

**Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings**



**Recommendation CP(2013)6  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Norway**

*adopted at the 11th meeting of the Committee of the Parties  
on 7 June 2013*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Norway on 17 January 2008;

Having examined the Report concerning the implementation of the Convention by Norway, adopted by GRETA at its 16th meeting (11-15 March 2013) in the framework of the first evaluation round;

Welcoming the measures to combat trafficking in human beings taken by the Norwegian authorities, and in particular:

- the setting up of an Inter-ministerial Working Group against Human Trafficking and a National Co-ordinating Unit for Victims of Trafficking within the Ministry of Justice and Public Security;
- the adoption of a comprehensive Plan of Action against human trafficking for 2011-2014, including measures to address human trafficking for the purpose of labour exploitation;
- the efforts to promote international co-operation to combat trafficking in human beings through the financing of anti-trafficking projects worldwide, with an emphasis on prevention and protection of victims;
- the provision in Norwegian law of a reflection period for potential victims of trafficking lasting six months;
- the possibility to grant residence permits to victims of trafficking both on the basis of their personal situation and when co-operating in the investigation or criminal proceedings;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Norway, in particular:

- strengthening co-ordination among Government departments, and between public authorities and non-governmental organisations, including the involvement of non-governmental organisations in the planning and monitoring of Norway's anti-trafficking policy;
- setting up a formalised national referral system for the identification of and assistance to victims of trafficking, which defines clear procedures and roles of all frontline actors who may come into contact with victims of trafficking;
- adopting a proactive approach to detecting trafficking of children, and strengthening 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;
- strengthening efforts to discourage demand for the services of victims of trafficking for the purposes of sexual and labour exploitation;
- ensuring that all possible victims of trafficking, including EEA nationals, are systematically informed of the possibility to benefit from a recovery and reflection period, and are offered such a period;
- assessing the effectiveness of the criminal law provisions concerning trafficking in human beings, including the dissuasiveness of the penalties and the aggravating circumstances applicable to human trafficking.

1. Recommends that the Government of Norway implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Norway (see addendum);

2. Requests the Government of Norway to inform the Committee of the Parties of the measures taken to comply with this recommendation by 7 June 2015;

3. Invites the Government of Norway to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

## **Addendum**

### **List of GRETA's proposals concerning the implementation of the Convention by Norway**

#### **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.