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Reply from Norway
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties

Second evaluation round
(Reply submitted on 1 February 2016)

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Attachment 1 is the latest annual report from KOM – the Coordinating Unit for Victims of Trafficking. The report, published in July 2015, provides an overview of the national human trafficking situation. This entails an attempt to survey the number of people identified as potential victims of human trafficking in Norway, and to document the challenges that the authorities and support services encounter in the work on uncovering cases and assisting victims. Throughout the questionnaire, we will refer to specific chapters of the report, mentioned as "the KOM report". The KOM report is currently being translated to English, and this version will be forwarded to GRETA when available.

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- **the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);**

Reference is made to chapter 4.2 in the KOM report (attachment 1).

- **any changes in your country's laws and regulations relevant to action against THB;**

As mentioned in GRETA's first report (para 11), a revised Criminal Code was adopted in 2005. The Code entered into force on October 1st 2015. Trafficking offenses are now found in section 257 and 258. We attach the Norwegian text (attachment 6). An unauthorized English text is the following:

Section 257: Human trafficking

Any person who by violence, threats, misuse of another person's vulnerability, or other improper conduct forces, exploits or induces another person to

- a) prostitution or other sexual purposes,
 - b) labour or services, including begging,
 - c) war service in a foreign country, or
 - d) agree to the removal of the said person's organ,
- shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding six years.

Any person who

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

Any person who commits an act referred to in the first or second paragraph against a person who is under 18 years of age shall be liable to a penalty independently of any use of force or threats, misuse of a person's vulnerability, or other improper conduct. A person, who was ignorant of the fact that the aggrieved person was under 18 years of age, shall be liable to a penalty if he in any way can be blamed for his ignorance.

Section 258: Gross Human trafficking

Gross human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offense is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain. A person, who was ignorant of the fact that the aggrieved person was under 18 years of age, shall be liable to a penalty if he in any way can be blamed for his ignorance.

- **the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;**

Parliament earmarked NOK 15 000 000 from 2015 onwards for the establishment of specialised anti-trafficking units in the five largest police districts. The Directorate of Police supervised the establishment of the groups and will constantly review the way the groups function. From January 1st 2016, the number of police districts in Norway was reduced from 27 to 12. Parliament has stated that the change has been made in order to improve investigations into serious crime, especially human trafficking, and in December 2015 requested the establishment of specialised units in every district.

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

As mentioned in our letter of June 7th 2015, work on developing a new Plan of Action against human trafficking began in 2015. The Plan is not yet finalized, but will be forwarded to GRETA when completed.

Parliament discussed issues concerning strategies against trafficking in a debate in December 2015. Several of the recommendations from GRETA's last report were discussed. Parliament requested the government to take several measures, which will be included in the Plan of Action.

The most important requests were the following:

- The government must review the reflection period and simplify the regulations connected to it.
- The government must consider how NGOs can be given a larger degree of continuity and predictability in their effort to assist victims.
- The government must ensure that minors who disappear from asylum centres are searched for and that measures are put in place to avoid them becoming victims of trafficking and exploited in prostitution.
- The government must strengthen ROSA and consider making it a permanent measure with long-term funding.
- The government must strengthen the international cooperation concerning modern day slavery.
- The government must consider whether KOM has sufficient authority to carry out its tasks.
- The government must consider if "slavery and practices similar to slavery" should be included in the legal definition of trafficking in the penal code.
- The government must consider the possibility to grant people who are likely to be victims of trafficking the right to stay in Norway.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

The right not to be discriminated against on the basis of gender is a human right stipulated in a number of conventions. The Norwegian anti-discrimination legislation is the most important tool for implementing these obligations. The Gender Equality Act provides protection against discrimination on the basis of gender. This Act's purpose is to promote equality between the sexes. Women and men are to be given equal opportunities in education and work and in their cultural and professional development. Both women and men are covered by this protection, even though the Gender Equality Act's statement of legislative purpose is particularly aimed at improving the position of women.

The Act imposes a duty on employers and public authorities to actively work to ensure gender equality. The Equality and Anti-Discrimination Ombud monitors and helps to ensure that the Act is implemented. The Ombud deals with complaints about breaches of the law and provides legal guidance. The Ombud's statements may be appealed against to the Equality and Anti-Discrimination Tribunal, which can make binding decisions.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Trainings and information provided about THB in Norway will always underline that victims of trafficking often are foreign nationals who are likely to belong to vulnerable groups in their country of origin, such as national or ethnic minorities.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

Norway is a destination country for THB. Several victims are irregular migrants or migrant workers. It is important to find ways to reach out to migrant workers in order to prevent THB and provide them with relevant information about their rights.

In 2015 Parliament established a new grant scheme of NOK 7 000 000 for measures to prevent THB, managed by the Ministry of Justice and Civil Security. One project that received grants in 2015 was a project run by the humanitarian organisation Caritas Norway. Caritas runs an information office for migrant workers. They believe that a number of the workers they provide with information are possible victims of trafficking, and are training their staff to improve their ability to identify and advise victims.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

In 2015 the Salvation Army received funding from the Government for a project that will provide safe accommodation for male victims of trafficking. A unit with three beds will open in Oslo in the spring of 2016, and will be available for victims identified all over Norway. The Salvation Army will give broad assistance to victims staying at the unit. They have based the project both on Norwegian experiences,

as well as on research findings from their partner organisation in the UK on support needs of male victims of trafficking.

