims, as well as the right to police protection in case of threats. The leaflet also indicates that adult victims of trafficking have the choice of accepting assistance or not, and the right to decide at any time to stop receiving it. A telephone number is provided for further enquiries.

144. The Norwegian authorities have informed GRETA that new information materials are being developed for possible victims of trafficking, and that training of relevant professionals is being planned. In particular, KOM will continue its efforts to build knowledge and expertise in the field of THB, through lectures, seminars and other information measures, such as the annual two-day seminar on the identification and protection of victims of trafficking.

145. Foreign children victims of trafficking have the same rights as Norwegian children, regardless of their residence status, and Norwegian victims of trafficking are eligible for the support provided by the welfare system. The Norwegian authorities have indicated that there is no specific funding allocated to assist victims of trafficking as the assistance is covered by the local communities or general State funds. However, additional State funding is provided for certain targeted assistance programmes.

*i. Assistance measures for adults*

146. Pursuant to the Act on Crisis Centres, which entered into force in January 2010, municipalities are obliged to provide a place in a crisis centre for women, men and children exposed to domestic violence or threats of violence, including victims of trafficking. In addition, the Norwegian Government funds two NGO-run projects offering safe housing to victims of trafficking, the ROSA project and Laura’s House.

147. The ROSA project was launched in 2005 to help victims of trafficking recover in a safe place. The project is funded by the Ministry of Justice and managed by the secretariat of the crisis centres for victims of domestic violence, which co-ordinates a country-wide network of 47 shelters offering safe housing to women. The ROSA project also has two flats in Oslo to accommodate men, as well as a day centre. Victims of trafficking staying at the municipal crisis centres are offered legal and other assistance. Funding is guaranteed for the duration of the current Plan of Action (i.e. until 2014) and the next plan of action will review the status of the ROSA project.

148. The ROSA project was evaluated by NTNU Social Research in 2008. The assessment report noted that the project had identified and addressed gaps in the system, and recommended that the ROSA project be continued. At the same time, the report pointed out that a wider range of housing was needed, and that the division of work between the various agencies should be more clearly defined.

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<sup>33</sup> Pursuant to the Act on social services in the Labour and Welfare service, Sections 1, 17, 18 and 29, and the Act on Labour market Sections 12 and 13.

149. In 2009, Church City Mission Nadheim in Oslo established Laura's House, a communal living project with five accommodation units. The project received funds from the Ministry of Justice, the Ministry of Children, Equality and Social Inclusion, the Directorate of Health and the Directorate of Labour and Welfare. Women victims of trafficking are accommodated in Laura's House and are followed up by the health and social services. The project has been expanded with the purchase of two apartments intended for women who move out of Laura's House, but are still followed up by staff. The apartments are also available for men in case of need. The Norwegian authorities have informed GRETA that Laura's House will continue to receive funding in 2013.

150. During the evaluation visit to Norway, GRETA visited a crisis centre in Oslo where women victims of trafficking are accommodated, as well as Laura's House which provides safe accommodation to women victims of trafficking and their children. Both accommodation facilities are safe (as their location is unknown), offer good material conditions and employ dedicated staff. The Oslo crisis centre can accommodate a maximum of 60 women and has three rooms for victims of trafficking. At the time of the visit, three victims of trafficking had spent between one and two years at the centre. Eight women and children were accommodated in Laura's House at the time of the visit.

151. The Norwegian authorities have informed GRETA that 44 victims of trafficking were accommodated in shelters in 2008, 51 in 2009, 42 in 2010 and 44 in 2011. In 2012, 42 women victims of trafficking were accommodated in safe houses under the ROSA project.

152. According to civil society representatives met during GRETA's evaluation visit to Norway, the ROSA project functions well, but concerns were expressed as to the lack of adequate housing alternative to shelters and the fact that female victims of trafficking stay for a long time in shelters. Laura's House is also considered a success, but due to the lengthy immigration procedures, women tend to stay there for long periods of time, even after they are granted permanent stay in Norway. NGOs have stressed the need for more alternative housing and flats, as well as a long-term approach to the assistance provided to victims of trafficking.

153. GRETA was informed that some shelters charge a daily fee which is covered by UDI if the victim of trafficking is referred by a reception centre. However, UDI does not cover this fee if the victim is referred by ROSA, in which case victims are supposed to pay for the fee themselves, out of their subsistence allowance. The Ministry of Justice and Public Security has reportedly informed UDI in June 2012 that they should cover such expenses, in accordance with the current rules and regulations, when asylum-seeking victims of trafficking are referred by ROSA.

154. GRETA notes that the current accommodation system for victims of trafficking focuses on women victims of THB for the purpose of sexual exploitation and that there is a need to address the existing gap as regards providing safe accommodation to female and male victims of trafficking for all types of exploitation.

155. The Plan of Action refers to a review of the accommodation provided to victims of trafficking, including the need for temporary and long-term solutions and follow-up, with a view to developing solutions based on co-operation between the State, municipalities and NGOs. The 2012 report on the implementation of the Plan of Action mentions that work is underway and that further accommodation for victims of trafficking is being developed. The aim is to build a more predictable system of financing safe houses and the follow-up of victims. This requires temporary and long-term measures for victims of trafficking, irrespective of whether they are asylum-seekers or were granted a reflection period. In 2012, a working group with representatives from all relevant ministries was set up to consider options for the organisation of safe accommodation for all victims of trafficking. The group will present its recommendation to the government in 2013. **GRETA would like to be kept informed of the outcome of this work.**

156. The Plan of Action refers to meetings between the Ministry of Justice and Public Security and representatives of the welfare services and public agencies providing assistance to victims of trafficking, in order to discuss the distribution of annual project funds to help women and men out of prostitution, including through projects to assist victims of trafficking. Since 2009, the Ministry of Justice and Public Security has distributed annual project funding amounting to 10 million NOK. The Norwegian authorities have informed GRETA that, initially, the distribution of these funds was discussed between the Ministry of Justice and relevant agencies and NGOs, but funding is now awarded after discussions in an inter-ministerial group, which also visits the projects.

157. In addition, the Plan of Action envisages to “clarify the health services available to victims of trafficking”, while guaranteeing the continuation of existing measures under the auspices of the municipalities and/or civil society organisations carrying out outreach activities, and access to low-threshold health care offered to groups likely to contain victims of trafficking (this includes outreach activities in the prostitution community, especially among foreign women, men and transgender persons). The Plan of Action refers to the development of guidelines on the right to health care for persons who are granted a reflection period (see paragraph 180). In 2010, guidelines on health care for asylum seekers and refugees were issued by the Directorate of Health, covering also possible victims of trafficking. These target groups receive a free health check, a compulsory test for tuberculosis and a voluntary HIV test.

158. In November 2010, the Ministry of Health and Care Services held consultations on a proposal for clarifying the legislation applicable to foreign nationals staying in Norway, covering both those staying illegally in the country and persons with temporary residence, such as victims of trafficking during the reflection period. According to the proposal, such persons should be offered emergency health care and other medical treatments that should not be postponed. The Norwegian authorities have informed GRETA that a regulation on the right to health and care services, at community and specialist levels, for persons without the right to a permanent stay in Norway, entered into force in January 2012. The regulation establishes the right of all persons in Norway to emergency health care, an assessment from specialist health services, and information about health treatment.

159. Reference should be made to the Adora project which offers women victims of trafficking subject to sexual exploitation the possibility to follow education and vocational training courses as beauticians. The project, which is funded by the Ministry of Justice, started in 2007 and offers activities during the reflection period. There is also collaboration with the ROSA project and the Red Cross for those victims who are illiterate. The Adora project provides victims of trafficking with a qualification that they can take back to their country of origin, but demand largely exceeds the 18 places and there is no funding to follow-up the women after their participation in the project.

160. Civil society organisations have expressed concern about the lack of psychological assistance to victims of trafficking, which according to them is one of the main shortcomings in the current system of assistance. Another gap is the lack of activities offered to victims of trafficking outside Oslo.

161. Victims of trafficking are offered up to three hours of free legal assistance before a police report is filed against the traffickers, and it is possible to apply for an extension of the legal assistance to a District Court judge. Legal assistance for victims of trafficking for the purpose of forced marriage can last up to 12 hours and is not connected to filing a police report against the perpetrator. GRETA welcomes the provision of free legal assistance to victims of trafficking, but notes that they may need legal assistance beyond police and prosecution matters (see paragraph 208).

162. Concerns have also been expressed by civil society representatives as to the need to grant work permits to victims of trafficking, who need to show personal identification to obtain a tax-deduction card before they can work in Norway. However, most victims of trafficking are not in possession of valid passports or other identification documents and therefore an alternative should be found.

163. GRETA notes that CEDAW's Concluding Observations concerning Norway included recommendations to take the necessary steps to ensure that trafficked women and girls have access to quality medical care, counselling, financial support, adequate housing and programmes for reintegration in the education system and labour market, as well as access to free legal services, regardless of their availability or willingness to testify against their traffickers<sup>34</sup>.

