



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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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

Third evaluation round

Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings

Reply submitted on 15 September 2020

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), 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.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. 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. 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 second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, 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.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

The obligation to ensure that victims have access to information on relevant rights rests with the competent authority or organisation that meets the person. NGOs working in the field have recruited personnel with broad language skills. A victim will as soon as possible be provided with legal assistance from a lawyer, as described more in detail under chapter 2.

Public authorities who find basis for concern that a child may be subject to human trafficking, have a duty to identify the child as a potential victim. Identification of a potential victim may occur through information given by the child him-/herself, or when the caseworker in the immigration administration or other agencies, such as a reception centre for asylum seekers, the Child Welfare Services, the police, health workers, specialized agencies for assistance, etc., notice indications of trafficking. Children identified as possible victims of trafficking in Norway are entitled to assistance and protection. An identified child victim of trafficking will be informed of his/her rights and provided with assistance and protection.

We attach the English version of an information leaflet developed by KOM for possible victims of trafficking.

Labour exploitation

One of the main objectives of The Norwegian Labour Inspection Authority (NLA) is to empower foreign migrants by ensuring that there is sufficient information help them obtain knowledge about their rights and duties as workers in Norway.

NLA also gives guidance on how workers should proceed to claim their due salary from their employer. The NLA typically informs the workers where they may get help by distributing names of organisations and others offering free judicial help. The NLA also refers some workers in special need to other organisations that can help e.g. the Red Cross and their centre for migrants.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

An official Norwegian Report (NOU 2014:8) *Interpreting in the public sector* was published in 2014. The report stated the need to increase the use of qualified interpreters throughout the public sector and to increase the access to qualified interpreters. The committee therefore proposed introducing a statutory duty for the public sector to use qualified interpreters in given situations.

Based on the report, the Government in 2019 held a consultation on a draft new law on interpretation in public services. A revised draft will at a later stage be presented to Parliament.

Where an interpreter is required, the police aim to provide qualified interpreters when victims report the crime to the police, and later in all phases of the investigation and for the duration of an eventual trial. It can be challenging for the police to find a qualified interpreter at short notice for all languages and dialects.

The police have started an interpretation project to improve capacity and quality for the interpretation service in the police.

Translators are used in all situations by the relevant authorities where important information is communicated to children identified as victims of trafficking, and in situations where it is particularly important to understand the child. This could be situations such as:

- when reviewing decisions and other documents
- in consultation with authorities such as Child Welfare Services, police, health or immigration authorities
- in explaining to the child safeguards and the limits/restrictions that must be set
- in communication between the child and the child's lawyer
- in communication between the child and the child's legal representative/guardian

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Based on the 1980 Act on free legal aid a victim of trafficking has the right to 3 hours free legal aid from any chosen lawyer to assess whether they should report the case to the police. Lawyers can apply for additional hours based on what is deemed reasonable and necessary in the particular case. This assistance can also be given to children and/or their guardians.

If the victim reports the case to the police and a prosecution follows, a lawyer is appointed for the victim without limits to the hours of free legal aid. If the victim does not have a preferred lawyer, the court will appoint a lawyer. As part of the criminal case, the victim will get free legal aid to seek compensation. If the case is not brought to court, victims with income below certain limits can apply for free legal aid to seek compensation from the criminal injuries compensation scheme.

The Child Welfare Service's` responsibility for children identified as victims of trafficking is regulated by the Child Welfare Act.

The Act applies to all children in Norway, regardless of their status, nationality or citizenship. When a child is in need of assistance, the Child Welfare Service is obliged by law to initiate measures to assist the child.

Children identified by the authorities as possible victims of human trafficking are entitled to legal assistance and protection. It is the responsibility of the Child Welfare Service to provide care to children subjected to harm. The services primary duty is to ensure that children and young people living under conditions that may be detrimental to their health and development will receive the necessary assistance.

The Child Welfare Service, the police, the immigration authorities, health and welfare services are responsible for ensuring that minors who are victims of human trafficking receive appropriate help and care.

If a child is at risk of being exploited for human trafficking (see Section 224 of the General Civil Penal Code), the child may be placed in alternative care. In severe cases where the child may be in danger, he or she can be placed in a particular institution designed to take care of minor victims of trafficking without his or her consent (cf. Section 4-29 in the Child Welfare Act; temporary placement in an institution without consent in the event of a risk of exploitation in human trafficking.) The purpose of such a placement is to meet the child's immediate need for protection and care and to secure the child`s need for protection from the trafficker/perpetrator.

Unaccompanied minors identified as victims of trafficking are entitled to have their interest protected by a legal representative or guardian. The Guardianship Act stipulates the right to a legal guardian.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Legal assistance is given irrespective of immigration status and to all victims of THB.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

Free legal aid is granted regardless of the person's income or assets. As long as the person is a victim of trafficking, the person has the right to free legal aid.

We attach a Norwegian version of the 1980 Act on free legal aid.

As mentioned under 2.1, free legal aid can be given as legal assistance before a case is reported to the police, during criminal procedures before the courts, and to seek compensation. There are also rules for free legal aid in certain work related cases.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

Victims can choose any lawyer they want. Organizations working with THB will assist in finding lawyers who are specialized in this field.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Victims of THB do not have to pay a fee to obtain legal assistance or start a procedure. Government funds the free legal aid.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Victims of THB are entitled to compensation for financial loss as in other criminal cases and to compensation for non-pecuniary damage, cf. the Act Relating to Payment of Compensation section 3-5 subs. 1 b). Section 3-3 of the act stipulates that violation of the Penal Code section 257 (trafficking in human beings) provides grounds for such compensation.

To be awarded compensation, for both pecuniary and non-pecuniary damage, victims of THB must be identified as such and sufficient evidence be obtained during the investigation to secure a conviction for THB and civil law claims for compensation, see the account under item 3.6.

It is important, during the investigation, to focus on securing evidence to document the financial losses suffered by the victims. This can be non-payment of wages, wages paid which then have been taken from them or used by persons other than the victim, misuse of the victims' identities to commit fraud for which the victims are held responsible, etc.

In 2016, The Supreme Court (HR-2016-2491-A) established that income from prostitution earned by victims of THB could be returned to them, even though "the claim originates from undesirable activities harmful to society". In its deliberations, the Supreme Court refers to the UN Convention of 15 November

2000 against Transnational Organized Crime Article 25 no. 2, the related Palermo Protocol Article 6 and to the Council of Europe Convention on Action against Trafficking in Human Beings Article 15. The Supreme Court emphasises that the "convention's provisions provide general support for providing victims of THB with actual and proper protection against the financial losses that they suffer". A similar argument applies to being forced to perform illegal work.

The police and prosecuting authority must also map the negative consequences the exploitation has had for the victims, with a future claim for compensation for non-pecuniary damage in mind. Case law established by the Supreme Court (Rt-2012-1773) determines that the consequences suffered by the victims are particularly relevant when deciding the size of the compensation.