The project is available both for male victims that have been given a reflection period in Norway, as well as possible victims who are in urgent need of accommodation and follow-up measures in order to clarify their situation.

The Red Cross has received funding in order to cooperate with the Salvation Army in giving assistance to men in the project.

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

One of KOMs key responsibilities is to provide capacity building activities to various stakeholders, both within the public and private sector. KOM continues its efforts to increase knowledge and expertise in the field of human trafficking and contributes to competence development through lectures, seminars and other information measures. In cooperation with other authorities and organisations, KOM will develop further tools and other materials to be used in efforts to detect cases and to identify and assist victims.

For an overview of specific training initiatives in Norway, reference is made to information contained in the report submitted 07.06.2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

Additionally, Norway has also participated in the planning and implementation of training seminars conducted by the Council of the Baltic Sea States (CBSS) expert groups on THB and on children at risk.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

The Norwegian Child Welfare Act applies to all children in the realm, regardless of their status, background or citizenship. The Child Welfare Service, the police, the immigration authorities and other welfare services are responsible for ensuring that child victims of trafficking receive appropriate care.

The Child Welfare Service is responsible for providing assistance and aid to suspected minor victims of trafficking. Section 4-29 of the Child Welfare Act is particularly tailored to ensure proper and adequate assistance to suspected victims of trafficking. There are two specialized institutions in this capacity.

To a certain extent trafficking in children is associated with unaccompanied minor asylum seekers. The responsibility for this group is divided between the child protection authorities and the immigration authorities. The youngest group – those under 15 years of age - is accommodated in care centres run by the Child Welfare Service. Their care is regulated within the Child Welfare Act. Unaccompanied minor asylum seekers between 15 and 18 years are accommodated in reception centres run by the

immigration authorities. Both age groups get appointed a guardian in order to ensure protection of their rights.

For recent specific measures concerning children, reference is made to information contained in the report submitted 07.06.2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

Additionally it is worth mentioning that one of the main challenges in the development of a new Plan of Action is to suggest a formalised national referral system, for both adult and child victims, in line with the recommendation from GRETA.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹ for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**
- b. raising awareness of THB through education;**
- c. training professionals working with children.**

Considering Norway as a destination country for all forms of trafficking, rather than a country of origin, measures to reduce children's vulnerability to recruitment into trafficking has not been emphasized. Nevertheless, we suspect there has been some recruitment of children by traffickers after arrival in Norway. There is a constant debate on how to raise awareness, particularly by the staff employed in reception centres for unaccompanied minor asylum seekers. There is also necessary to be aware of the risk for servitude within the household when taking on foster children or in some cross border marriages.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

The Directorate of Immigration (UDI) offers medical examinations to ascertain age to asylum seekers who come to Norway and state that they are unaccompanied minors, if the applicant appears to be older or younger than stated. If the applicant has consented to undergo an age examination, UDI will send a requisition to the health personnel who perform the examination. Examinations include a carpal x-ray, dental x-ray and dental observation. Dental and carpal x- rays are conducted by experts in paediatric radiology who conclude independently. Based on the results, a paediatrician will make a final assessment about the individual's age. The final decision concerning the individual's age is made by UDI caseworkers as part of the asylum decision.

Taken into account is also other information including psychological, cognitive or behavioural aspects collected through the asylum procedure and any documentary evidence. A consideration of the individual's maturity and age made by professionals in close contact with him/her (e.g. guardian, law enforcement officers, professionals working at the reception centre where the child is accommodated) may also be considered though this is not routinely done.

¹ The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

An alleged minor asylum seeker will be presumed by UDI to be a child until the age verification is completed, with the exception of those whom the Immigration Police consider obviously above 18 when they register the asylum application. These persons will be registered as such and placed in a reception centre for adults. This is done partly in order to protect other minors in the asylum system, as it is undesirable to have adults residing in the special reception centres for minors.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests² are duly taken into consideration, in particular when it comes to:

- a. identification of child victims of trafficking;**
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;**
- c. locating the child's family;**
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;**
- e. access to appropriate and secure accommodation, education and health care;**
- f. issuing residence permits for child victims of trafficking;**
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**
- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**
- i. special protection measures for children.**

Child victims of trafficking who apply for asylum may obtain either refugee status (Immigration Act Section 28 a or b) or a permit on humanitarian grounds (Section 38). In accordance with Section 38, it is a lower bar to grant a residence permit on humanitarian grounds for minors than adults, given the particular vulnerabilities of children. Importance may also be attached to whether the child has been a victim of human trafficking. Furthermore, the best interest of the child principle is a fundamental consideration although other immigration regulatory considerations may also be taken into account.

There are also specific residence options for potential victims of human trafficking, which are open to minors as well as adults. Firstly, a reflection period permit for 6 months may be granted to potential victims of trafficking (Immigration regulations Section 8-3). There is no requirement that permit holders cooperate with the police. To apply for such a permit, the individual must withdraw his or her asylum application. Secondly, a limited residence permit for up to 12 months may be granted, but this requires a higher level of cooperation with the police (Immigration regulations section 8-3). Finally, actual witnesses in trafficking cases shall be granted a residence permit in accordance with the Immigration Act Section 38, unless they qualify for asylum (Immigration regulations section 8-4). This permit is renewable and holders are eligible to apply for permanent residence after three years. Applications for this permit are processed through the international protection procedure.