164. **GRETA considers that the Norwegian authorities should strengthen their efforts to provide assistance to victims of trafficking, including the provision of:**

- **safe and suitable temporary accommodation for adult victims of trafficking, which is adapted to their needs and gender;**
- **adequate training to all professionals responsible for the provision of assistance and protection to victims of trafficking;**
- **information for victims on the services and assistance measures available and how to access them, in an appropriate range of languages;**
- **access to education, vocational training and the labour market for victims of trafficking who are lawfully resident in the country in order to help their reintegration into society and to avoid re-trafficking;**

165. **GRETA also invites the Norwegian authorities to give consideration to longer-term funding for NGOs that provide assistance to victims, subject to quality controls and evaluation, in order to ensure the continuity of victims' assistance.**

*ii. Assistance measures for children*

166. The Child Protection Service, the police, the immigration authorities and other welfare services are responsible for ensuring that child victims of trafficking receive appropriate care. The local child welfare services have a responsibility for child victims of trafficking in Norway and must ensure that they receive the necessary help and care. By way of example, the Child Protection Service holds regular meetings with the Municipality of Oslo to follow up on children found in criminal environments and who may be victims of trafficking. However, unaccompanied minors between the ages of 15 and 18 who seek asylum in Norway are under the care of the Norwegian Directorate of Immigration (UDI) rather than the Child Protection Service, which can be seen as discriminatory and not necessarily in the best interest of the child.

167. The KOM information leaflet for possible victims of trafficking indicates that the Child Protection Service is responsible for child care, that the assistance provided is not optional and that the child services and the police evaluate the individual risk and take the necessary measures to protect and look after the child, including accommodation in an emergency home, a child protection institution or a foster home. Child victims of trafficking are entitled to schooling if they are likely to remain in Norway more than three months, as well as medical assistance.

168. Reception centres for unaccompanied minors seeking asylum must report to the Child Protection Service if they suspect a case of child trafficking. GRETA considers that it is important that staff in reception centres as well as in the welfare services are fully trained on the rights of child victims of trafficking and their protection, including on the provision of information to minors seeking asylum about their special rights and their right to protection if they are victims of THB.

<sup>34</sup>

Document CEDAW/C/NOR/CO/8 (dated 23 March 2012), at paragraph 26.

169. Child victims of trafficking have the right to express their opinion before decisions concerning their personal affairs are taken. If victims are over 12 years old, their opinions will carry great weight and if they are over 15 years, they have full legal capacity. A guardian or curator, as well as a lawyer, will be appointed.

170. All unaccompanied minors have a guardian appointed before the application for asylum is registered by the National Police Immigration Service. The Immigration Act has been amended to ensure the right of unaccompanied asylum-seeking minors to a representative in order to ensure protection of their rights. The new arrangement, due to enter into force on 1 July 2013, will strengthen the legal rights of unaccompanied children, including possible victims of trafficking.

171. GRETA understands that child victims of trafficking can access psychological assistance and counselling programmes, which are not tailored to the particular needs of child victims of trafficking. Access to care and protection services are granted to unaccompanied foreign children who claim to be victims of trafficking. On this basis, child victims receive a temporary six-month residence permit. However, those children who are not granted a residence permit have to go back to their country of origin, with the risk of being re-trafficked.

172. The Plan of Action includes measures to prevent child trafficking and improve the follow-up of unaccompanied minors seeking asylum and foreign minors involved with criminal groups who may be victims of trafficking. The Plan of Action refers to the need to improve co-ordination and clarify the division of responsibilities in this respect, including through the updating of a circular on the responsibility of child welfare services for child trafficking victims, and co-operation with other agencies, which is currently being undertaken by the Ministry of Children, Equality and Social Inclusion. In January 2011, the circular "The responsibility of the child welfare system for minor asylum seekers and other minors in reception centres, care centres and municipalities" was sent to all municipalities, heads of regions, care centres and reception centres for asylum seekers. The circular clarifies that the Child Welfare Services Act concerns all children in Norway, regardless of their citizenship and status as asylum seekers.

173. There are no dedicated shelters providing accommodation and specialised services to child victims of trafficking in Norway. Such children are placed in shelters run by the Child Protection Service. The Plan of Action refers to the need to further develop the care services for child victims of trafficking, including improvements to the housing. GRETA stresses the importance of ensuring the safety of child victims of trafficking housed in non-specialised shelters.

174. The Plan of Action stresses the importance of preventing the disappearance of children from care and asylum reception centres, as well as investigating such disappearances. In 2011, an inter-departmental working group composed of representatives of the Ministry of Justice and Public Security and the Ministry of Children, Equality and Social Inclusion was set up to assess existing policies, challenges and experiences to reduce the risk of disappearance of children from care and asylum reception centres, as well as to ensure an adequate investigation in case it happens. The Norwegian authorities have informed GRETA that since the inter-departmental working group was set up there has been continuous dialogue with the Norwegian Directorate of Immigration (UDI), the police and other relevant parties. Co-operation between the police and reception centres has improved the investigation when disappearances occur. The Norwegian authorities recognise that the disappearances of children from care and asylum reception centres is a complex and challenging issue and the working group will continue to assess and strengthen work in this field.

175. A new provision was introduced in the Child Welfare Act in August 2012 to allow unaccompanied minors to be held for up to six months in a closed institution without their consent, in cases where the child is at risk of being subject to THB and in order to prevent the child being contacted by traffickers. This provision can only be used if it is not possible to protect the children through other measures. The Norwegian authorities have informed GRETA that the state budget for 2012 allocated 17 million NOK to the Municipality of Oslo and the Directorate for Children, Youth and Family Affairs for the development of tailor-made housing for child victims of trafficking with adequate security and qualified staff.

176. **GRETA considers that the Norwegian authorities should:**

- **adapt the system for providing assistance to child victims of trafficking, so that it is specifically tailored to their needs and includes specially-trained staff;**
- **strengthen co-operation between child protection services, outreach services, police and immigration authorities so that child victims of trafficking receive adequate care taking into consideration their individual needs and best interests;**
- **ensure that child victims of trafficking aged 15 to 18 are placed under the care and assistance of child welfare services, which should receive the necessary resources and training;**
- **ensure that an individual risk assessment is carried out before returning child victims of trafficking to their country of origin.**

177. **In addition, GRETA considers that the Norwegian authorities should carry out an evaluation of the impact of actions undertaken to prevent and investigate the disappearance of minors from care centres and asylum reception centres.**

178. **GRETA also invites the Norwegian authorities to keep under review the new measures introduced in the Child Welfare Act 2012 with a view to ensuring compliance with international standards on the rights of the child, in particular as regards the deprivation of children's liberty as a measure of last resort.**

c. **Recovery and reflection period**

179. As victims of THB are extremely vulnerable after the trauma they have experienced, Article 13 of the Convention introduces the obligation for Parties to provide in their internal law for a recovery and reflection period of at least 30 days. The recovery and reflection period, in itself, is not conditional on co-operation with the investigative or prosecution authorities and should not be confused with the issue of a residence permit under Article 14(1) of the Convention. Pursuant to the Convention, the recovery and reflection period should be granted when there are reasonable grounds to believe that the person concerned is a victim of trafficking, i.e. before the identification procedure has been completed. During this period, Parties must authorise the person concerned to stay on their territory and expulsion orders cannot be enforced.

180. Pursuant to Section 8-3 of the Immigration Regulations<sup>35</sup>, a reflection period of six months is available to victims of trafficking who have to submit the application in person to the police, which forwards it to the Directorate of Immigration (UDI). The purpose of the reflection period is to give victims of trafficking an opportunity to break contact with their trafficking environment and to facilitate the prosecution of traffickers.

181. According to the Norwegian authorities, a reflection period can be granted to: foreign nationals without legal residence in Norway; permit-holders issued by another Schengen country; EU/EEA nationals; asylum seekers without a decision on their case; and asylum seekers who have received a final rejection, if new information emerges providing clear indications that the person is a victim of trafficking (this only applies if the person cannot be held responsible for the fact that the new information did not emerge earlier).

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<sup>35</sup> Regulations of 15 October 2009 on the Entry of Foreign Nationals into the Kingdom of Norway and their Stay in the Realm (Immigration Regulations), see at: <http://www.regjeringen.no/upload/JD/Dokumenter/Forskrifter/Immigration-regulations.pdf>



182. To be granted a reflection period, the applicant must be considered a victim of trafficking. The reflection period entitles the victim to a six-month residence permit, safe accommodation, legal advice, health care, and information on assisted voluntary return through IOM. The temporary residence permit cannot be renewed and does not form the basis for a permanent residence permit or family migration.

183. The Norwegian authorities have stressed that UDI applies a low threshold when granting the reflection period, i.e. a positive decision is made on the basis of the facts stated in the application, in the absence of clear indications to the opposite. The criteria followed by UDI are: reasons to believe that the person is a victim of trafficking, and that he/she is prepared to receive assistance and protection. Consideration is based on information given by the person concerned, as well as possible supporting documentation in the form of a written statement by a lawyer, the police, ROSA, Pro Centre, NGOs, etc. Negative decisions can be appealed to the Immigrations Appeal Board.

184. The Norwegian authorities have informed GRETA that a person who has applied for a reflection period cannot be removed from the country.