The investigation and documentation of the financial losses and other consequences of the exploitation will form the basis for the compensation claims submitted in court on behalf of the victims. Victims of THB are represented by a counsel appointed to look after their interests. The prosecuting authority is responsible for presenting the claims, calling witnesses to support them and submitting claims for compensation to the courts. Counsels for the victim contribute by questioning witnesses and submitting documentation to support the victims' claims, and submit arguments for their claims to the court.

The prosecuting authority will include claims for compensation in the charges; cf. the Criminal Procedure Act section 252 last subsection. The defendant is provided details of the size of the claims and their basis in advance of the trial to give the opportunity to prepare his or her defence.

The court awards compensation to victims for both pecuniary and non-pecuniary damages based on a concrete assessment in each case. Payment of compensation assumes that a convicted offender has assets that can be confiscated to cover claims. The prosecuting authority should seize assets during the investigation to prevent a person charged from hiding assets that later can be used or sold to cover compensation claims, cf. item 5.1 below.

Minors are prevented from submitting claims on their own behalf and from disposing over compensation awarded in criminal cases. Decisions about compensation claims are made by their legal guardians, including whether to submit a claim and the size of the claim. As a general rule, the parents are the guardians of underage children and the rights awarded child victims in criminal cases are exercised by those who hold parental responsibility. The rights, however, are awarded to the child and must be exercised with the child's best interests in mind.

If the child is orphaned or the parents' interests are in conflict with the child's, e.g. because one of the parents is charged in the matter, the court appoints a substitute guardian to look after the child's interests. If only one of the parents is charged in the matter, the other parent may still act as guardian provided that he/she does not take the other parent's side.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

See response to 3.1

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

The Norwegian National Collection Agency collects claims on behalf of the victims. As is the case in many criminal cases, the perpetrator does not have any means, so that payment does not take place.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

If a trafficking case is ongoing, the appointed legal counsel can prepare compensation claims to be decided by the courts when the victim has left the country.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Victims of trafficking for the purpose of labour exploitation have the same rights as other victims during a criminal case. In cases where the exploitation of workers is not seen as falling under the definition of trafficking, the NLA can give orders to improve working conditions, including housing and minimum wages for future work. In cases concerning lack of payment, neither the NLA nor any of the other state agencies can claim payment of past due salary, or give workers any compensation. In cases concerning lack of payment, neither the NLA nor any of the other state agencies can claim payment of past due salary, or give workers any compensation. In Norway past due salary is subject to private law.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The Norwegian police uses a number of measures to raise proficiency levels in investigation and prosecution of THB cases. The Coordinating Unit for Victims of Human Trafficking (KOM) has prepared guidelines for the police and other public authorities in a position to identify victims of THB, and others who are involved in investigation and prosecution of THB cases.

- Guidelines for identifying possible victims of human trafficking with supplemental documents:
- THB – exploitation of children, including list of indicators
- THB – exploitation by prostitution and other sexual purposes, including list of indicators
- THB – forced labour and forced services, including list of indicators

KOM has also prepared

- Guidelines for persons who have been granted a recovery and reflection period
- Information to persons identified as possible victims of human trafficking

Several years ago, the National Police Directorate published a handbook for combating THB that is still a good guide to investigating trafficking in human beings. The handbook includes an *asset confiscation guide* appendix.

More recently, the National Criminal Investigation Service (NCIS) has prepared a guidebook for investigating THB cases, available on the national police intranet knowledge-sharing platform KO:DE. This guidebook also includes relevant information about THB and relevant links to other documents. Among other things, a checklist has been prepared to help identify potential victims. The list is intended to aid frontline officers in assessing situations involving minors.

The annual mandatory training for police officers in spring 2020 included an online course on THB with a particular focus on identification of potential victims. All investigators and police prosecutors go through an annual obligatory training course each year to raise skills and knowledge.

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) has prepared a guide on efficient confiscation. The guide describes how the prosecuting authority should proceed to seize assets to secure coverage of future compensation claims.

All twelve police districts have established dedicated THB teams tasked with uncovering and investigating THB cases in their districts. These teams have also acquired experience in securing coverage of compensation claims.

The police's national expert group on human trafficking functions as a resource for the local THB teams. The aim of the group is to increase knowledge of human trafficking in the Norwegian police.

KOM organises national training seminars on THB and the national expert group on human trafficking organises skill-sharing seminars etc. to share experience and raise the skills of officers and other employees in the police and its partner agencies.

The Norwegian Courts Administration and the individual courts are responsible for the professional training and additional education of judges. In this regard, the Norwegian Courts Administration has prepared a *Strategy Plan 2025*, which sets the direction for competence development in a five year-perspective. The training is based on an initial training module and continuous training by way of annual seminars with a broad approach to the role of the judicial office. Approximately 90 pct. of all judges participate on these seminars. No courses are held on the topic of THB specifically, but the topic may be referred to through films or discussions on more general topics, such as assessment of evidence, witness psychology and how to attend to vulnerable victims and witnesses.

Norwegian judges in general are not specialized. They are experts on procedural rule and case management. It is also a general principle in Norway that the counsel, the prosecutor and the counsel of defence, should introduce relevant provisions of laws and international conventions to judges and lay judges during the case.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

There are no criteria for State compensation that exclude some victims of THB. Victims can be awarded compensation regardless of the outcome of the criminal case. Victims of THB might be compensated even if the criminal case is dismissed due to lack of evidence and/or unknown or dead perpetrator(s). To be awarded compensation it must be preponderance that a criminal action has taken place. Access to State compensation does not depend on failure to obtain compensation from the offender. It is, however, the offenders' liability to pay for the damages caused, and the State will claim the offender for the amount paid to the victim for which the offender is liable.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

For pain and suffering (punitive damages), the gravity of the harm endured is an important component taken into account while calculating the compensation. The rest of the compensation is mainly dependent on the injury sustained and its consequences. When calculating the compensation one must also take into consideration the subjective experience of the harm endured and the nature and extent of the damages. In some areas, standard compensation amounts for pain and suffering have been developed through jurisprudence.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Yes, the country of residence is not a limitation to the right to state compensation for victims of THB. Most victims probably apply through their counsel regardless of where they reside. Unfortunately, we do not have any examples of such cases.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Victims of THB have the right to free counsel. This includes work related to applying for state compensation and work related to a complaint. Reference is made to the answer to question 3.1. Compensation might be subject to taxation. If so, the tax is added to the compensation to make sure the victims are fully compensated in accordance with Norwegian law. The receipt of compensation might have consequences for the right to social security or other benefits if those are dependent on the applicant's ability to self-provide.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Norwegian authorities consider it very important to confiscate proceeds from criminal offences and assets held by convicted persons be seized to cover claims for confiscation and compensation. Compensation to victims has priority over confiscation for the benefit of the treasury.

Under the Penal Code section 67, criminal proceeds shall be confiscated. Instead of the proceeds, the value of all or part of the proceeds may be confiscated. Under subsection 2, any asset that takes the place of the proceeds, profits and other benefits of the proceeds shall be regarded as proceeds. Expenses incurred will not be deducted.