Further reference is made to information contained in the report submitted 07.06.2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

² "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Processes for detection and identification of potential victims during the procedure for international protection are outlined in a number of circulars. Asylum applicants with special profiles are screened for indications of THB. Among others, profiles stated to give reason to suspect trafficking in human beings are minors in prostitution or criminal environments, and minors who have resided illegally in Europe for a long period without care persons. The duty to identify and provide follow-up goes further if the potential victim of trafficking is a minor, taken into account that children do not have the same ability and opportunity as adults to present their case and understand their situation. Information to the child shall be provided in an age-sensitive manner. In cases concerning minor potential victims of trafficking, the caseworker in the immigration authorities has a duty to report a concern to the child welfare services. Upon receiving notification about a reasonable suspicion, the child welfare services have the responsibility to assess the child's risk situation and needs, and take appropriate action to safeguard the child's care and safety in the best possible way, possibly in collaboration with the police. If the child is an unaccompanied minor asylum seeker, the reception centre or/and the special care centre for unaccompanied minors where the applicant lives, has the daily care responsibilities. If the child's life, health or safety is considered to be at risk, the reception centre employees must immediately notify child welfare services and the guardian, to secure the child relevant and adequate care and to prevent disappearance.

Measures for the immigration authorities to prevent and follow-up disappearances of unaccompanied minors (UAM) are outlined in circulars from UDI. The reception centres will report to UDI, to the local police, the local child welfare service, the representative and the lawyer immediately after an UAM is missing. When a minor is reported missing, the local child welfare service is responsible for the follow-up on the case. The police are responsible for initiating a preliminary investigation in each case to determine whether to issue a missing person alert, and whether a full investigation should be initiated.

In 2014, the Directorate of Immigration introduced a new fast-track procedure for UAMs with a profile consistent with a high risk of absconding. The purpose is to secure enough information in order to carry out the age assessment and to make a decision in the asylum case. The conversation with UDI shall also consider whether the UAM is at risk of trafficking or violence, or if there are health issues. If there is concern that they are at risk because of trafficking, the Child Welfare Services shall be notified, and they may be referred to special accommodation by Child Welfare Services. The following groups of asylum seekers are put through the fast-track procedure: UAMs who could have an acute need of following-up (information on trafficking or other abuses, or on severe health issues), UAMs from North-Africa (and a few other nationalities in accordance with tendencies to abscond), UAMs who apply for asylum after having been apprehended by the police, UAMs who have resided illegally in Norway before making an asylum application, and UAMs who have previously absconded from reception centres.

There are relatively few returns of UAMs in general, and particularly very few forced returns to a UAM's country of origin. Most UAM returns occur in the context of the Dublin procedure, and there are also some voluntary returns with IOM's program for vulnerable migrants.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

We have not seen cases of trafficking concerning Norwegian children trafficked to other countries.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

The number of filed reports to the police has increased steadily from 2009 to 2012. From 2013 to 2014, there was an increase of 51%. In 2013 and 2014, the number of reports for exploitation in forced labour/forced services was higher than the number of reports for exploitation in prostitution/other sexual purposes. Since 2006, police reports about forced labour and forced services have gradually increased each year. One possible cause of this is more awareness and knowledge of forced labour. Experiences from specific cases makes it easier to define new cases as human trafficking, including for police and prosecutors. Additionally, several big media stories about social dumping and crime in the workplace have helped highlight the exploitation of human beings for the purpose of forced labour or services.

From 2003 (when the trafficking offence entered into force in the CC) until 2015, there has been a total number of 40 judgements with convictions of traffickers. Out of the 40, only two convictions concerns exploitation for the purpose of forced labour. Five convictions are for exploitation in various forms of forced services, and one conviction is for exploitation in begging. Forced services are about drug-related crimes or petty crimes, or a combination of crime and begging. In three convictions for forced services and in the conviction for begging, the victims were minors.

Several police districts have pointed out that the distinctions between different phenomena can be difficult to draw, and that this is particularly the case for the distinction between forced labour and social dumping. Social dumping is not a legal term and does not have a precise definition. It is an umbrella term for cases in which foreign workers have significantly poorer working conditions and pay than Norwegian workers. Indicators of forced labour and forced services include that workers live in poverty and lack control over their own work/life situation and/or have an employer who violates the Working Environment Act and other important regulations relating to health, safety and environment. Many of these same indicators are also found in social dumping and it can thus be difficult to distinguish between exploitation in forced labour and exploitation as social dumping. However, it is easier to prove violations of the Working Environment Act than the CC, which may lead police and prosecutors to use the Working Environment Act to stop the exploiter(s) rather than the CC.

The National Criminal Investigation Service (Kripas) reports to KOM about multiple challenges in cases of human trafficking for forced labour, hereunder: basic cultural differences and language barriers, the traffickers are often from the same country as the victims and control the victims by working with others in their home country and potential victims are often reluctant to cooperate. It is difficult to uncover cases and identify victims, as potential victims do not perceive themselves as victims and the potential victims often have short-term work and residence permits in Norway (for instance seasonal permits). Potential victims are often from countries with which collaborations are difficult in terms of exchanging information and collecting evidence. The reason for this may be how the concept of "forced labour" is interpreted but can also be due to serious issues such as corruption.

Despite the challenges, we have seen demanding investigations on trafficking for the purpose of forced labour that have led to convictions. Attachment 5 is a conviction in a case still under appeal. The case concerned the possible exploitation of workers from India, many of whom had returned to India when the case broke. Norwegian police succeeded in bringing some victims back to Norway where they were given a reflection period, and they chose to cooperate with the police. Evidence was secured following requests for legal assistance from India.