185. The decisions to award a reflection period are not documented, but GRETA was informed that, as of May 2012, victims of trafficking who are granted a reflection period receive a permit to stay or a residence card. These cards are not considered as identity cards, but rather as proof that the person has legal residence in Norway.

186. A reflection period was awarded to 50 victims of trafficking in 2009 (out of 73 applications), 30 in 2010 (out of 46 applications), 31 in 2011 (out of 45 applications) and 29 in 2012 (out of 46 applications<sup>36</sup>). GRETA notes the difference between the number of applications, the number of recovery and reflection periods and the number of victims of trafficking detected in the same years. The Norwegian authorities have informed GRETA that there were a number of reasons for refusing to grant a reflection period: the applicant went missing or left the country; the application was withdrawn; the applicant was not considered a possible victim of THB; there were reasons to believe that the applicant was not prepared to receive assistance and protection; or formal grounds (e.g. the applicant had an asylum application under consideration or had received a final rejection of the asylum application, where THB had been considered).

187. The reflection period is incompatible with an asylum application. Victims of trafficking who apply for asylum are no longer in a reflection period, or their application is put on hold for six months if they applied for asylum before getting the reflection period.

188. Welfare agencies have pointed out that when a victim granted a reflection period applies for asylum, the change in their residence status means that different rules apply to the benefits they are entitled to. A victim of trafficking granted a reflection period has the right to assistance under the municipal arrangements in the place where he/she stays and to financial benefits under the Act relating to social services. An asylum-seeker receives assistance under the state system for asylum-seekers and is offered accommodation in a state-run reception centre and financial means of subsistence. Such changes in status, rights and duties cause difficulties for both the victims and the welfare services, and make it difficult to ensure continuity of follow-up.

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<sup>36</sup> Seven applications were dropped, five of which because the person concerned returned to his/her country of origin with the assistance of IOM.

189. GRETA has received information from civil society suggesting that after the reflection period the majority of victims of trafficking become asylum seekers. Some victims of trafficking do not apply for a reflection period, but directly seek asylum. Until June 2012, victims of trafficking seeking asylum and living in shelters through the ROSA project did not have the same rights as asylum seekers living at reception centres. Reception centres can apply for funding of activities for asylum seekers and their children, but the ROSA project was denied this possibility. As mentioned in paragraph 153, the rights of asylum-seeking victims of trafficking were clarified in June 2012 through a letter from the Ministry of Justice and Public Security to UDI. As a result, asylum-seeking victims living in shelters through the ROSA project are considered asylum seekers and are supported accordingly.

190. GRETA understands that many victims of trafficking, especially Nigerian nationals, have to wait a long time before getting a decision on their asylum application, sometimes for several years. In addition, NGOs have raised concerns about the situation of victims of trafficking who lodge appeals against negative decisions on asylum, but who then need to withdraw their appeal in order to be granted a reflection period, leading to the negative decision from UDI becoming final. The Norwegian authorities have informed GRETA that UDI has taken measures to decrease the time for processing asylum applications, but some complex cases may still take a long time. The Norwegian authorities have further indicated that switching from an asylum application to a reflection period may contribute to the length of the process before a decision in the asylum case becomes final. Victims of trafficking who withdraw their asylum appeal in order to be granted a reflection period may have their appeal handled by the Immigration Appeals Board when the reflection period is over. Therefore, in practice, the withdrawal of an asylum appeal due to a reflection period should not lead to a negative final decision by UDI.

191. An evaluation report commissioned by the Ministry of Justice and prepared by the Fafo Institute in 2010, entitled "*A break or a new start?*", concluded that the length of the reflection period in Norway is both a strength and a weakness, but the support and information provided to victims during this time vary widely. The main recommendation of the report concerned the need to clarify the allocation of responsibilities among those involved in the support system, including the funding and services available to victims during the reflection period. According to the report, six months is too long a period just to "reflect" and therefore activities should be offered to victims of trafficking, as this also can contribute to their recovery. In addition, the report concluded that an important weakness of the reflection period is that victims of trafficking do not get systematic information on the real possibilities for them to stay in Norway. The report did not consider it appropriate that the service providers should discuss with the victims the possibility of return as it can undermine the trust between them. However, GRETA is concerned that not doing so increases the expectations of victims about the likelihood that they will be able to remain in Norway, especially as the waiting time for the final decisions on asylum or other residence permits is often long.

192. The Plan of Action envisages an evaluation of the reflection period on the basis of the Fafo report, which is to be used as a basis for assessing whether changes need to be made to strengthen the position of victims of trafficking, whether the reflection period should be integrated in the asylum procedure, and whether the rules for asylum-seekers and persons granted a reflection period should be harmonised in some other way. NGO representatives and victims of trafficking met during GRETA's evaluation visit stressed the lack of activities available during the reflection period, in particular Norwegian language classes.

193. Victims of trafficking granted a reflection period are entitled to social services from the local labour and welfare services. In June 2012, a circular was issued by the Directorate of Labour and Welfare Administration in order to clarify the application of the Social Services Act to victims of trafficking granted a reflection period and setting out the special problems of this group, such as their need for safe housing.

194. Concerning health care, the GRETA delegation was informed that victims of trafficking are not entitled to access a general doctor if they do not register themselves with a street address in the census register. However, most victims stay in shelters with a secret address and are therefore not allowed to register with a post office box address. Concerns have also been expressed by NGOs regarding access to specialist health-care services (e.g. psychologists, gynaecologists, dentists) for victims of trafficking during the reflection period.

195. GRETA understands that UDI has proposed changes to circular RS 2010-141 regulating the reflection period. The Norwegian authorities have informed GRETA that UDI is assessing the different arguments which were put forward in a hearing. That said, the authorities consider that the initially proposed changes would not increase the threshold for being granted the reflection period, but are mainly aimed at updating the circular in view of other guidelines, such as those on assessments of identity and expulsion.

196. GRETA recalls that the primary aim of the recovery and reflection period is to distance victims of trafficking from the influence of the perpetrators and to give them sufficient time to take a decision on whether to co-operate with the authorities. The Convention attaches no conditions to the entitlement of victims and potential victims of trafficking to the assistance measures contained in Article 12(1) and (2) during the recovery and reflection period.

197. GRETA welcomes the provision in Norwegian law of a reflection period for potential victims of trafficking longer than the minimum of 30 days envisaged in the Convention. That said, **GRETA urges the Norwegian authorities, in compliance with the obligations under Article 13 of the Convention, to ensure that all possible victims of trafficking, including EEA nationals, are offered a recovery and reflection period. To this end, the Norwegian authorities should:**

- **systematically inform all possible victims of trafficking of the possibility to benefit from a recovery and reflection period and its implications;**
- **remove the objective of the reflection period to facilitate the prosecution of traffickers;**
- **enact statutory rights to assistance and protection for possible victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victim's nationality or immigration status;**
- **remove the barriers for possible victims of trafficking to access health care during the reflection period, linked to their lack of identity documents and difficulties to register;**
- **explore the reasons why so few possible victims of trafficking apply for and are granted a reflection period.**

d. Residence permits

198. Article 14(1) of the Convention provides for two possibilities when it comes to the issuing of residence permits to victims of THB: on the basis of their personal situation and/or their co-operation with the competent authorities in the investigation or criminal proceedings.

199. Victims of trafficking who testify in criminal proceedings are entitled to a temporary residence permit in Norway. Pursuant to Section 38 of the Immigration Act, victims who testify as aggrieved party in a criminal case related to THB "shall be granted a residence permit that may form the basis for a permanent residence". The purpose of this provision is to encourage victims of trafficking to come forward and testify while safeguarding them on Norwegian territory.

200. Residence permits for humanitarian reasons may also be granted to victims of trafficking. Under the new Immigration Act, which entered into force in 2010, victims of trafficking are considered “members of a particular social group”, which can entitle them to recognition as refugees. When deciding whether to grant a residence permit on humanitarian grounds, the Immigration Act allows taking account of whether the person concerned has been a victim of trafficking.

201. To grant a temporary residence permit to victims of trafficking, the Managed Migration Department at the Directorate of Immigration (UDI) requires a statement from the police confirming that four criteria have been fulfilled: (i) the victim has broken away from the traffickers; (ii) she/he has filed a police complaint against the traffickers; (iii) the complaint has led to police investigations; and (iv) the police considers the presence of the victim in Norway to be necessary for the investigation or the criminal case. The temporary residence permit can be renewed for as long as these criteria are met. The Norwegian authorities have informed GRETA that if the criteria for a temporary residence permit are met, the victim does not have to apply for a reflection period in the first place.

202. In 2009, 10 victims of trafficking were granted temporary residence permits (out of 20 applications). In the same year, five victims of trafficking applied for a renewal of their temporary residence permits, of whom four were granted renewal. In 2010, 34 temporary residence permits were granted (out of 49 applications), in 2011, 25 (out of 39 applications), and in 2012, 22 (out of 40 applications). Three of the residence permits granted in 2012 concerned children of persons applying for either a reflection period or a temporary residence permit.

203. Temporary residence permits for adult victims of trafficking can be combined with a work permit. Although in principle children with a permanent residence permit have the right to work in Norway from the age of 15, those who have a temporary residence permit as victims of trafficking are given a work permit from the age of 16.