For a convicted person to be sentenced to suffer confiscation of proceeds from a criminal act, in this case THB, the prosecuting authority must prove beyond reasonable doubt that the values are proceeds from the offence of which he or she was convicted. If the total value of the proceeds cannot be calculated exactly, the court may determine the amount base on a discretionary assessment, cf. section 67 subs. 2 last sentence.

Confiscation of criminal proceeds is mandatory and must be done if the statutory requirements have been met.

Under the Penal Code section 68, all assets belonging to a convicted person with a demonstrated criminal life style may be confiscated, so-called extended confiscation. This allows confiscation of assets of unexplainable origin that are presumed to be proceeds of unidentified crimes and can be ordered in cases where the person charged is convicted of offences that by their nature may yield substantial profits. It is also a requirement that the offender has committed an offence that carries a maximum penalty of 6 years in prison or more, or, if convicted within the last 5 years of crime that by its nature may yield substantial profits, is convicted of new offences carrying a maximum penalty of 2 years in prison or more.

If the requirements for extended confiscation have been met, the presumption is that all assets that the offender owns at the time of conviction have been acquired illegally. To avoid them being confiscated, the offender must prove, on the balance of probabilities, that the assets have been acquired legally. It is sufficient to prove that it is more probable than not that an asset was acquired legally.

Assets the offender holds, but which have been transferred to others in a pro forma manner, may also be confiscated. Assets include everything of financial value, e.g. real property, cash and bank accounts, movable goods, rights, receivables etc.

The maximum penalty for THB is 6 years' imprisonment and 10 years if committed under aggravating circumstances. THB is profit-motivated crime that may yield substantial proceeds. In cases where no exact link can be established between the proceeds and the criminal acts that the person charged is convicted of, the provisions for extended confiscation may be applied. If the convicted person is unable to demonstrate that it is probable that assets that he or she owns were acquired legally, they can be confiscated.

Furthermore, the products of a criminal act, objects that have been subject to a criminal act or have been used or are intended to be used in a criminal act may be confiscated. For example, vehicles used to transport victims of THB or houses used to house victims of THB may be confiscated.

Objects that are deemed liable to confiscation may be seized (property confiscation); cf. the Criminal Procedure Act section 203. These objects include all assets, including cash and bank accounts, which can be proven proceeds of criminal acts.

Assets may also be seized which can be used to cover compensation and confiscation orders which it can be assumed the person charged may be sentenced to suffer (value confiscation) cf. the Criminal Procedure Act section 217. In the majority of cases, the total amount of the compensation and confiscation claims will surpass the total value of the assets held by the person charged, which makes it important to freeze or seize all assets that can be linked to the person charged. Whether or not an asset can be frozen or seized depends on the true ownership of the asset. In many cases, it will be necessary to initiate a separate financial investigation to uncover assets and establish true ownership, including mortgage holders, of an asset.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

There are no special provisions or schemes in place in Norway for victims in THB cases. Confiscated assets are as a rule transferred to the state's coffers. The courts can however decide that seized assets shall be used to cover the victims' compensation claims.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

There are no provisions for agreeing penalties in advance of a trial (i.e. plea-bargaining) in Norway.

Under the Criminal Procedure Act section 248, it is, however, possible to settle a case on a plea of guilty in summary proceedings and to award a sentencing discount for this admission, cf. the Penal Code section 78 subs. 1 f).

A discount is awarded for confession irrespective of the matter being settled on a plea of guilty in summary proceedings.

The size of the discount is decided based on a concrete assessment, and the provision does not give a convicted person a right to a discount just for confessing. Whether or not to grant a discount, and the size of the discount, must be determined in each case.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

The duration of investigations and court proceedings, vary greatly in THB cases, depending on the number of victims, defendants and charges for other crimes. The Lime case, which involved exploitation through forced labour in a grocery chain, is an example of a very protracted case. The trial lasted 11 months in the district court and 8 months in the court of appeal. The case involved 13 defendants and 10 victims and included a raft of other offences, including fencing, fraud and tax evasion.

Simple cases may require only a few days in court, depending on the evidence and the complexity of the matter.

There is no separate procedure for accelerated case processing in THB cases.

If the THB victim is a child, there is a statutory limit of 1–3 weeks from the day the crime was reported or there are reasonable grounds for suspecting that a criminal offence has been committed, for holding a forensic interview with the child. These limits contribute to shortening the duration of the investigation.

Cases in which the person charged is being held in custody on remand or is under 18 years old are to be prioritised when scheduling court days and should normally be tried within 6 weeks; cf. the Criminal Procedure Act section 275 subs. 2. In THB cases, the person charged is usually remanded in custody due to the risk of evasion.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

A concrete assessment of what constitutes an effective, proportionate and dissuasive sanction is made in each case based on Supreme Court precedent and within the maximum limit of 6 years' imprisonment for THB and 10 years in aggravated cases. These maximum penalties may be increased by six additional years if the act was committed as part of the activities of an organised crime group, cf. the Penal Code section 79 c).

In assessing the sentencing for aggravated THB, the Supreme Court has stated as follows, cf. HR-2017-1124-A:

The maximum penalty for aggravated trafficking in human beings is 10 years' imprisonment. The national and international efforts to combat trafficking in human beings, the obligation implicit in human rights law to provide victims of human trafficking effective protection in criminal law and the need for general deterrence all require strict punishment for violations of this provision, cf. Rt-2010-733 paragraphs 18–22 and HR-2016-2491-A paragraph 58. No notion of a "standard sentence" can be posited, as the many forms human trafficking take vary too greatly. [...]

The case concerned three Indian seasonal labourers who had worked in Norway on six months' visas over a period of four years, returning to India between stays in Norway. The penalty for the two perpetrators was fixed at two and a half and three years' imprisonment.

In HR-2016-2491-A, the Supreme Court set the penalty for the main offender to five years and six months' imprisonment for exploitation of three women for prostitution. The acts were committed as part of the activities of an organised criminal group. The women were exploited for prostitution from 2012 to 2013, and they were subjected to violence and their vulnerability taken advantage of. They were taken to Norway by the traffickers, who demanded they work as prostitutes and give most of what they earned to them. The traffickers installed them in a flat, drove them to, and from the prostitution area, decided where and when they would work and set the prices for the sexual services. The defendants subjected the women to violence on repeated occasions. The women came from difficult situations in Bulgaria, had no links to Norway or knowledge of Norwegian social services or benefits, spoke no Norwegian or English, and had no money of their own and therefore no real or acceptable means of resisting.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

Victims of THB are free of charge provided with legal counsel to look after their interests during criminal proceedings.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

A complaint to the relevant prosecutorial level can be made on a decision not to investigate or to close an investigation.