In January 2015, the government introduced a holistic strategy to combat criminal activities related to working-life. This strategy is a measure, which has a clear intention to prevent trafficking in human beings. A strengthened set of control mechanisms and stronger cooperation between law enforcement agencies, labour inspectors and other authorities is a vital element of the strategy. For further information about the strategy, reference is made to information contained in the report submitted 07.06.2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report. Attachment 8 is an English translation of the strategy.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

In 2006, the Supreme Court handled a case concerning trafficking for exploitation in prostitution. The main legal question before the court was to decide if the traffickers had exploited a victim by abuse of a position of vulnerability. The court stated that it was necessary to carry out a broad assessment of a number of factors. Which condition the victim was living under before the exploitation took place was important, as well as the situation the victim found herself in while exploited. The main fact to consider was the victims' actual possibilities of making choices.

Attachment 5 is a conviction in a criminal case where the court had to consider the relevant concept.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

In Norway, forced marriage is not listed as one of the main types of exploitation specified in section 257 and 258 of the revised CC. Rather the offence is found separately, in section 253. There are no examples from case law where forced marriage or illegal adoption has been considered as trafficking per se. In one judgement concerning children exploited into trafficking for labour services (shoplifting, begging and selling fake gold jewellery) the police also uncovered forced marriage and sexual abuse against the children, thus one person was convicted for both the trafficking offence and the offence of forced marriage.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Section 257 of the CC 2005 explicitly mentions begging as a form of work or service that is included in the definition of trafficking.

Reference is made to paragraph 258 in the first GRETA report on Norway. The perpetrators in the case involving the exploitation of children for shop lifting and begging were family members of the victims.

Larvik District Court convicted a Romanian man of trafficking in a judgment from September 25th 2013 (Attachment 2). He was found guilty of forcing his two children, aged 15 and 17, to beg in public places in Norway during the summer of 2013. In addition to normal begging the victims at times carried a sign, which said that they were collecting money for an institution for children with disabilities. This was a fraud. The children had little schooling and were made to beg by their family in several countries.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Exploitation of criminal activities can be considered as a purpose of THB. Eidsivating Court of Appeal convicted a Dutch man of trafficking in a judgment from January 24th 2014 (Attachment 3). The man travelled by plane from the UK to Norway with his two daughters aged 13 and 14 years. Passing through customs at the airport in Oslo, the three of them carried each their suitcase containing a total of 56 kilos of the substance *khat*. The court found that the man had acted in violation of both the relevant drug offense and the trafficking section of the CC. He had exploited his daughters by making them carry the suitcases. An appeal from the convicted person to the Supreme Court was denied. The Supreme Court had passed judgment in a case in 2013 concerning the exploitation of children by making them steal.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

We have not conducted any impact evaluation concerning awareness-raising campaigns.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

The various ministries involved in anti-trafficking efforts conduct research. All ministries have a certain amount of money dedicated for research purposes, and decide which projects to support after an internal priority process.

In 2015, the research centre Fafo published a report on the identification and assistance of child victims of trafficking in Norway. The Ministry of Children, Equality and Social Inclusion commissioned the report. The report includes a review of the provision introduced in the Child Welfare Act in 2012 that allows unaccompanied minors to be held for up to six months in a closed institution without their consent. The report has considered 14 of the 50 cases where the provision has been applied. The report states that children have been victims of serious exploitation by traffickers, and that in several cases the exploitation is carried out by organised groups. Questions are raised about the capacity and willingness of the police to conduct thorough and speedy investigations.

Fafo also published a report in 2015 ("When poverty meets affluence") about the situation of migrants from Romania on the streets of the Scandinavian capitals. An important part of the report was to see if beggars and street workers are victims of trafficking. The following excerpt from page 86 of the report is of special interest:

We find that begging and street work is very often 'organised' in the sense that people cooperate in finding transportation, shelter and income. This cooperation is usually organised within households and families. Many Roma communities in Romania are organised along highly patriarchal family lines. On the one hand, these family networks can protect migrants from abuse from strangers; on the other, it is widely recognised that strong patriarchal family structures can leave family members, and in particular women and children, vulnerable to abuse by their husbands and fathers. However, patriarchal and unequal marriages do not qualify as human trafficking. It is our firm impression that our female respondents also tended to have good oversight and control over their own incomes. We find no evidence that the activities of migrants in Scandinavia are usually controlled by ringleaders and organisers outside the family and household who profit from the efforts of others.

Nevertheless, we do find that many of the migrants can be vulnerable to exploitation. This vulnerability comes in many forms. First, they are vulnerable to becoming victims of crime and extortion from people outside their own networks. In such cases, family networks can provide some protection. Those who participate in the labour market for casual informal work also appear to be vulnerable to exploitation and abuse. One possible explanation would be that exploitation of people for casual work most probably

offers far higher profit margins than exploiting people for begging and other types of street work, and therefore is more attractive to potential exploiters.

Some beggars also feel that they have been given false expectations about their prospects in Scandinavia, but we find no evidence that this is related to systematic abuse or wider forms of exploitation. Furthermore, we show that the easy access to informal credit from minibuss operators for people in the Oslo population can potentially render them vulnerable to ending up in difficult situations – for example, if they do not succeed in generating sufficient income to repay their debts.

The Ministry of Justice and Public Security has initiated a research project aiming to identify challenges and propose measures concerning children who go missing from care and reception centers. A final report is expected early in 2016.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Third country nationals may apply for various residence permits on the grounds of family, work or study.