204. NGOs have brought to GRETA's attention practical challenges regarding the requirement of valid identification documents, such as passports, before victims of trafficking can have access to permanent residence permits and related benefits. They have stressed the need to take account of the particular circumstances of victims of trafficking who often lack identification documents, and the added challenge of limited co-operation with consular offices and certain countries of origin, such as Nigeria.

205. As explained in paragraph 187, the application for asylum must be withdrawn if the victim of trafficking applies for a reflection period. In practice, many victims of trafficking apply or reapply for asylum after the reflection period has expired. In 2011, there were 39 asylum decisions with claims of THB, 14 of which were granted a residence permit (most of them were Nigerian women trafficked for the purpose of sexual exploitation). In 2012, UDI made 38 decisions in cases with THB claims, granting 18 permits to stay (11 of which were for asylum protection, four for witnesses in THB cases, and three on humanitarian grounds). Seven of these residence permits concerned children.

206. GRETA welcomes the fact that Norwegian legislation envisages the issuing of residence permits to victims of trafficking both on the basis of their personal situation and when co-operating in the investigation or criminal proceedings related to THB. That said, **GRETA considers that the Norwegian authorities should strengthen their efforts to resolve difficulties arising from the lack of identity documents of victims of trafficking, which prevents them from being issued with residence permits.**

e. Compensation and legal redress

207. Article 15 of the Convention establishes the obligation for Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. Parties must also provide for the right of victims of trafficking to compensation from the perpetrators as well as adopt legislative or other measures to guarantee compensation for victims from the state. Further, Article 15(1) of the Convention establishes that victims of trafficking must have access to information on relevant judicial and administrative proceedings in a language which they can understand.

208. The Norwegian authorities have informed GRETA that victims of trafficking can take civil action against the perpetrators to get compensation. In addition, compensation claims can also be put forward in criminal cases against traffickers and victims can receive legal assistance to do so. However, even if the victim is awarded compensation from the trafficker, very often there is no financial means to make it effective, as the confiscated proceeds of the trafficker are not made available for compensation claims. Reference is made to paragraphs 235 and 259 as regards compensation awarded to victims from traffickers (10 000 NOK were awarded to each of the two victims in 2008, and 40 000 NOK to each of the four victims in 2012).

209. Further, victims of trafficking can benefit from state compensation, through the Compensation for Victims of Violent Crimes Act (No. 13/2001). Decisions on state compensation are taken by the Norwegian Criminal Injuries Compensation Authority and may be appealed to the Compensation Board for Victims of Violent Crime. State compensation can be awarded in two ways: the Compensation Authority pays the victim according to a court conviction and seeks recovery from the convicted person, or, when there is no court case, the Compensation Authority can award compensation based on their assessment of the case. Children who have experienced or witnessed violence, including victims of trafficking, may be entitled to compensation, if the criminal act took place after 1 January 2008.

210. There are certain conditions that victims of trafficking have to meet to be able to access state compensation, including that the case must have been reported to the police, and it must be demonstrated that THB occurred in Norway.

211. State compensation for victims of violent crimes covers economic losses suffered as a result of personal injury such as, but not limited to, lost income, expenses related to the injury, travel expenses and damage to clothing or personal articles at the time of the incident. In addition, the victim may be eligible to receive special compensation or redress for long-lasting medical injuries and certain non-economic damages. Compensation is limited to a maximum of 20 times the national insurance basic amount<sup>37</sup> and is based on legal precedent and administrative practice. GRETA was informed that free legal aid is provided to victims seeking state compensation and the level of compensation awarded to victims of trafficking is similar to that given to victims of crimes of similar gravity. Once the level of compensation is determined, any funds received from other parties are subtracted, such as national insurance benefits, pension benefits, private insurance benefits or compensation received from the trafficker.

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<sup>37</sup> Known as "G", which is currently set at 82.122 NOK for crimes committed before January 1st 2009. For crimes committed in 2009 and 2010 the maximum amount is 40G, while for later crimes the maximum is 60G.

212. The brochure published by KOM with information to persons identified as possible victims of trafficking does not refer to compensation as one of the rights of victims. However, the Norwegian Criminal Injuries Compensation Authority and the Service for Victims of Crime published in November 2008 an information brochure on the state compensation scheme available to victims of violent crimes. The Norwegian authorities have acknowledged that this 12-page brochure cannot be easily understood by foreign nationals and it is the responsibility of lawyers providing free legal aid to victims of trafficking to explain to them the possibilities of compensation and to give them a copy of the brochure if they consider it appropriate. All police districts have also received copies of the brochure, which is available in Norwegian, English, Arabic and Urdu. Another small brochure on the legal rights of victims of certain criminal acts in Norway is available, including information for victims of trafficking and information on the compensation scheme. This brochure is available in Norwegian, English, Arabic, Urdu, Russian, Bulgarian, Thai and Turkish.

213. Information on the number of victims who have received compensation from the state is not available, but the Norwegian Criminal Injuries Compensation Authority has recently installed a new electronic system which should be able to provide such data in the future.

214. **GRETA considers that the Norwegian authorities should strengthen their efforts to facilitate and guarantee access to compensation for victims of trafficking, in particular by:**

- **ensuring that victims of trafficking are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed;**
- **enabling victims of trafficking to exercise their right to compensation from the perpetrator or from the state, by ensuring their effective access to legal aid and by allowing them to stay in the country for the duration of the proceedings.**

f. Repatriation and return

215. Article 16 of the Convention requires Parties to establish repatriation programmes which aim at avoiding re-victimisation and involve relevant national or international institutions and NGOs, as well as to make efforts to favour the reintegration of victims into the society of the state of return. Parties must also make available to victims of trafficking contact information or structures that can assist them in the country of return, such as law enforcement offices, NGOs, legal professionals and social welfare agencies. The return of victims of trafficking must preferably be voluntary and needs to be carried out with due regard for the rights, safety and dignity of the person and for the status of any legal proceedings related to the fact that the person is a victim of THB.

216. KOM's information leaflet for possible victims of trafficking states that if a victim refuses assistance and does not have legal residence in Norway, he/she must leave the country through voluntary repatriation carried out by IOM, consular assistance, or the victim's own resources.

217. The Norwegian Directorate for Immigration funds a programme for the voluntary return and reintegration of victims of trafficking (Assisted Voluntary Return scheme, AVR), which is implemented by the International Organisation for Migration (IOM). The AVR programme aims to provide an adequate and dignified return and to empower beneficiaries by giving them tools to reintegrate in their countries of origin and thus reduce their vulnerability to being re-trafficked. The project is implemented in close co-ordination with the competent authorities and NGOs both in Norway and in the countries of origin of the victims. In 2012, the return and reintegration programme for victims of trafficking was merged with other programmes to become the "Voluntary return and reintegration support for vulnerable groups". Victims of trafficking can apply for assistance through this programme. UDI is responsible for all return and reintegration programmes, and for contracting a service provider. The IOM is contracted to run the voluntary return and reintegration programme for vulnerable groups.

218. IOM's voluntary return assistance includes information and counselling on the return, an assessment of reintegration needs, security concerns and fitness to travel, travel arrangements, travel documents, and airport assistance and escort, if needed. The reintegration component of the programme includes airport reception and transport assistance to the final destination in the country of origin; legal consultation/representation for victims acting as witnesses in criminal cases; assistance in acquiring new ID documents; temporary accommodation; medical care; psychological counselling; reintegration grants to support victims after their return; employment counselling or vocational training; monitoring and follow-up.

219. Since 2007, IOM has provided information and assistance to more than 50 victims of trafficking through its Oslo office, including 14 in 2008, 23 in 2009, four in 2010 and six in 2011. In 2012, 12 victims of trafficking were assisted within IOM's assisted voluntary return scheme, including the child of a victim of trafficking.

220. In 2010, the Norwegian authorities carried out an evaluation of IOM's return programme, from 2000 to 2010<sup>38</sup>. During this period, IOM received approximately 90 million NOK from Norway. The evaluation assessed the results of the IOM's work in five countries: Bangladesh, Kyrgyzstan, "The former Yugoslav Republic of Macedonia", Nigeria and Norway. The evaluation found that the major strengths in IOM's work were capacity building, awareness-raising among vulnerable groups and support for victims of trafficking. The report recommended that IOM improves its co-operation with other players working to combat THB and that the organisation ensures that international human rights standards are maintained in its activities. The main recommendation for Norway is to provide more funding on a multi-year basis, in order to create more long-term and more sustainable IOM projects.

221. Regarding children, the evaluation of IOM's return programme highlighted that IOM is sensitive to the special situation of children and to children's rights. IOM applies a checklist for cases of child victims of trafficking, assesses the safety situation in the country of return and transmits this information to Norway's child protection services. The evaluation refers to two cases where IOM's information strongly indicated that return was not a good option for the child and the guardian, together with the child protection services, made a final decision not to return the children.

222. According to members of civil society, the AVR scheme operated by the IOM is working well, but victims of trafficking subject to the EU's "Dublin Regulations" should also be able to access it if they wish to return to their home country, rather than being sent to another EU country. NGOs are concerned by the level of assistance that such victims receive in countries affected by the economic crisis, such as Italy and Spain, and the fact that they may be subject to re-trafficking. The Norwegian authorities have informed GRETA that, since July 2012, victims of trafficking subject to the Dublin Regulations have been allowed to access the AVR scheme.