Victims of trafficking can on equal terms as citizens complain to the Parliamentary Ombudsman concerning all final decisions made by Norwegian authorities. A decision by the prosecution service not to investigate a case or to close an investigation can partly be considered by the Ombudsman; Human rights issues, legal interpretations and the grounds given for closing an investigation are relevant matters.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

The Norwegian Directorate of Immigration (UDI) has the power of decision in individual immigration cases under the Immigration Act. Decisions by the UDI may be appealed to the Immigration Appeals Board (UNE). All asylum seekers are entitled to free legal aid when appealing a negative decision from the UDI. UNE's decision is final, but it is possible to make a request for a reversal based on new information or documentation. If the victim claims to have suffered an injustice or an error on the part of the public administration, he or she may also file a complaint to the Ombudsman, cf. question 6.2. Irregular migrants have access to court. The person is eligible to free legal aid in accordance with general rules on free legal aid applicable to everybody.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB

and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Prosecution of THB in Norway is not dependent on the victims reporting it to the police. The THB teams in the police districts work to uncover THB and victims of THB who do not necessarily see themselves victims of THB or want to report it. If public officials are uncovered as involved in the exploitation, this will be investigated in the same manner as THB committed by others. If it is uncovered that employees in the police are involved in the exploitation, this will be investigated by the Norwegian Bureau for the Investigation of Police Affairs. If a victim reports an employee in the police for involvement in THB, the report will be forwarded to the Norwegian Bureau for the Investigation of Police Affairs for investigation.

In the Lime case, which involved exploitation for forced labour in a grocery store chain, one of the persons charged was a lawyer who assisted the victims with their applications to the immigration authorities. The lawyer collected fees from the state for these assignments and could be construed as a public official. The lawyer was convicted in the district court and the appeal hearing has recently been adjourned.

The police's national expert group on human trafficking is not aware of diplomats or consular staff having been accused or convicted of involvement in THB.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

See the account given under 3.6.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

As mentioned in previous GRETA reports on Norway, The Director of Public Prosecutions issues annual guidelines for the prosecution authorities, reminding prosecutors of the possibility to waive prosecution against victims of trafficking. Typical examples of offences for which prosecution may be waived include illegal entry into Norway, use of forged documents and working without a work permit.

In a recent article (November 2019), Regional Prosecutor Rudolf Christoffersen, currently a GRETA member, points to the following relevant case law on this subject:

In October 2009, a 17-year old Lithuanian boy was convicted of theft, after confessing to the crime. He received a 30-day suspended prison sentence. Following an investigation, it later emerged that he was a victim of trafficking, which the perpetrators were convicted for. The local prosecution service recommended an appeal to change the victim's conviction, but the Regional Prosecutor declined to do so.

In May 2018, the Regional Prosecutors Office in Vestfold, Telemark and Buskerud waived prosecution against a victim in a case of trafficking for labour exploitation who had provided false testimony in court.

In 2012, a Nigerian woman was arrested for illegally residing in Norway and lacking valid ID-documents. She was identified as a victim of trafficking and provided evidence that led to the conviction of two traffickers. Prosecution was waived for her unlawful activities.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Yes, State compensation may be given to THB victims even if national laws have been broken in the course or as a consequence of being trafficked. This might, however, have influence on the extent of the compensation.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

The police prepare threat assessments for victims in THB cases on a needs basis. If a victim's security is in danger as a result of the investigation, a number of protection measures can be implemented. Victims can be appointed a contact person in the police district who will follow up on these measures. Victims can be equipped with personal attack alarms and moved to a secret address and be escorted to and from police interviews, court appearances etc. In extreme cases, victims can be taken into the witness protection scheme and given a new identity, but this is a very invasive measure that is only taken when other measures are deemed insufficient to protect the victim.

Also, several NGOs and various public projects offer assistance to victims of THB.

The recently established *Human Trafficking Support Oslo* within the Social Service sector, has the overall responsibility for adult victims in Oslo, and will provide assistance and support to victims in a reflection period.

The Ministry of Justice and Public Security manages a grant scheme that distributes funds to NGOs offering various forms of assistance to victims. The largest recipients are the Nadheim shelter, the Salvation Army (Filemon shelter), the Women's Refuge Secretariat (the ROSA and Adora projects) and the Marita Foundation (shelter).

ROSA offers advice and help to protect victims' security, inter alia help with finding a safe place to live.

ROSA offers individual follow-up to presumed victims of human trafficking for prostitution or other forms of sexual exploitation, both men and women.

ROSA also offers advice to victims of human trafficking for other forms of exploitation and can refer these victims to partners and other support measures, e.g. the Red Cross (Right to be seen), the Salvation Army (Filemon shelter) Nadheim (shelter), Marita Foundation (shelter).

The Child Welfare Services are responsible for following up presumed victims of THB who are under 18 years of age. Underage victims can be placed in foster care or an institution

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

Victims of THB are appointed a counsel for the victim to look after their interests. The counsel will keep the victim up to date on developments in the cases and whether the person charged is in custody or not.

It is a matter of great concern that it is difficult from the outset to predict how long some court cases will last, or if a case will be appealed, thus demanding another court appearance for the victim.

Under the Execution of Penalties Act section 36 last subsection, the correctional services are required to notify victims or their relatives about prisoners being released on leave or execution is suspended for other reasons, if they have an interest in being informed of this. The same applies when prisoners are released after having served their sentence in full.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

The court can decide that an accused person must leave court during testimony from a victim. It can also decide that proceedings are fully or partially closed to the public, in order to respect the victims' right to safety, privacy and confidentiality.

Human trafficking cases are also among the cases where anonymous witness testimony is possible (Penal Procedure Code section 130a). The condition is mainly that exposing the identity of the witness will produce a risk of serious crimes against the life, health or welfare of the witness or persons close to the witness.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

There are no reliable statistics available.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

NGOs are important collaborators for the police in the process of assisting and protecting victims of human trafficking. Many NGO`s have long experience, knowledge and an established network in the field, and can offer guidance, legal assistance, necessary contact with social services and a safe place to stay.

Several police districts have established formal or non-formal cooperation agreements with NGO`s. Sometimes the police make a victim risk assessment available for the NGO and very often the police provide a contact person for the NGO in the process of protecting and following up a victim.

Because of their good knowledge and experience some of the NGO`s cooperate and help the police with identifying victims of human trafficking.

The police have experienced that some NGO`s are not willing to share information with the police because they are afraid of destroying the trust between them and the victim.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Interviews with children under 16 years who are possible victims of trafficking shall be conducted following special regulations on questioning of children.

As a rule, such interviews must take place in a Children's House. Legal medical examinations, counselling and treatment are also carried out in Children's Houses. In principle, children who have been questioned in facilitated interviews will not need to give testimony in court, since video recordings of interviews can be used.

Questioning children and young people requires expertise in child-related areas, investigations, the law, and interrogation methods, and is conducted by a police detective with special training in questioning children.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

In Norway, the police are divided into 12 police districts. Each district has a unit responsible for preventing, revealing, investigating and prosecuting human trafficking. The size of the unit and the number of officers varies and depends on the size of the police district.

The human trafficking unit is normally organized in sections and departments together with other organized crime units. The different units are using the same investigative methods and they have access to the same technical support. The districts are allowed to move investigative resources between crime areas when it is needed in an investigation.

To be able to combat human trafficking, cooperation with other actors is essential. Each human trafficking unit is cooperating with NGO`s and public actors that has a role in the field.

In cooperation with the tax Administration, the Police and the Norwegian Labour and Welfare Administration, the NLA has established seven interagency centres to combat labour crime. By working together, these agencies intend to reduce labour crime, such as exploitation of migrant workers.