Nationals of certain countries need a visa in order to visit Norway for up to 90 days. All foreign nationals who are to stay in Norway for more than 90 days must have a residence permit. Foreign nationals who are to work in Norway will in many cases need to have a residence permit, even for stays of less than 90 days.

The Norwegian Directorate of Immigration (UDI) is responsible for visas and residence permits and has information on applications of this kind on its website.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

a) The area is regulated through a *Regulation of quality and safety for human organs intended for transplantations*, ref. <https://lovdata.no/dokument/SF/forskrift/2015-12-07-1401>)

The Directorate of Health is responsible for authorisations to institutions and to run a public register over authorized institutions. Criteria for authorisation are specified in the Regulation and also follows the obligation for institutions to establish internal control systems.

b) Hospitals are in general responsible for following up the patients they treat, as long as needed, following the overall principles and regulation of responsibilities according to patient rights and treatment obligations. The County Governors are responsible for supervision and control of the institutions in the same way as in other cases of patient treatment.

c) Reference is made to the Regulation of quality and safety for human organs intended for transplantations.

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. **educational programmes;**
- b. **information campaigns and involvement of the media;**
- c. **legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);**
- d. **involvement of the private sector.**

Reference is made to paragraph 110-113 in the GRETA report from 2013 concerning criminalization of the purchase of sexual services. An evaluation report on the effects of the law was published in August 2014. One conclusion was that the law has affected important pull factors and reduced the extent of human trafficking in Norway. We attach a summary of the report in English (attachment 7).

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

Reference is made to information about the strategy against work-related crime in our letter of June 7th 2015.

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. **identification of possible victims of THB in the context of border control;**
- b. **identification of possible perpetrators of THB offences;**
- c. **gathering of first-line information from victims and perpetrators;**
- d. **identification of vulnerable persons in need of international protection among possible victims of trafficking.**

Reference is made to our letter of June 7th 2015 to GRETA.

Police and custom officers on duty at our border posts have a general knowledge about THB. Even though victims and perpetrators as a rule are difficult to identify at border-crossings, they can be identified in connection when there is a suspicion of other crimes. Reference is made to the case in attachment 3.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

Reference is made to information contained in the report submitted June 7th 2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

No new measures are reported.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

Norway has not established a NRM. Our system of identification and referral works in the same manner as outlined in the previous GRETA report.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

KOM has developed brochures titled "guide to the identification of possible victims of trafficking" which contains a national list of indicators for trafficking for the purpose of prostitution and sexual exploitation, forced labour or services and a list of indicators for all forms of trafficking in minors. The brochures are widely distributed to all actors that may come across human trafficking in their daily work. It is used actively in KOMs training activities and upon request sent to actors that seek to build their capacity in the anti-human trafficking field; specifically those who need to enhance their knowledge on how to detect potential trafficked victims. Many of the KOM members have developed their own lists of indicators, based on the national indicators and international standards, yet adapted to the focus of their own institution/organisation's main target group(s) and needs. The use of the indicators is ensured through various channels, e.g. internal procedures, intranets and knowledge databases, internal regulations and circulars.

Public authorities who find that there is a basis for concern that a person may be subject to human trafficking, have a duty to identify this person as a potential victim. Detection of a potential victim in the procedures for international protection may occur through information given by the person him-/herself, or when the caseworker in the immigration administration or other agencies, such as a reception centre, the child welfare services, the police, health workers, specialised agencies for assistance, etc., notice indications of trafficking. Detection/identification of potential victims of trafficking can happen at all stages of the process. (during arrival registration, interviews, informal conversations, the consideration of applications, identity examinations, document control, the gathering of information from abroad, the execution of forced returns, etc.). For the immigration authorities, the duty to identify potential victims of trafficking in human beings implies the following: secure identification of asylum seekers who are potential victims, give information on rights to help and protection, and if necessary, assist in contacting relevant bodies or support schemes, and consider whether information should be given to the reception centre, child welfare services, police or other agencies, according to the Norwegian disclosure requirements.

For further relevant information, reference is made to information contained in the report submitted 07.06.2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

Persons identified as potential victims of human trafficking may be entitled to a temporary residence permit for six months, referred to as a reflection period. The assessment done by the immigration authorities (UDI) is to emphasise whether there are **grounds to believe** that the person is subject to human trafficking and whether they plan to accept help and participate in the measures that are offered.

30. What measures are taken in your country to encourage self-identification of victims of THB?

Outreach workers in prostitution are well aware that there might be victims of THB working in prostitution. By building trust and handing out information leaflets, the hope is that victims will become more likely to self-identify as victims.

The same principle is followed for those who give advice to migrant workers.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

The National Police Immigration Service (PU) has as two main tasks to register and establish the identity of asylum seekers who come to Norway and to forcibly return people without lawful residence. PU is part of the immigration administration in Norway and cooperates closely with other agencies in the immigration field. The Directorate of Immigration (UDI) and the Immigration Appeals Board (UNE) are key agencies in this regard.

For PU it is important to attempt to identify possible victims of THB at all stages. Existing routines describe how to look for indicators of THB during the registration stage, and to warn other agencies about a possible victim. PU will offer a possible victim information about assistance providers.

It is not uncommon that information about trafficking is revealed in a late stage of the process where PU is in contact with a foreigner, for instance when a person is about to be returned to another country. It is a priority for PU to seek relevant information, especially if the information is new to the authorities, and has not previously been considered by other authorities. Ahead of all returns, PU conducts a quite broad information gathering process. If fresh information is found, PU will pass it on to relevant agencies, who will then consider the case.