223. When the parents or guardians of an unaccompanied child cannot be identified in the country of origin, returning the child is not an option and he/she is usually granted a residence permit until the age of 18. The Norwegian authorities have informed GRETA that temporary residence permits valid only until the child reaches the age of 18 are granted in a few cases, and they are not aware of any decisions by UDI where a potential child victim of THB was granted this type of temporary permit. In asylum cases, potential child victims of THB have been granted renewable temporary permits and, after three years, they may apply for a permanent residence permit. According to a report by UNICEF, the imminent return to their country of origin can adversely affect children. The Norwegian authorities consider the option of returning a child to care givers in the child's extended family, including grandparents, aunts, uncles, or legal age siblings, even if they did not have caring responsibilities for the minor before he or she left the home country. The return of unaccompanied minors is handled according to the EU's Return Directive, which establishes that the authorities must be satisfied that the child is to be returned to a member of his/her family, a nominated guardian or adequate reception facilities in the country of return. If this is not the case, the return cannot be carried out.

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<sup>38</sup> "Evaluation of the International Organization for Migration and its Efforts to Combat Human Trafficking", Norwegian Agency for Development Cooperation, Evaluation Department, Report 11/2010, Annex H: Norway case study.

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224. GRETA welcomes the programme of voluntary assisted return made available to victims of trafficking through IOM. That said, **GRETA considers that the Norwegian authorities should take steps to strengthen co-operation with countries of origin of victims of trafficking in order to ensure safe return as well as their effective reintegration.**



#### **4. Implementation by Norway of measures concerning substantive criminal law, investigation, prosecution and procedural law**

##### **a. Substantive criminal law**

225. Pursuant to Article 18 of the Convention, Parties have the obligation to establish THB as a criminal offence when committed intentionally. Further, the Convention requires Parties to consider taking measures to criminalise the use of services which are the object of exploitation, with the knowledge that the person is a victim of THB (Article 19). In addition, forging travel or identity documents, removing, concealing or destroying them, as well as procuring or providing them, must also be established as criminal offences, when committed intentionally and for the purpose of enabling THB (Article 20).

226. Further, Article 23(3) of the Convention requires Parties to adopt such legislative and other measures as may be necessary to enable them to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences related to THB or property the value of which corresponds to such proceeds.

227. The offence of THB is established in Section 224 of the CC (see paragraphs 39 to 44). The penalty for the crime of THB is imprisonment for a term not exceeding five years. In addition, several elements of THB may also be punishable according to other provisions, such as Chapter 19 of the CC regarding sexual offences. GRETA considers that a maximum of five years' imprisonment is a low penalty for the basic offence of THB.

228. A law amending the CC was adopted in 2005 but it has not yet entered into force. The new CC will raise the maximum penalty for THB cases from five to six years of imprisonment. **GRETA would like to be kept informed of the date of entry into force of the 2005 amendments of the CC.**

229. Section 60(a) of the CC establishes an aggravating circumstance when the offence has been committed as part of the activity of organised criminal groups, defined as "groups whose main purpose is to commit an act punishable by imprisonment for a term of not less than three years, or whose activity largely consists of committing such acts." The maximum penalty for any breach of Section 224 committed as part of the activity of an organised criminal group is increased to 10 years' imprisonment. A gross breach of Section 224 carries 15 years' imprisonment. The same aggravated penalties apply in the case of child trafficking, which is considered as an aggravating circumstance (see paragraph 43). GRETA notes that the application of aggravating circumstances is not automatic, but is subject to the prosecutor's discretion. The Norwegian authorities have informed GRETA that the CC provides a non-exhaustive list of circumstances that may lead to a gross breach of Section 224. Further, Section 77 of the new CC lists several circumstances as examples of aggravating circumstances, including endangering the life or health of others, crimes committed by organised operations, young victims, and crimes committed in public service.

230. Pursuant to Section 61, third paragraph, of the CC, the court may allow previous sentences imposed in other countries to serve as the basis for an increased penalty in the same way as sentences imposed in Norway. The Norwegian authorities have informed GRETA that there is no available information about the number of court cases where Section 61 has been applied, whether directly or indirectly. As part of investigations on THB cases, the police and the prosecution service seek to obtain information through international channels about the trafficker's previous convictions. If information is received from Europol, Interpol or other sources about previous investigations for THB in third countries, these countries will also be asked to provide information on convictions.

231. The preparatory works of the CC refer to Section 224 as including more than the obligation to criminalise THB, as it also covers the person who actually exploits the victim or uses the services of a victim of trafficking. The use of services of a victim of human trafficking, with the knowledge that the person in question has been subject to such an offence, may also be punishable according to Section 192 of the CC (rape) and Sections 195, 196 and 200 (sexual abuse of children). In Norway, it is legal to sell sexual services, but the purchase of sexual services was criminalised by Act No. 104 of 12 December 2008, which introduced Section 202(a) of the CC. As noted in paragraph 112, the impact of this legal measure will be subject to evaluation in 2013. Reference is made to paragraph 114 and GRETA's invitation to consider criminalising the use of services from trafficked persons subject to labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

232. Section 182 of the CC criminalises the use of a document that is forged or falsified with unlawful intent, covering also all forms of aiding or abetting such use. The envisaged penalty is a fine or imprisonment for a term not exceeding two years (or four years, if the document is a Norwegian or foreign official document). The use of a forged or falsified document as means for the commission of a crime, such as THB, is punishable according to Section 183 of the CC. The fabrication of a passport or travel document is criminalised according to Section 185(2) of the CC. Further, according to Section 187 of the CC, retaining, destroying or concealing a passport or travel document is punishable with a fine or up to five years' imprisonment, if done as a means of committing a felony punishable by imprisonment for a term of two years or more. The Norwegian authorities have informed GRETA that all forms of aiding and abetting the use of a forged or falsified document are covered under Section 182 of the CC, including procuring or providing such a document. Section 108 of the Immigration Act criminalises the arrival of a foreign national in Norway without a passport or other valid travel document, and any aiding and abetting related to it. The penalty for this offence is a fine or imprisonment for up to six months. In Norwegian law, the doctrine of aiding and abetting under Section 49 of the CC entails a criminal liability which is separate from that of the main offender. The accomplice may be held liable on the basis of his own conduct and intentions, even if the main offender is not punished.

233. Chapter 3a of the CC includes general provisions regarding the criminal liability of enterprises. According to Section 48(a), a legal person may be held liable when a criminal provision is contravened by a person who has acted on behalf of the enterprise. In assessing the penalty, particular consideration is given to the preventive effect of the penalty, the seriousness of the offence and whether the enterprise has had or could have obtained any advantage from the offence. The Norwegian authorities have explained that the penalty for legal persons complements the criminal liability for individuals, and may be imposed when nobody can be held personally responsible for the offence. Section 48(a) of the CC establishes that the penalty for criminal violations of legal persons is a fine, but the enterprise may also be deprived of the right to carry on business.

234. Section 34 of the CC provides that any assets gained from a criminal act must be confiscated. Confiscation of assets may only be imposed if it is "considered necessary for the purpose of the provision that prescribes the penalty for the act". It should also be noted that pursuant to Section 29 of the CC, a person may be deprived of his or her position, or of the right to hold any position or to carry on an enterprise or activity in the future, if the person "has committed a criminal act that shows that the said person is unfit for or may misuse any position".

235. In 2008, the Jaeren District Court sentenced a British national to one year and six months of imprisonment for THB, including confiscation of 300 000 NOK, a car, and payment of compensation to two British nationals (10 000 NOK each) who had been forced to work on road asphaltting and stone-laying in Norway and Sweden in 2007.

236. **GRETA considers that the Norwegian authorities should assess the effectiveness of the criminal law provisions concerning THB, including the dissuasiveness of the penalties provided for in Section 224 of the CC and the aggravating circumstances currently applicable to THB cases. In particular, GRETA encourages the Norwegian authorities to increase the maximum term of imprisonment in Section 224, in order to reflect the fact that THB constitutes a serious violation of human rights, and to apply the full list of aggravating circumstances included in Article 24 of the Convention.**

b. Non-punishment of victims of THB

237. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties to victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so.

238. The Norwegian authorities have informed GRETA that according to Section 69 of the Criminal Procedure Act No. 25 of 22 May 1981, prosecution may be waived, even when there is evidence of guilt, on condition that “such special circumstances exist that the prosecuting authority on an overall evaluation finds that there are weighty reasons for not prosecuting the act”. Pursuant to Section 47 of the CC (necessity), an act that would otherwise be criminal is lawful when it is committed to save life, health or property from a danger that cannot otherwise be averted, if the danger is far greater than the damage risked by the act. According to Section 48 (self-defence), an act that would otherwise be criminal is lawful when it is committed to avert an unlawful attack, goes no further than is necessary and does not clearly exceed what is justifiable in view of the danger of the attack, the type of interest impaired by the attack, and the guilt of the attacker. The Norwegian authorities consider that the application of Sections 47 and 48 of the CC to victims of trafficking will very seldom arise, as prosecution of illegal acts committed by such victims will regularly be waived under Section 69 of the Criminal Procedure Act. In 2007, the Ministry of Justice instructed the Director of Public Prosecutions to ensure that prosecution in cases of THB is carried out in accordance with Article 26 of the Convention. The Director of Public Prosecutions subsequently issued guidelines listing illegal entry into the country, use of forged documents and work without permit as examples of offences committed by victims of trafficking where prosecution is assumed to be waived regularly.