A list of indicators of exploitation and forced labour has been developed by KRIPOS (special agency of the Norwegian Police Service, national unit that works with organized and serious crime). This list of indicators is used both by the NLA and the police. The list is helpful in the phase of planning and during the inspection at the work place.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

In addition to 12 police districts, the Norwegian police have certain specialized agencies. *Økokrim*, the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, is one of these. *Økokrim* assists the police districts with knowledge and financial intelligence. Each police district also has a specialized unit responsible for financial investigation. The unit supports other units in the police district with knowledge and intelligence.

There is a growing focus on the financial part of the human trafficking investigations. The human trafficking units follow the cash flow to reach the traffickers and have realized that incorporation of money values is important as part of the prosecution. In recent years, a number of human trafficking cases through live streaming have been investigated where the cash flow was decisive evidence.

There are several labour crime centres (A-krim sentre) in Norway. The centres are a collaboration between the police, the labour inspectorate, the Norwegian labour and welfare administration (NAV) and the tax and customers authorities. Forced labour is a growing form of human trafficking and the collaboration through the labour crime centres becomes more and more important.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

Norway is a Party to the European Convention on the Compensation of Victims of Violent Crimes.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

Under this question, we mainly will focus on cooperation and joint investigation from 2017 to the present day. Some other cases will be mentioned.

Since 2015, cooperation between the Norwegian and Philippine authorities in connection with live-streaming cases has been ongoing. Investigative steps have been carried out in the Philippines in six Norwegian cases. These cases have so far resulted in three sentences. In one of the investigations a JIT was established with Romania after a case was opened in Eurojust in September 2017. The JIT was crucial for a good result because the Norwegian investigators got the possibility to interview the victims after Norwegian legislation. The accused was convicted for human trafficking for sexual abuse of children in the Philippines, Romania and Madagascar.

In one of the other six investigations, a direct cooperation with the authorities in the Philippines was established. The accused was convicted for live streaming of sexual abuse, but acquitted for human trafficking.

In a case investigated by *Innlandet* police district a JIT with Bulgaria was established in 2018. Three persons were sentenced in Norway for aggravated human trafficking for prostitution. The JIT was established for two reasons; transferring the case to Bulgaria and to investigate other offences committed in other countries.

Other examples were a JIT arranged between Oslo police district and Bulgaria in august 2018 and between Vest police district and Romania in April 2018.

Eurojust has facilitated cooperation between Norway and other countries since 2018. The cooperation has consisted of exchanging information, transferring criminal prosecutions to other countries or temporary transferring the accused to Norway for execution of the case.

The table below shows cases brought to Eurojust by Norway and by other countries. All the cases have been investigated as human trafficking initially, but some of the cases have ended up been prosecuted for breaches of other sections in the criminal code.

Nickname/ Unit	With country:	JIT	JIT- funding	Measures CM = coordination- meeting	Results
Case brought to Eurojust by Norway					
Op from Innlandet pd <i>Opened: October -17 Closed: March -20</i>	Bulgaria	X	X	1 CM, JIT	Transfer of proceedings
Op from	Romania	X	X	2 CM, JIT,	Eurojust organized upon Norwegian request a

Vest pd <i>Opened:</i> <i>September - 17</i> <i>Still open</i>				common action day	coordination meeting in Romania to plan a common upcoming action days in Romania. Central: how to interview the Romanian victims/children in compliance with the Norwegian standard of interviewing children (The Nordic Model), and at the same time in accordance under Romanian law. The experience collected led to a Norwegian initiated seminar at Europol in October 2019 * The JIT was crucial in that aspect that it gave Norwegian investigators expanded possibility to interview the victims themselves in accordance with Norwegian law. Investigated and indicted for THB, - still awaiting the Supreme court's decision on whether this is assessed as THB or not.
Op. from Oslo <i>Opened:</i> <i>August -18</i> <i>Still open</i>	Bulgaria	X	X	2 CM, JIT, common action day	Eurojust coordination meetings and common action day. Central: how to interview the Romanian victims/children in compliance with the Norwegian standard of interviewing children (The Nordic Model), and at the same time in accordance under Romanian law. The experience collected led to a Norwegian initiated seminar at Europol in October 2019 * The JIT was crucial in that aspect that it gave Norwegian investigators expanded possibility to interview the victims themselves in accordance with Norwegian law. The case led in the end not to an indictment for THB, but for possession of pornographic material of children.
OPD <i>Opened:</i> <i>February-19</i> <i>Closed:</i> <i>December-19</i>	Romania			Exchange of information, agreement on transfer og proceedings	The Norwegian desk at Eurojust on behalf of Oslo police district Romania to take over a THB-case where the investigation was initiated by Norwegian authorities, but the involved persons were back in Romania. It was agreed to transfer the proceedings from Norway to Romania, and how to handle the procedures to do it as efficient and smooth as possible.
Sør-øst <i>Opened:</i> <i>January -19</i> <i>Still open</i>	Polen			Exchange of information, agreement on transfer og proceedings	There are investigations in both Norway and Poland. Poland has decided to take over the Norwegian case.
Sør-Vest pd <i>Opened:</i> <i>May -19</i> <i>Still open</i>	Germany, Poland			Exchange of information, agreement on transfer og proceedings	Investigations in Norway, Germany and Austria. Austria have decided to take over all the investigations. The Norwegian desk at Eurojust has contributed extensively by coordinating the cases, forwarding information and MLA's and supporting actively that the case should be handled by Austria.
Innlandet <i>Opened:</i>	Romania			Exchange of information,	The Norwegian desk at Eurojust requested on behalf of Innlandet police district for Romania's

January-20 Still open				agreement on temporary surrender	assistance to facilitate a temporary surrender of a Romanian citizen to Norway in a big THB-case.
Agder pd Opened: March -20 Still open	Spania			Exchange of information. Ongoing, the case set "on hold" due to COVID19	The Norwegian desk at Eurojust requested on behalf of Agder police district for Spanish assistance to facilitate interviews of victims in a possible THB-case residing in Spain.
Kripos Opened: December - 19 Still open	Poland				A case where an MLA was sent from Poland to Norway in 2018. Based on a report from Norway Polish authorities requested information regarding Polish citizens allegedly involved in THB in Norway. It was unclear whether Poland was investigating the case or whether they were just seeking information. The Norwegian desk at Eurojust contributed by clarifying the circumstances.
Case brought to Eurojust by other countries					
Vest Opened: April -18 Closed: December- 19	Romania	X	X	CM, JIT	The Roman desk at Eurojust initiated cooperation regarding Romanian citizens allegedly committing THB in Bergen, Norway. One coordination meeting was organized, it was agreed to sign a JIT and the cooperation was successful.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

Norway is not part of the European Investigation Order. We do not have any numbers on how many mutual legal assistance requests that have been made.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

As shown in the table in 10.2, a wide range of different co-operation measures have proven helpful. The opportunities that our connection to Eurojust and Europol provide must be underlined.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

Close cooperation and sharing of information to repatriation countries of human trafficking victims is crucial to protect and assist victims returning from Norway. This is done either bilaterally, or via Eurojust, Europol or Interpol.