New information about the possibility that a person is a victim of trafficking does not automatically mean that the return process is cancelled, but the person will not be returned before the relevant agency has considered the information. This will normally lead to a delay in the return process.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

A number of different laws regulate how the various professionals must protect information about victims they service.

A suspicion that a child is a victim of THB carries an obligation for professionals to report the matter to child welfare authorities.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;**
- b. victim's safety and protection;**
- c. standards of assistance and their implementation in practice;**
- d. access to medical treatment, psychological assistance, counselling and information;**
- e. translation and interpretation, where appropriate?**

Non-state actors who provide assistance to victims are mainly experienced humanitarian organisations. In 2016, a grant scheme of NOK 20 000 000 will provide funding for specialised assistance projects, based on applications that are considered by the relevant Ministries.

A main challenge in the development of a new Plan of Action is to suggest a formalised national referral system in line with the recommendation from GRETA.

To date there is no single government agency - or one designated non-state actor- with either the monopoly 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, children 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.

The KOM information leaflet for possible victims of trafficking lists the rights and measures of assistance that they may be entitled to. All persons identified as potential victims of human trafficking have the following rights:

- temporary residence and work permit for six months (a reflection period);
- legal assistance and free legal aid in advance of any criminal charges;
- safety measures (following a risk assessment), provided by the police;
- a safe place to live;
- follow-up care provided by social services or immigration authorities;
- medical assistance;
- living expenses;
- 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.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

Possible victims of trafficking have the right to a reflection period allowing them to stay in Norway for 6 months. There is no obligation for them to cooperate in an investigation or act as a witness during this period.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

Municipalities are obliged to provide accommodation, and will consider a place in a shelter ("crisis centre") for victims of trafficking, together with victims of domestic violence or threats. Since 2005, the Government has funded the ROSA project, with the aim of co-ordinating assistance to female victims staying at these shelters.

Reference is made to para. 151 in the GRETA report on Norway from 2013. In 2013, 52 women were accommodated in shelters, and in 2014, the number was 42.

The shelters are highly suitable for short-term accommodation for most victims. However, for several victims who need long-term accommodation it is difficult to provide other options for accommodation. Staying at a shelter will then become challenging for victims.

Since 2009, the Government has funded "Laura's House", a communal living project with five accommodation units. The project is run by the Church City Mission Nadheim in Oslo. Reference is made to para.149-150 in the GRETA report on Norway from 2013.

In 2016 the Salvation Army will start a Government-funded project that will provide safe accommodation for male victims of trafficking. A unit with three beds will open in Oslo, and will be available for victims identified all over Norway. The Salvation Army will give broad assistance to victims staying at the unit.

Minors are offered assistance in tailor-made institutions or in a care centre / reception centre (see description under 7).

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

Giving information to victims is a challenging task, and assistance providers are trained to understand that information must be repeated and discussed with victims in order for them to grasp the consequences of their choices.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Victims given the right to a permanent stay in Norway will have the same right to assistance for health, social and other challenges as Norwegian citizens.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

When granting a reflection period for six months (Immigration Regulations, Section 8-3), the Immigration Authorities should take into consideration whether there are facts pointing to trafficking,

and whether the individual in question is prepared to accept help and follow-up measures offered. The threshold is low to grant such a permit. As long as facts do not exist to indicate that the person is not a victim, the Norwegian Directorate of Immigration (UDI) usually grants a permit on the basis of facts provided by the foreign national, the lawyer, an assistance agency or a non-governmental organisation. There is no condition on cooperation with the police. The reflection period cannot be renewed and does not form the basis for a permanent residence permit.

Reference is made to the information provided by the Norwegian authorities contained in the first GRETA report of 2013, item 179-196.

Concerning changes of relevance to the recovery and reflection scheme after the previous GRETA evaluation, reference is also made to the information contained in the report submitted 07.06.2015 by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

In order to be granted a limited residence permit for victims of trafficking (Immigration Regulations, Section 8-3) the following cumulative criteria are utilised: whether the individual has broken all contacts with the trafficking environment, whether the individual has filed a police complaint against the traffickers, whether the police investigate the case, and whether the police or prosecution consider the individual's presence in the country necessary for the investigation or for criminal proceedings. The information given by the individual must be verified by the police. The limited residence permit is valid for up to 12 months, with possible renewal if the specified requirements are still fulfilled, but which does not form the basis for a permanent residence permit.

A temporary residence permit for witnesses is granted to individuals who have testified as an aggrieved party in a criminal case relating to human trafficking. A residence permit may also be granted to a victim who has given testimony to the court or to the police, including a case of procurement. The permit may form the basis for a permanent residence. To grant this permit, UDI needs a statement from the police. The assessment shall be done in international protection procedure and the person must register him-/herself as an asylum seeker.

If a person applies for protection (asylum), UDI considers the application in conformity with the criteria of the United Nations Refugee Convention and other conventions on human rights, and the Immigration Act, section 28. A concrete assessment of the protection need is done. Risk of future persecution upon return, in the form of e.g. re-trafficking and/or assaults from exploiters may cause the individual to be recognised as a refugee. A former victim of trafficking in human beings can be considered as a member of a special social group in accordance with the Refugee Convention. Subsidiary to the protection assessment, UDI assesses if the person may be granted a residence permit on grounds of strong

humanitarian considerations or a special affiliation to Norway (Immigration Act, section 38). This also applies to former victims of trafficking in human beings. Residence permit for witnesses in cases concerning human trafficking is considered in this procedure, see above.