239. The Norwegian authorities have indicated that Section 61 of the new CC contains a new provision giving the court the possibility not to impose a penalty when there are special reasons for doing so, even when guilt is deemed to be proved in cases that have been prosecuted despite Section 69 of the Criminal Procedure Act.

240. Civil society representatives have expressed concerns regarding the non-application of Article 26 of the Convention to potential victims of trafficking who are found with false or no identity documents, or who are forced to be involved in criminal activities such as theft or drug-related crimes. GRETA has received reports concerning victims of trafficking held in detention due to their irregular immigration status, including a victim of trafficking who was kept in detention after she had applied for a reflection period. GRETA has also received reports indicating that the Police, particularly in Oslo, issues fines to women engaged in prostitution who are not able to state their address, while many victims of trafficking for the purpose of sexual exploitation fear giving their address to the police since they live with people connected to their traffickers. GRETA has also been informed of the case of a victim of trafficking fined for not stating her name and address to the police, who was sentenced to 14 days imprisonment for not paying the fine. According to the Norwegian authorities, the woman concerned was notified of the fine by the police and, by doing so, the fine got the same status as a court decision. Non-payment of the fine automatically turned it into a prison sentence which cannot be overturned by the prosecution, as Section 69 of the Criminal Procedure Act cannot be applied in this case. GRETA stresses that lack of identification increases the risk for victims of trafficking to be punished for their irregular immigration status or other unlawful acts committed in relation to their condition as victims of THB.

241. According to NGOs, prosecutors require evidence of violence or threats for non-prosecuting a victim of trafficking for unlawful acts committed under the control of their traffickers. There is apparently need for training for judges in District Courts and to members of the National Police Immigration Service to enable them to identify possible victims of trafficking. The Norwegian authorities have pointed out that victims of trafficking can commit serious crimes while being exploited, or following a period of exploitation, and that even when a person is later identified as a possible victim of trafficking, it is impossible to avoid prosecutorial or court decisions that can seem stern in hindsight.

242. GRETA welcomes the guidelines issued by the Director of Public Prosecutions referring to Article 26 of the Council of Europe Convention and the offences concerning which prosecuting is assumed to be waived. That said, GRETA has not received information on their application in practice. **GRETA considers that the Norwegian authorities should ensure that the provision allowing not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, is effectively applied.**

243. **Further, GRETA urges the Norwegian authorities to improve the identification of victims of trafficking for all types of exploitation in order to ensure that they are not punished for immigration-related offences.**

c. Investigation, prosecution and procedural law

244. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB (Article 1(1)(b)). In this context, Parties are required to co-operate with each other regarding investigations or criminal proceedings related to THB (Article 32). Further, the Convention establishes that the investigation or prosecution of THB offences must not be dependent on victims' reports, and that associations or NGOs aimed at fighting THB or protecting human rights must be able to assist and support victims during criminal proceedings, in accordance with the conditions established in the internal law and with the victim's consent (Article 27).

245. In addition to the specialised anti-trafficking unit in Norway's Police Directorate, there are specialised anti-trafficking investigators in the two largest cities, Oslo and Bergen. In spring 2011, the Police Directorate drew up terms of reference for the anti-trafficking police expert team, which include capacity building in police districts, sharing of experiences between the police and prosecutors, developing strategies, methodologies and tools for co-operation and stronger police action against THB, planning joint operations and actions with other departments, collecting relevant information, and facilitating international police cooperation. The anti-trafficking police expert team also discussed whether to review the police manual on combating THB and rejected the idea of creating a new paper version of it. Information on THB is instead fed into the new electronic information system (KO:DE) which all police personnel can access, and where there is a separate section on THB. In addition to information about relevant rules, court verdicts, training materials and contact details for police specialists, there is information on upcoming trainings and presentations given on seminars.

246. The Plan of Action stresses that due to the high costs of investigations in THB cases, in particular concerning interpretation and translation, the police needs to set priorities for these investigations. As most of the victims and many of the perpetrators in THB cases are foreign nationals, setting the appropriate limits for an investigation in Norway is considered "a serious problem".

247. The previous Plan of Action, which covered the period 2006-2009, referred to the need to consider permitting the use of special investigative methods in human trafficking cases. The Norwegian authorities have informed GRETA that special investigative techniques have been applied in several THB cases, in particular telephone surveillance and secret searches, but these methods can only be used in cases of gross breaches of Section 224 of the CC. According to the specialised police units, telephone surveillance should be allowed in all THB cases.

248. In 2007, Oslo Police District established the STOP project to expose and prosecute cases of THB and pimping by reducing the availability of apartments and other premises. In 2007-2009, 150 apartments and a number of massage parlours/brothels were closed by the Oslo police as a result of the "Operation Houseless" ("*Aksjon Husløs*"), aimed at preventing THB of foreign nationals for forced prostitution by making it difficult for women in prostitution to have and find housing. However, this operation reportedly had the indirect implication of making victims of trafficking afraid of giving their address to the police.

249. In 2009, Hordaland Police District set up the EXIT project with the aim of investigating the purchase of sexual services, pimping and THB. The EXIT team co-operated closely with the public prosecutor in Hordaland. In co-operation with the customs authorities, the EXIT team identified victims of trafficking on their arrival at Flesland airport and obtained convictions for THB.

250. The 2011-2014 Plan of Action refers to the need to conduct financial intelligence-gathering and financial investigations of the criminal network, in parallel with other intelligence-gathering. This involves obtaining information from financial institutions, public registers and agencies, studying transactions and analysing accounts. These methods are used to expose THB, prosecute the perpetrators, confiscate the proceeds and help protect the victims of trafficking. The Plan of Action calls on the police to follow the proceeds of THB and carry out more targeted financial investigations. In addition, the Plan of Action refers to the need to improve co-operation with special units, financial institutions and other national and international bodies that can provide information on the flow of money related to THB. The 2012 report on the implementation of the Plan of Action mentions that the police is encouraged to follow the proceeds of THB and that the results of an OSCE/UNODC expert seminar on "Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking", held in October 2011, are being communicated to the Police. An Interpol project on this issue is being implemented in co-operation with Kyrgyzstan and Tajikistan. The Norwegian authorities have informed GRETA that the need to conduct financial investigations in cases of organised crime has been underlined to all police districts. The Norwegian authorities note that the police response to THB has included investigation and prosecution of related offences, such as money laundering, and therefore the number of convictions for breaches of the THB offence does not do justice to the police response to THB.

251. The Plan of Action refers to a research project to be conducted in order to evaluate police efforts against THB, in particular an examination of THB cases that have been dropped so that legal and practical obstacles are identified, as well as factors to ensure a successful investigation. In the autumn of 2012, it was decided that the evaluation of police efforts against THB would be carried out through a three-year research project conducted by the Police Academy. **GRETA would like to receive a copy of the evaluation report when it is available.**

252. The Norwegian authorities have informed GRETA that pursuant to Section 77 of the CC, violations of Section 224, among others, are subject to public prosecution. Therefore, the victim's complaint is not a condition for initiating legal proceedings for THB. In addition, pursuant to Section 224 of the Criminal Procedure Act, criminal investigations are carried out when there are reasonable grounds to inquire on a criminal matter requiring public prosecution. In this context, a report from a victim of trafficking may be a "reasonable ground" for investigation.

253. According to Norwegian law, NGOs and associations cannot formally assist or support victims in criminal proceedings. However, court proceedings are open to the public, including NGOs and other associations providing support to victims of trafficking. In addition, NGOs or associations may assist victims of trafficking in civil proceedings concerning compensation claims. Further, pursuant to a legislative amendment introduced in 2008 to the Criminal Procedure Act, the aggrieved party in a criminal case involving human trafficking has the right to a legal counsel remunerated by the state who acts on behalf of the victim in connection with the investigation and the main court hearing.

254. Civil society has expressed general satisfaction with the free legal aid provided to victims of trafficking who file a police report against their traffickers, which is similar to that provided to the victims of other serious crimes. However, the legal assistance provided to victims of trafficking before they decide to file a police report is limited to three hours (see paragraph 161).

255. The Norwegian authorities have informed GRETA that the number of criminal proceedings initiated on grounds of THB was 46 in 2008, 38 in 2009, 40 in 2010, 44 in 2011 and 48 in 2012.

256. By the end of 2009, 18 persons were convicted for THB. According to information provided by the Norwegian authorities, all traffickers convicted until the end of 2010 received imprisonment sentences, with no suspended sentences. There were six final convictions for THB in 2010, involving nine perpetrators and 18 victims. In 2011, there were four final convictions, with four perpetrators and seven victims. All the convictions involved prison sentences without suspension.