When a person has been identified as a victim of human trafficking, the person has the right to be assisted with a safe return and re-establishment in the home country. IOM Norway is assisting with safe return for victims. They also offer financial reintegration support and follow-up for one year after return.

In accordance with the EU Return Directive 2008/115/EC, implemented in Norway in 2010, the Norwegian authorities facilitate assisted return through a program that offers an organized, safe and worthy return option for asylum seekers and foreigners without legal residence in Norway. The return directive is now regulated in a regulation on subsidies for assisted return and forced return of February

17, 2020. Persons participating in the return program are entitled to a travel allowance and a reimbursement grant; cf. the Regulation section 4 and 5. According to section 7, an extra reintegration grant may be given to particularly vulnerable groups, including potential victims of human trafficking.

IOM provides information about voluntarily assisted return and conditions in the home country, guidance and assessment of reintegration needs and family tracking for unaccompanied minors. They do a separate risk assessment for trafficking victims, assist in obtaining travel documents if needed, provide free travel to the home country with companion if necessary, give reintegration support and guidance from IOM in the home country after return and monitoring during and after the reintegration period.

Assistance in risk assessment for victims of trafficking enables victims to assess whether it is safe to apply for voluntarily assisted return or whether they wish to apply for asylum in Norway.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

Information sharing and other types of cooperation with foreign authorities are very important to be able to reveal and combat live stream sexual abuse. Cooperation takes place, among other, via Interpol, Europol, Eurojust, PTN (Police Custom Nordic Countries) and NLO (Nordic Liaison Officers), and directly with the individual country concerned. In order to reveal and prevent such crime, Norwegian police use internationally available tools, such as The ICSEDB (International child sexual exploitation database, administrated by Interpol) and Interpol Green Notice.

The Philippines is an epicentre for online streaming sexual abuse. Based on this Norway has established a Liaison Officer position in Manila to be able to reveal more cases and to prevent continued exploitation of victims. With a police officer seconded to the country, it will be easier to share information. The Philippines can then create their own criminal cases and safeguard children who are at a risk for sexual abuse. The Department of Social Welfare and Development is always involved during a police action, taking care of children rescued from an abuse situation.

An important goal for the Norwegian authorities' cooperation in these cases is to identify perpetrators using online applications to view and sometimes interact with the sexual abuse of children live (in Norway), to identify facilitators and / or perpetrators who conduct the abuse, and not least to identify and rescue victims. It is also crucial for the Norwegian authorities to identify victims in Norwegian cases so they can be awarded compensation / redress in the Norwegian case.

Information campaigns on the internet and in social media have been created, among other in the Philippines to inform about this type of crime, for the purpose of prevention, and to stop continued exploitation of victims.

The Norwegian office at Eurojust has taken measures to strengthen cooperation and quality of investigation, in order to safeguard victims in human trafficking cases. A letter describing the Norwegian process related to interviewing children is attached to JIT agreements where it is likely that interrogation of children will take place. This is to alleviate the fact that many countries have no specific questioning method specifically aimed at children and vulnerable persons. Persons exposed to such forms of crime may perceive the questioning situation as re-traumatizing. In addition the value of the interrogations can be impaired if the interrogation is not carried out with sufficiently good interviewing methodology.

The Norwegian office at Eurojust, in collaboration with the Norwegian embassy in the Netherlands and the Norwegian office at Europol, has organized a seminar on facilitated interviewing. Representatives from nine different countries and the THB analyst team at Europol participated.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

Persons identified as potential victims of human trafficking may be granted a temporary residence permit for six months, referred to as a reflection period. During this reflection period, the victim is offered help, such as safe accommodation, legal advice, health care, and information on assisted voluntary return through IOM. In cases where the police has started an investigation or the victim has given a testimony in a human trafficking case, the victim can be granted further residency in Norway.

For more information regarding various residence permits, we refer to the information provided by Norwegian authorities in the first GRETA report of 2013 paragraph 179-196 and GRETA's second report of 2017 paragraph 127-131. Please note that the Immigration Regulation section 8-4 was revised in 2020 in order to secure a clearer and more predictable legislation, and amended so that a victim of human trafficking can obtain a residence permit regardless of the type of criminal case he or she has given explanation in.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

The child has the right to be heard in all the decisions that concern him or her. This is regulated in the Child Welfare Act and the Children Act. Further, a child's right to be heard is also regulated in the Immigration Regulation. Children who are seven and older and younger children who are capable of forming their own views, must be informed and given an opportunity to be heard before decisions are made in cases that concern them. The views of the child must be given weight commensurate with the child's age and maturity.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

The cooperation between the agencies consists of intelligence (both information gathering and analysis), inspections at workplaces and subsequent use of orders and sanctions. In addition, the state agencies coordinate preventive information activities and strategies, e.g. information meetings and campaigns that give guidance to private and public sector on how to prevent labour crime.

The activities to combat labour crime is expected to have a preventive effect. The strategy is that the criminals shall experience that their activities are being closely followed by the state agencies, that they are being sanctioned for numerous different criminal acts, and that their unlawful profit is being confiscated. The preventive effect must be assumed to reduce the exploitation of migrant workers and forced labour as well. Other preventive measures are also being developed, e.g. concerning migrant workers, such as strategies to ensure that enterprises and institutions in private and public sectors prevent the contracting of criminal enterprises.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

We have not seen any cases of corruption or related misconduct of public officials in THB cases.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- *emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);*

We attach the latest report from KOM (in Norwegian) from June 2020. It underlines that NGOs and authorities are facing uncertainty in how to deal with an increasing number of migrant workers working under difficult conditions. They are in need of legal assistance and counselling, but do not fulfil the criteria for being victims of trafficking, even though the threshold is reasonably low.

- *the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);*

We attach the report of the Norwegian Ethics Information Committee (2019). The report recommends an Act on transparency with respect to fundamental human rights and decent work in business enterprises and supply chains. Following a consultation, the proposal is currently under consideration.

- *the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);*

The six relevant Directorates involved in anti-trafficking measures, are tasked with developing a new framework for co-ordinating national action against THB. A suggestion is to be presented within the end of 2020.

- *the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);*

There is increased cooperation between the state agencies participating in the interagency centres to combat labour crime. This improves the probability of disclosing cases of exploitation including cases of forced labour. The inspections are normally carried out by more than one state agency. When forced labour and trafficking of human beings are suspected, the representatives from the NLA and the police will cooperate. The NLA can give orders to establish legal working conditions for the future, and may formally report to the police grave breaches of health- and safety regulations.