Further reference is made to the information provided by the Norwegian authorities contained in the first GRETA report of 2013, paragraph 179-196.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the state;
- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

There have been no relevant new measures taken since the first evaluation round.

Attachment 9 contains five decisions from the Norwegian Criminal Injuries Compensation Authority (CA) where compensation was awarded during 2014:

- February 20th: NOK 200 000 awarded
- April 28th: NOK 100 000 awarded
- June 26th: NOK 200 000 awarded
- August 19th: NOK 707 022 awarded
- September 11th: NOK 150 000 awarded

In all cases the amount has been effectively provided to the victim.

Reference is made to paragraph 207-213 in the 2013 GRETA report regarding the conditions for compensation.

The first two cases are based on court decisions in criminal cases against traffickers. A point of special interest is found in the decision dated April 28th. In the criminal case, the victim was awarded NOK 200 000 for non-economic damages inflicted by the perpetrators. However, the relevant acts were partly committed in another country than Norway. A condition for being awarded compensation by the CA is that the exploitation occurred in Norway. Therefore, the amount was reduced. The victims claim against the perpetrator of course still stands.

The decision dated August 19th concerns a victim who gave detailed information to the police about her situation as a victim of THB in prostitution. The police were not able to trace and arrest the suspected perpetrator. The criminal case was therefore suspended. The CA all the same found sufficient information in the police documents to award a large compensation.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Under Norwegian law, assets seized from perpetrators of any crimes, cannot be made available for victims to provide compensation.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Victims of trafficking that have been exploited while in Norway can present a claim to the Norwegian Criminal Injuries Compensation Authority, also after leaving Norway.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

The Norwegian Directorate for Immigration (UDI) funds a programme for the voluntary assisted return and reintegration of victims of trafficking (Assisted Voluntary Return and Reintegration scheme, AVRR), which is implemented by the International Organization for Migration (IOM). The AVRR programme aims to provide an organized, safe 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 "Information, Return and Reintegration for Vulnerable Migrants". 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 assisted return and reintegration programme for vulnerable groups.

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. Victims are offered several information and counselling sessions both prior to making the decision to return and throughout the return preparations in order to enable victims to make an informed decision and to ensure the voluntariness of the return. Relevant state authorities in country of origin are informed about the return with the consent of the victim, and mitigating measures (such as re-location upon return) are implemented to reduce the risk of re-trafficking. 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.

Since 2007, IOM Norway has assisted 76 victims of trafficking with return and reintegration assistance (of whom two in 2007, 14 in 2008, 19 in 2009, four in 2010, five in 2011, seven in 2012, five in 2013, eight in 2014 and twelve in 2015). Since 2012, five of the victims of trafficking returned with minor dependents, totalling nine children of victims.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

No.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

There are no changes to relevant legislation.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

No such cases.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

The Director of Public Prosecutions issues annual guidelines for the prosecution authorities. Attachment 4 contains the guidelines for 2015. On page 11 it is underlined that trafficking crimes are among the main priority areas. Reference is further made to Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, and the prosecution service is reminded of the possibility to waive prosecution against victims. As typical examples are mentioned illegal entry into Norway, use of forged documents in that connection, as well as working without a permit.

The CC 2005 contains a new provision allowing the court the possibility not to impose a penalty when there are special reasons for this, even when guilt is proven.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Our law provides for such a situation.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. setting up specialised investigation units and the number of staff involved;
- b. exchange of information with, and obtaining evidence from, other parties;
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

- d. **investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;**
- e. **financial investigations to disrupt criminal money flows and ensure asset recovery;**
- f. **use of joint investigation teams (JITs).**

a) Parliament earmarked NOK 15 000 000 from 2015 onwards for the establishment and running of specialised anti-trafficking units in the five largest police districts. The Directorate of Police supervised the establishment of the groups and will constantly review the way the groups function. A main goal is to encourage the establishment of groups that include dedicated prosecutors. The following five police districts received funding and are in the process of reorganising their work:

In **Oslo police district**, a group with 10 police officers has recently been established. Two police prosecutors are attached to the group. The group forms part of the Organised Crime Section.

A specialised group (EXIT) has been operating in **Hordaland police district** since 2009 with three investigators, one adviser and a leader of the group. In addition, one prosecutor had trafficking as a special task, but left the group in 2015. Hordaland police district used additional funding to strengthen the group in 2015.

Some years back, **Sør-Trøndelag police district** exposed and investigated several cases of trafficking for sexual exploitation. In order to prevent the expansion of organised prostitution and trafficking, the district established a unit of two investigators, with a responsibility also to identify possible victims of trafficking in the prostitution sector. They are now establishing a new unit that will have a responsibility for combatting all forms of trafficking.

Rogaland police district have had a specialised group with three investigators responsible for all trafficking cases. They are now reorganising and expanding the group.