257. GRETA understands that, in January 2010, a Norwegian police officer was convicted and sentenced to 10 years' imprisonment for THB. The Norwegian authorities have informed GRETA that there have been no other convictions for THB involving public officials.

258. Further, the Norwegian authorities have informed GRETA of two convictions for THB in 2012. One concerned a judgment by the Gulating Court of Appeal in June 2012 convicting two Lithuanian citizens for THB offences in relation to two children exploited for shop-lifting. The traffickers were sentenced to terms of imprisonment of, respectively, four years and six months, and five years, and confiscation of 200 000 NOK and 130 000 NOK. The Court awarded 40 000 NOK to each of the victims as compensation. The second case concerned the conviction of six Romanian citizens by Bergen District Court, in July 2012, in a THB case involving the exploitation of children for shop-lifting and forced begging. The case reportedly involved more than 100 witnesses in Norway and Sweden. All perpetrators received prison sentences, the highest being three years and six months.

259. Members of civil society consider that while there is a certain level of knowledge of THB among members of the police, prosecutors and judges lack training on THB-related issues. According to NGOs, there is need to prioritise THB cases and treat cases involving Nigerian victims of trafficking in the same way as victims of trafficking from other countries. In the view of the Norwegian authorities, considerable resources have been put into police efforts against THB during the last years (e.g. the efforts related to the second case mentioned in the previous paragraph).

260. GRETA welcomes the free legal aid provided to victims of trafficking, the efforts related to financial investigations in THB cases and in securing convictions on THB cases. That said, **GRETA considers that the Norwegian authorities should strengthen their efforts to ensure that crimes related to THB for all types of exploitation are investigated and prosecuted promptly and effectively.**

261. **Further, GRETA considers that there is need for continuing to improve the knowledge of judges, prosecutors, police investigators and lawyers regarding THB and the rights of victims of trafficking.**

d. Protection of witnesses and victims

262. By virtue of Article 28 the Convention, Parties must take measures to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after the investigation and prosecution of perpetrators. This protection can be of various types (physical, relocation, identity change, etc.) and is to be provided to victims of trafficking, to those who report it or otherwise co-operate with the investigating or prosecuting authorities, to witnesses who give testimony and, when necessary, to members of the families of those listed above. Further, Article 30 of the Convention includes a provision requiring Parties to take measures to protect victims' private life and identity and to provide for their safety and protection from intimidation in the course of judicial proceedings, including special protection measures for child victims of THB.

263. The Norwegian authorities have informed GRETA that one of the main tasks of the police is to protect victims and witnesses. Protective measures include physical protection, moving the victim away and granting him/her a new identity (Section 14a of the 1995 Police Act). The police also co-operates with public officials to provide secure housing, work and income for victims of crime in need of protection. During legal proceedings the victims' privacy, as a witness, is protected pursuant to Section 134 of the Criminal Procedure Act, which provides restrictions regarding the questioning of witnesses. According to Section 136 of the same Act, the court must ensure that the examination is conducted with reasonable consideration for the witness. Pursuant to Section 284, the court may decide that the defendant or other persons leave the courtroom during the examination of the aggrieved person.

264. For examination of victims under 16 years of age, Section 239 of the Criminal Procedure Act allows to take the statement separately from the proceedings in court. As a general rule, the judge must summon a well-qualified person to assist with the examination of such cases. Furthermore, in cases of THB involving rape, death or considerable injury, the court may decide to hear the evidence of an anonymous witness, if knowledge of his or her identity may entail certain risks. It should also be noted that criminal proceedings may be held behind closed doors, pursuant to Section 125 of the 1915 Act relating to the Courts of Justice, and that the court may bind the parties in a criminal case to secrecy (Section 129). Photographing and filming the court proceedings is also prohibited (Section 131), which contributes to the protection of the victim's identity.

265. The Plan of Action does not include measures on this issue, but the previous Plan of Action (2006-2009) was the basis for changes in the protection system for witnesses mentioned above. Giving evidence against the perpetrators in a THB case imposes a great strain on the victims, after having already been exposed to serious mental and physical strains both before and after they arrived in Norway. The police are responsible for preventing that a witness or an aggrieved party is subject to threats or reprisals, as they must ensure that criminal individuals or networks do not avoid prosecution by threatening witnesses to remain silent or to give false testimony. Section 132a of the CC was formulated to protect witnesses from being threatened, as it concerns those who obstruct the course of justice through violence, threats, damage or other unlawful behaviour against persons who participate in the administration of justice or their next-of-kin.

**266. GRETA considers that the Norwegian authorities should strengthen their efforts to ensure that victims of trafficking are adequately informed, protected and assisted during the pre-trial and court proceedings.**

## 5. Concluding remarks

267. GRETA welcomes the steps taken by the Norwegian authorities to combat trafficking in human beings and support victims of trafficking, including the setting up of the Inter-ministerial Working Group against Human Trafficking and the National Co-ordinating Unit for Victims of Trafficking (KOM). The adoption of a comprehensive Plan of Action against THB (2011-2014) and the involvement of NGOs in its implementation are also positive features of Norway's anti-trafficking efforts. The regular commissioning of external evaluations of Norway's anti-trafficking measures is a good practice which fosters transparency and accountability on the part of the state and should be continued. GRETA also commends the support of the Norwegian authorities of anti-trafficking actions in other countries, and the efforts to develop research on human trafficking.

268. That said, a number of important challenges remain to be tackled through legislative, policy or practical measures in order to meet the requirements of the human rights-based approach outlined in paragraphs 30-37. A formalised national referral mechanism to identify and assist victims of trafficking should be set up, with clear procedures and roles for competent authorities and frontline actors. GRETA also draws attention to the need to address the existing gap as regards the provision of safe accommodation to female, male and child victims of trafficking for all types of exploitation. The new policy of holding child victims of trafficking in closed institutions for up to six months should be kept under review.

269. Certain aspects of the present anti-trafficking action in Norway raise concerns as to their potential for contravening the core human rights principles and values required by the Convention. Thus the Norwegian authorities must ensure that the reflection period for victims of trafficking is fully in line with the purpose of this period as established in the Convention, and not aimed at facilitating the prosecution of traffickers. The relationship between the reflection period and the asylum procedure should also be addressed in the light of the independent evaluation of the former carried out in 2010.

270. The lack of data on the application of the State compensation scheme to victims of trafficking makes it difficult to assess its relevance to victims of trafficking. Similarly, the lack of information on the use of existing legislative and policy tools allowing for the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so, prevents GRETA from assessing their impact.

271. Strengthening the effectiveness and promptness of investigations and prosecutions of THB-related offences, with a view to securing proportionate and dissuasive sanctions, is another area where further action is needed in order to apply the victim-centred approach promoted by the Convention.

272. All relevant professionals who may come into contact with possible victims of trafficking, including law enforcement officials, prosecutors, judges, labour inspectors and social workers, need to be continuously trained on the need to apply a human rights-based approach to action against THB on the basis of the Convention and the case-law of the European Court of Human Rights.

273. GRETA invites the Norwegian authorities to keep it informed on a regular basis of the developments in the implementation of the Convention and looks forward to continuing the good co-operation in further efforts in achieving the purposes of the Convention.



## **Appendix I: List of GRETA's proposals**

### **Legal concepts and definitions**

1. GRETA underlines that it is of fundamental importance to use a definition of trafficking in human beings that is in compliance with the Council of Europe Convention on Action against Trafficking in Human Beings.
2. GRETA urges the Norwegian authorities to include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings.

### **Comprehensive approach and co-ordination**

3. GRETA considers that the Norwegian authorities should strengthen co-ordination among Government departments, and between public authorities and NGOs. This could involve providing KOM with formal institutional co-operation tools and ensuring that NGOs are involved in the planning and monitoring of Norway's anti-trafficking policy. Written agreements should be established to set out the specific framework for co-operation, including plans for periodic reviews of their application. GRETA invites the Norwegian authorities to consider whether KOM has sufficient mandate and resources to carry out its tasks and reach its overall objective.
4. GRETA considers that the Norwegian authorities should take further steps, in particular by adopting a proactive approach to detecting trafficking of children, including of Roma children, for all types of exploitation.
5. GRETA invites the Norwegian authorities to commission an evaluation of the Plan of Action by an independent body. This can serve as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.

### **Training of relevant professionals**

6. GRETA considers that there is need for further investment in the continuous training and awareness raising of relevant professionals, in particular prosecutors, judges, border police, immigration officials, labour inspectors, social workers and members of NGOs likely to come into contact with victims of trafficking. Further training programmes should be designed with a view to improving the knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims, and to secure convictions of traffickers.

### **Data collection and research**

7. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Norwegian authorities should further develop and extend a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including prosecutors, courts and the Criminal Injuries Compensation Authority, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

8. GRETA invites the Norwegian authorities to continue conducting and supporting research on THB-related issues as an important source of information on the impact of current policies as well as a basis for future measures. Areas where further research is needed, in order to shed more light on the extent of the problem of THB in Norway, include trafficking for the purpose of labour exploitation, domestic servitude and child trafficking.

### **International co-operation**

9. GRETA invites the Norwegian authorities to continue developing international co-operation with a view to preventing THB, assisting victims of trafficking and prosecuting offenders, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.