- *recent case law concerning THB for different forms of exploitation.*

See under part III

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- *set up and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on investigations, prosecutions, convictions and compensations in human trafficking cases;*

A brief background/context to the system in Norway pertaining to victim identification, referral and assistance, and how this relates to existing statistics:

Under the Council of Europe Convention on Action against Trafficking in Human Beings, Norwegian authorities have a duty to facilitate identification of victims and provide them with assistance and protection. In Norway, there is no single agency that is tasked with verifying whether someone is a victim of human trafficking. Various agencies, such as the police and prosecuting authority, the Child Welfare Services and the immigration authorities, however, take into account information about human trafficking when discharging their responsibilities within the ambit of their regulations, which have different purposes and evidence requirements. In a criminal case, the final verification will be a final and enforceable judgment. Furthermore, no single agency is responsible for providing assistance to and protection of presumed victims; various authorities are responsible for follow-up in their respective sectors the duties imposed by the Convention, i.e. the police, Child Welfare Services, the immigration authorities, the health authorities, the Norwegian Labour and Welfare Administration (NAV), the education authorities, counsels for the victim, representatives and legal guardians, and NGO's mandated with particular tasks on combating human trafficking.

One central aim of the National Action plan from 2016 is to coordinate the efforts within the THB field. This includes also measures that are interlinked with the GRETA recommendation from the second report on the need for a formal national system that clearly defines roles and procedures for the identification, referral and follow-up of victims (a national referral mechanism). This again is closely related to the fact that Norway needs to extend its data collection and prepare a reliable statistical system for collecting and collating data.

In its follow-up of the measures set out in the action plan, the Ministry of Justice completed a project in 2018 to find sustainable measures to improve the assistance schemes provided to victims. The follow up of the project recommendations are still being considered by the Ministry of Justice and the other Ministries that forms part of the Inter-Ministerial working group on trafficking in persons.

As stated in the previous reporting to GRETA, the Coordinating Unit for Victims of Trafficking (KOM) has been tasked by the Ministry of Justice to develop an annual situation report on human trafficking in Norway. KOM has been compiling such annual reports since 2007. Although reporting to KOM is voluntary, KOM has collected information from organizations and agencies represented in the KOM network. The status report seeks to provide an overview of the situation of trafficking in Norway, and to document the challenges of the system for assistance to victims of THB in Norway, and the challenges that authorities and service providers encounter in their efforts to detect and investigate cases, as well as in assisting and following up victims. Up to 2016, the KOM reports encompassed statistics of the number of persons identified as potential victims of human trafficking in Norway. After 2016 however, KOM concluded in dialogue with the Ministry of Justice, not to provide an estimate on the number of identified potential victims before Norway has set up a more formal national system with a better and more reliable statistical system for collecting and collating data. In the meantime, KOM provides in its annual report information on some of the assistance measures provided for victims in the current year (issued residence permits, voluntary assisted returns, information on some of the assistance measures provided for victims).

One new development in relation to statistics on THB: By end of 2019 KOM in the National Police Directorate entered into a joint project with United Nations Office on Drugs and Crime (UNODC) titled Estimating the prevalence of trafficking in persons in Norway using the Multiple Systems Estimation methodology. The goal of the collaboration is to estimate the prevalence of trafficking in persons in Norway. The application of MSE provides figures that include both detected and undetected victims. The overall goal is that this project will provide a better foundation for more reliable statistics in the future estimations in Norway within the THB field.

In this questionnaire the statistics and information regarding criminal cases has been obtained from the National Database of Criminal Cases. The figures are "frozen" every 1 January of the following year, and the number may therefore be subject to change through the year as the status of the investigation changes. Please note that a case can be reported one year, decided by a prosecutor the next year and treated in court the year after.

- *strengthen the prevention of THB for the purpose of labour exploitation;*

Same answer as 11.4.

Furthermore, the state agencies that are cooperating in the interagency centres have agreed upon a common strategy and plan of action. The main objective is to combat the criminal individuals behind the companies. Another objective is to empower the foreign migrants by ensuring that there is sufficient information that helps them attain knowledge concerning their rights and duties as workers in Norway. A third objective is to increase the consciousness of private enterprises and public institutions of the necessity of establishing procedures to control and ensure that contracts are only given to contractors or providers of labour that do not commit labour crime.

- *set up a formalised National Referral Mechanism which defines the procedures and roles of all frontline actors who may come into contact with victims of trafficking, including among asylum seekers;*

As mentioned under 12, six relevant Directorates involved in anti-trafficking measures have recently been tasked with developing a new framework for coordinating national action against THB. A suggestion is to be presented within the end of 2020.

- *adopt a National Referral Mechanism for child victims of THB, ensure that child victims of THB across the country, regardless of whether they seek asylum or not, benefit from the assistance measures provided for under the Convention, and take further steps to address the problem of children going missing while in the care of the state;*

Norway has not established a National Referral Mechanism for children that are victims of trafficking. The system of identification and referral works in the same manner as outlined in the previous GRETA report.

On 6 June 2017, the Norwegian Parliament considered a floor motion to strengthen the efforts targeting children exploited by human trafficking. The Parliament adopted a motion to request the Government to "establish a central unit responsible for following up minors who are victims of human trafficking and providing guidance to local Child Welfare Services offices in cases where human trafficking is suspected", see Recommendations to parliament 397 S (2016–2017).

A central guidance unit for minor victims of trafficking was established within The Norwegian Directorate for Children, Youth and Family Affairs in September 2019. The central guidance unit will work on improving procedures for the identification of children that are victims of trafficking, provide guidance, training and capacity building activities, and support and strengthen the coordination between different authorities in protection of minor victims of trafficking. The unit will enhance cooperation between agencies as well as establish knowledge-based procedures for «best practice» in how to assist children that are victims of trafficking. There is a need for training of professionals in the area of identification of children that are victims of trafficking, and the unit is currently working on describing the content and the focus of the training.

- *keep under review the application of section 4-29 of the Child Welfare Act;*

The Institute for Social Research is performing a three-year evaluation of the central guidance unit for minor victims of trafficking. Amongst the topics the evaluation will look into, is a review of some of the Section 4-29 placements under the Child Welfare Act.

- *ensure that, in line with Article 16(7) of the Convention, the best interests of child victims of THB are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments by specialised bodies, working with relevant partners in countries of return;*

See answer to the previous question.

- *ensure that all possible victims of trafficking are offered a recovery and reflection period and all forms of assistance and protection that go with it.*

The grant scheme that supports assistance providers has been strengthened in recent years, improving the assistance and protection of victims. Norway retains a low threshold system for offering a recovery and reflection period.

Part III - Statistics on THB

14. *Please provide the following statistics, **per year starting with 2016**, where available disaggregated as indicated below:*

- *Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights 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).*

As stated in the previous section (question 13), Norway does not have a formal identification authority, and cannot provide a total national number of presumed victims and identified victims per year.

KOM provides in its annual report information on some of the assistance measures provided for presumed and identified victims in the current year (issued residence permits, voluntary assisted returns and information on some of the assistance measures).

Under the next items, the statistics are retrieved from the KOM reports 2016–2019. The responses below related to residence permits for victims of trafficking is structured in the way that we have combined the questions regarding residence permits, hereunder temporary residence permits as well as protection and asylum procedures. It has to be noted that the responses below are based on the KOM reports, which do not encompass all the requested information.

Please note that the attached English version of the KOM report for 2016 will also provide you with more details concerning the THB field in Norway.