Agder police district did not have a specialised group earlier, but are now establishing a group with two investigators, one analyst and a prosecutor.

b) As mentioned in paragraph 88-92 in the GRETA report on Norway from 2013, Norwegian law enforcement agencies exchange information and obtain evidence from other parties on a regular basis.

c) Special investigative techniques have been applied in several THB cases. The use of wire-tapping is possible if there are reasonable grounds to suspect someone of committing a criminal act carrying a sentence of imprisonment of ten years or more. A breach of section 257 in the CC does accordingly not allow for wire-tapping, while section 258 does. However, the Government has considered the need to allow wire-tapping in these cases, and will present the matter for Parliament for consideration in the near future.

f) The use of joint investigation teams is rare in Norway. This is partly due to the fact that as a non-EU state actor it is more complicated to enter into JITs than to use the existing Norwegian Liaison officers network in EU- and non-EU countries.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

We have not seen such cases.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

Reference is made to paragraph 263 in the GRETA report on Norway from 2013.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

Reference is made to paragraph 253 in the GRETA report on Norway from 2013.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

According to section 4 of the 2005 Criminal Code, Norwegian criminal law applies to offenses committed in Norway, or on any Norwegian vessel or aircraft.

In accordance with section 5, first paragraph number 9, Norwegian criminal law applies to human trafficking committed abroad by any Norwegian national or any person domiciled in Norway. If human trafficking is punishable according to the law of the country in which it is committed (dual criminality), jurisdiction also applies to offenses committed by foreigners abroad, provided the foreigner is present in Norway at the time criminal proceedings are initiated, cf. section 5, third paragraph.

Moreover, pursuant to section 6 of the CC, jurisdiction under Norwegian criminal law also applies outside the scope of section 4 and 5 when Norway, in accordance with an agreement with foreign states or international law in general, is entitled or obliged to prosecute an offense.

Hence, Norwegian law establishes jurisdiction in full accordance with article 31 of the Convention.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Law enforcement agencies report that potential victims are often from countries with which collaborations are demanding in terms of exchanging information and collecting evidence. The reason

for this may be how the concept of "forced labour" is interpreted but can also be due to serious issues such as corruption. However, as stated under item 51 above, as far as possible in concrete cases the police in Norway exchange information with, and obtain evidence from other parties, through mutual legal assistance requests.

Within the framework of the Norway Grants, Programme Area 30 titled "Schengen cooperation and Combatting Cross-border and Organised Crime, including trafficking and Itinerant Criminal groups", the project "Strengthening police cooperation between Romania and Norway to fight criminal itinerant groups and trafficking in human beings" focuses on cooperation in various organised crime matters including preventing and combatting human trafficking. Through this project, cooperation between Romanian and Norwegian police has been facilitated e.g. by mutual workshops and study visits as well as seconded Romanian officers to the specialised group against human trafficking in Oslo police district.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

Protection measures are outlined in paragraphs 263-265 in the GRETA report from 2013. Such measures can be set in motion both for victims who are in the territory of another party, as well as for victims in Norway linked to investigations abroad. Recent cases have mainly concerned victims from countries that are not party to the Convention.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

Norway is not a member of the EU, and is not linked to the European telephone number for missing children. The police has the responsibility to use law enforcement channels to exchange information about missing children to other countries.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

KOM acts as the main agent to promote cross-sector cooperation, gathering both NGOs and state authorities in various initiatives. Reference is made to chapter 1.1 and 1.2 in the KOM report.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

There are no relevant agreements.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

UDI granted 11 applicants residence permits in 2014 in cases where the applicant had been identified as a potential victim of THB. 7 of these had been witnesses in a criminal case regarding THB. Further information is given in chapter 4.4 of the KOM report.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

The Ministry of Labour and Social Affairs, the Ministry of Children, Equality and Social Inclusion, the Ministry of Health and Care Services, the Ministry of Justice and Public Security and the Ministry of Foreign Affairs.

The Directorate of Immigration (UDI) , The International Organization for Migration (IOM) and the Norwegian Criminal Injuries Compensation Authority.

KOM – the Coordinating Unit for Victims of Trafficking – has been a vital contributor.

We are currently in the process of making a new Plan of Action against THB. During this process there have been meetings and contact with civil society organisations and other authorities. They have provided input used both in creating the Plan of Action and responding to this questionnaire.

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

GRETA contact person: Senior adviser Jan Austad, Ministry of Justice and Public Security

E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims given refugee status and subsidiary/complementary protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of investigations into THB cases.

Number of prosecutions of THB cases.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Number of judgments resulting in the confiscation of assets.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

Number of convictions for the use of services of a victim of THB.

As is the case for most other countries, Norway has difficulties in determining the exact extent of trafficking. KOM is mandated to prepare an annual status report of the situation concerning human trafficking in Norway. KOM has been compiling such annual reports since 2007. The reports provide a picture of what we know about the extent and nature of human trafficking in Norway. Although reporting to KOM is voluntary, KOM has collected information from organisations and agencies represented in the network and/or with which the unit cooperates. Individual agencies and organisations also report in their own lines.

The KOM report seeks to provide an overview of the extent and trends of trafficking in Norway, and to document the challenges that authorities and service providers encounter in their efforts to detect cases and assist victims. This includes developing statistics of the number of persons identified as potential victims of human trafficking in Norway and the type of exploitation to which they have been subjected.

To develop the status report, KOM requests input from its many partners, representatives in the working groups, all police departments, relevant special units and regional public prosecution offices. KOM also asks some players that are not represented in the working groups to report on the number of persons they have identified and assisted as potential victims, and the challenges they face in their work.

It is important to note that the statistics represent numbers of presumed victims of trafficking that have been assisted as such. The KOM report does not cover statistics on "recognised" or "verified" victims, as these terms does not really apply within the Norwegian system context.

For further information concerning statistical challenges in the KOM report, reference is made to the KOM annual report chapter 4.1 (attachment 1).

In response to the requested statistics, reference to the KOM annual report 2014 is specifically made to chapter 4 and 5.