### **Measures to raise awareness and discourage demand**

10. GRETA considers that the Norwegian authorities should plan future information and awareness-raising campaigns in the country with the involvement of civil society and on the basis of previous research and impact assessment. More should be done to raise awareness of child trafficking and of THB for the purpose of labour exploitation, including in private households.

11. Further, GRETA invites the Norwegian authorities to continue contributing to awareness-raising prevention activities in the main countries of origin of victims of trafficking found in Norway.

12. GRETA considers that the Norwegian authorities should:

- discourage demand for the services of victims of trafficking for the purpose of sexual exploitation;
- strengthen their efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation in economic sectors at higher risk of human trafficking, such as construction, agriculture, cleaning, hotels, catering and entertainment, as well as domestic work.

13. GRETA also invites the Norwegian authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

### **Border measures to prevent THB and measures to enable legal migration**

14. GRETA considers that the Norwegian authorities should make further efforts to:

- detect and prevent THB through border control measures;
- introduce a checklist to identify potential THB-related risks during the visa application system;
- provide written information to foreign nationals planning to travel to Norway, in a language that they can understand, in order to alert them about the risks of THB for sexual and labour exploitation, inform them of their rights and where to turn for advice and assistance.

## **Identification of victims of trafficking in human beings**

15. GRETA urges the Norwegian authorities to set up a formalised national referral system defining clear procedures and roles of all frontline actors who may come into contact with victims of trafficking, in order to improve clarity and legal certainty. In this context, GRETA considers that the Norwegian authorities should:

- provide all frontline staff with operational indicators, guidance and toolkits for the identification of victims of trafficking (for sexual and non-sexual types of exploitation), and train them to use those identification tools in order to ensure that they adopt a proactive and harmonised approach to detecting and identifying victims of trafficking;
- harmonise the indicators and criteria used by the competent authorities to identify victims of trafficking;
- improve the identification of victims of trafficking among irregular migrants and asylum seekers, including through training of immigration police officers;
- involve child specialists in the development of procedures for the identification of child victims of trafficking.

## **Assistance measures for adult victims of trafficking**

16. GRETA considers that the Norwegian authorities should strengthen their efforts to provide assistance to victims of trafficking, including the provision of:

- safe and suitable temporary accommodation for adult victims of trafficking, which is adapted to their needs and gender;
- adequate training to all professionals responsible for the provision of assistance and protection to victims of trafficking;
- information for victims on the services and assistance measures available and how to access them, in an appropriate range of languages;
- access to education, vocational training and the labour market for victims of trafficking who are lawfully resident in the country in order to help their reintegration into society and to avoid re-trafficking.

17. GRETA also invites the Norwegian authorities to give consideration to longer-term funding for NGOs that provide assistance to victims, subject to quality controls and evaluation, in order to ensure the continuity of victims' assistance.

## **Assistance measures for child victims of trafficking**

18. GRETA considers that the Norwegian authorities should:

- adapt the system for providing assistance to child victims of trafficking, so that it is specifically tailored to their needs and includes specially-trained staff;
- strengthen co-operation between child protection services, outreach services, police and immigration authorities so that child victims of trafficking receive adequate care taking into consideration their individual needs and best interests;

- ensure that child victims of trafficking aged 15 to 18 are placed under the care and assistance of child welfare services, which should receive the necessary resources and training;
- ensure that an individual risk assessment is carried out before returning child victims of trafficking to their country of origin.

19. In addition, GRETA considers that the Norwegian authorities should carry out an evaluation of the impact of actions undertaken to prevent and investigate the disappearance of minors from care centres and asylum reception centres.

20. GRETA invites the Norwegian authorities to keep under review the new measures introduced in the Child Welfare Act 2012 with a view to ensuring compliance with international standards on the rights of the child, in particular the deprivation of children's liberty as a measure of last resort.

### **Recovery and reflection period**

21. GRETA urges the Norwegian authorities, in compliance with the obligations under Article 13 of the Convention, to ensure that all possible victims of trafficking, including EEA nationals, are offered a recovery and reflection period. To this end, the Norwegian authorities should:

- systematically inform all possible victims of trafficking of the possibility to benefit from a recovery and reflection period and its implications;
- remove the objective of the reflection period to facilitate the prosecution of traffickers;
- enact statutory rights to assistance and protection for possible victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victim's nationality or immigration status;
- remove the barriers for possible victims of trafficking to access health care during the reflection period, linked to their lack of identity documents and difficulties to register;
- explore the reasons why so few possible victims of trafficking apply for and are granted a reflection period.

### **Residence permits**

22. GRETA considers that the Norwegian authorities should strengthen their efforts to resolve difficulties arising from the lack of identity documents of victims of trafficking, which prevents them from being issued with residence permits.

### **Compensation and legal redress**

23. GRETA considers that the Norwegian authorities should step up their efforts to facilitate and guarantee access to compensation for victims of trafficking, in particular by:

- ensuring that victims of trafficking are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed;
- enabling victims of trafficking to exercise their right to compensation from the perpetrator or from the state, by ensuring their effective access to legal aid and by allowing them to stay in the country for the duration of the proceedings.

### **Repatriation and return**

24. GRETA considers that the Norwegian authorities should take steps to strengthen co-operation with countries of origin of victims of trafficking in order to ensure safe return as well as their effective reintegration.

### **Substantive criminal law**

25. GRETA considers that the Norwegian authorities should assess the effectiveness of the criminal law provisions concerning THB, including the dissuasiveness of the penalties provided for in Section 224 of the CC and the aggravating circumstances currently applicable to THB cases. In particular, GRETA encourages the Norwegian authorities to increase the maximum term of imprisonment in Section 224, in order to reflect the fact that THB constitutes a serious violation of human rights, and to apply the full list of aggravating circumstances included in Article 24 of the Convention.

### **Non-punishment of victims of trafficking in human beings**

26. GRETA considers that the Norwegian authorities should ensure that the provision allowing not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, is effectively applied.

27. Further, GRETA urges the Norwegian authorities to improve the identification of victims of trafficking for all types of exploitation in order to ensure that they are not punished for immigration-related offences.

### **Investigation, prosecution and procedural law**

28. GRETA considers that the Norwegian authorities should strengthen their efforts to ensure that crimes related to THB for all types of exploitation are investigated and prosecuted promptly and effectively.

29. Further, GRETA considers that there is need for continuing to improve the knowledge and sensitivity of judges, prosecutors, police investigators and lawyers regarding THB and the rights of victims of trafficking.

### **Protection of victims and witnesses**

30. GRETA considers that the Norwegian authorities should strengthen their efforts to ensure that victims of trafficking are adequately informed, protected and assisted during the pre-trial and court proceedings.

## Appendix II: List of public bodies and intergovernmental and non-governmental organisations with which GRETA held consultations

### Public bodies

- Ministry of Justice and Public Security
  - Directorate of Immigration
  - National Police Immigration Service (PU)
  - Co-ordinating Unit for Victims of Trafficking (KOM)
- Ministry of Labour (Directorate of Labour and Welfare)
  - Labour Inspection Authority
- Ministry of Foreign Affairs
  - Norwegian Agency for Development Co-operation (Norad)
- Ministry of Government Administration, Reform and Church Affairs
- Ministry of Local Government and Regional Development
- Ministry of Children, Equality and Social Inclusion
  - Directorate for Integration and Diversity
  - the Children, Youth and Family Affairs Service
- Ministry of Health and Care Services (Directorate for Health and Social Affairs)
- Ministry of Education and Research (Directorate for Education and Training)
- Ministry of Defence
- The Norwegian Criminal Injuries Compensation Authority
- National Courts Administration
- Equality and Anti-discrimination Ombud
- Parliamentary Ombudsman
- Ombudsman for Children
- Grunerlokka Social Centre (Oslo)

### Intergovernmental organisations

- International Organisation for Migration (IOM) Office in Oslo
- United Nations Children's Fund (UNICEF) Office in Oslo

### Non-governmental organisations

- Save the Children
- Norwegian Association for Outreach Work with Youth
- Red Cross
- The Women's Front of Norway
- The Adora project
- The ROSA project
- Prostitutes' Interest Organisation in Norway (PION)
- Pro Centre
- The Norwegian Confederation of Trade Unions
- Norwegian Bar Association (Human Rights Committee)
- Norwegian Centre for Human Rights
- Fafo Research Institute

## **Government's comments**

GRETA engaged in a dialogue with the authorities of Norway on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Norwegian authorities on 28 March 2013 and invited them to submit any final comments. By letter of 29 April 2013 (reproduced hereafter), the Norwegian authorities indicated that they do not see the need to submit any comments to the final GRETA report.



ROYAL NORWEGIAN  
MINISTRY OF JUSTICE AND PUBLIC SECURITY

Council of Europe  
Ms. Petya Nestorova  
Executive Secretary  
trafficking@coe.int

Your ref.

Our ref.  
11/3376 - JAA

Date  
29.04.2013

**Final report from GRETA**

Dear Ms. Nestorova,

Norway has received the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA).

The report has been discussed in our Inter-ministerial Working Group against Trafficking.

I can inform you that Norway does not see the need to submit any final comments to the GRETA report.

Yours sincerely

Jan Austad  
Contact person