- *Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).*

See answer further below

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

Accommodation and follow-up measures for presumed victims of trafficking (adults):

Many actors provide for accommodation and follow-up measures for adult presumed victims of trafficking in Norway. The following statistics are limited to the main actors who also provide for housing, included the largest recipients of state funding from The Ministry of Justice and Public Security's grant scheme to NGOs offering various forms of assistance to victims (NOK 28 million in 2019). The statistics do not reflect the number of individuals, but provides an overview of the number of measures provided by each actors reported to KOM for the years 2016–2019. The data is to the extent possible disaggregated by sex, nationality and forms of exploitation. Please also note that the KOM

reports up to 2016 encompassed statistics of the number of persons identified as potential victims of human trafficking in Norway. The reports from 2017-2019 do not provide an estimate on the number of identified potential victims. The responses below therefore reflect different estimations.

2016¹

For 2016, KOM has calculated that **262** persons received assistance as presumed victims of human trafficking. Of these 262 persons, the reports indicate that **98 presumed victims** were **identified for the first time** in 2016, but this figure is **uncertain**. For 89 persons, no initial identification date has been specified in the reporting form, so there may be more persons who were identified for the first time in 2016.

For a full overview of the disaggregated data in relation to sex, nationalities, forms of exploitation etc., reference is made to the KOM report 2016 chapter 4, section 4.6 p.31-41.

2017

144 presumed victims of trafficking received accommodation and follow-up measures in 2017, from NAV Grünerløkka's social services in Oslo, the Secretariat of the shelter movement (the ROSA project), Nadheim (the shelter Laura's house), the Marita Foundation (shelter), and Salvation Army (Filemon shelter). 74 of the 144 presumed victims were identified in 2017, while 44 of them were already followed-up from previous years. Several of the presumed victims received different accommodation and follow-up measures throughout 2017, and as such, the statistics do not reflect the number of individuals.

More information² about the 144 victims who received accommodation and follow-up measures:

- 121 women, 21 men and 2 transsexual persons

2018

106 presumed victims of trafficking received accommodation and follow-up measures in 2018, from NAV Grünerløkka's social services in Oslo, the Secretariat of the shelter movement (the ROSA project), Nadheim (the shelter Laura's house), the Marita Foundation (shelter), and Salvation Army (Filemon shelter). 62 of the 106 presumed victims were identified in 2018, while 44 of them were already followed-up from previous years. Several of the presumed victims received different accommodation and follow-up measures throughout 2018, and as such, the statistics do not reflect the number of individuals.

More information about the 106 victims who received accommodation and follow-up measures:

- 84 women, 21 men and 1 transsexual person
- 70 presumed exploited in prostitution or other sexual exploitation, 27 for forced labour or services and 5 in a combination of the forms of exploitations³.
- 56 from African countries, 28 from Eastern European countries, 15 from Asian countries, 6 from South American countries, and 1 from Western European countries.

2019

126 presumed victims of trafficking received accommodation and follow-up measures in 2019, from NAV Grünerløkka's social services in Oslo, the Secretariat of the shelter movement (the ROSA project), Nadheim (the shelter Laura's house), the Marita Foundation (shelter), and Salvation Army (Filemon shelter). **79 of the 126 presumed victims were identified in 2019**, while 47 of them were already followed-up from previous years. Several of the presumed victims received different accommodation and

¹ <https://www.politiet.no/globalassets/03-rad-og-forebygging/menneskehandel/report-from-the-coordinating-unit-for-victims-of-trafficking-2016--english.pdf>

² Regretably we do not have further disaggregated data available from 2017 at this stage, but it can be retrieved before September 2020.

³ Additionally, 4 presumed victims where type of exploitation was not yet determined at the point of reporting

follow-up measures throughout 2019, and as such, the statistics do not reflect the number of individuals.

For the 2019 report, KOM requested information also from additional NGOs and municipal measures tasked with outreach work, counselling and other activity measures for victims of trafficking. They reported that **112** presumed victims received follow-up measures. Note however that some of these persons also received accommodation and follow-up measures from the main actors mentioned above (such as NAV Grünerløkka, ROSA, Nadheim etc.). **47 of the 112 presumed victims were identified in 2019**, while 65 of them were already followed-up from previous years:

More information about the total of **238** victims who received accommodation and follow-up measures:

- 172 women and 66 men
- 142 presumed exploited in prostitution or other sexual exploitation, 80 for forced labour or services and 16 in a combination of the forms of exploitations.
- 98 from European countries, 87 from African countries, 26 from Asian countries, 23 from South American countries, and 4 from Western European countries.

Protection and care for minor victims of trafficking

The Child Welfare Services provide specialized protection and care to children that are presumed victims of trafficking.

If a child is at risk of being exploited for human trafficking, the child may be placed in alternative care. If the situation is severe and the child is in danger or is threatened by the traffickers, it can be placed in a specialized institution without his or her consent. The purpose of such placement is to meet the child's immediate needs for protection and care. The County Social Welfare Board may issue a care order for up to six weeks. The placement may be extended for up to six weeks at a time by means of new orders. The total placement period may not exceed six months. An interim emergency order may be issued if there is an obvious and serious risk that the child is being exploited or may be exploited for human trafficking. The placement must be considered necessary and it has to be sanctioned by the County Social Welfare Board within 48 hours. The Boards are state bodies that serve as tribunals. Decisions made by the Boards are impartial and pursuant to the Child Welfare Act.

2017

In 2017, there have been 14 cases concerning presumed child trafficking victims put before the County Welfare Board. The cases apply to **10 children** (some of the children received several care measures). 6 care measures were provided according to The Child Welfare Act, section 4-29 (temporary placement in an institution without consent upon risk of exploitation in human trafficking), while 8 measures were provided according to other sections of the The Child Welfare Act.

The reporting in 2017 does not encompass more information about the minors beyond the fact that 5 of the children were girls and 5 boys.

2018

In 2018, there have been a total of **17** cases concerning presumed child trafficking victims put before the County Welfare Board. The cases apply to **8 children** (some of the children received several care measures). The 8 children received care measures according to The Child Welfare Act, section 4-29 (temporary placement in an institution without consent upon risk of exploitation in human trafficking), while 4 care measures were provided according to other sections of the Child Welfare Act. 2 cases were withdrawn.

More information about the minor presumed victims of trafficking:

- 7 girls and 1 boy
- All from Eastern European countries
- All exploited into prostitution or other sexual exploitation and/or begging

2019

In 2019, there have been a total of **3** cases sent to the County Social Welfare Board concerning children that are presumed victims of trafficking. The cases apply to **3 children**, 2 care measures were provided according to The Child Welfare Act, section 4-29, while 1 care measure was provided according to other sections of the Child Welfare Act.

More information about the minor presumed victims of trafficking:

- 2 girls and 1 boy
- All from Eastern European countries
- All exploited into prostitution or other sexual exploitation.

➤ *Number of child victims of THB who were appointed legal guardians.*

The County Governor in Oslo and Viken has replied that there is no registration of child victims of THB who has appointed legal guardians. They have, however, for some time manually registered when they suspect THB at the time of the appointment of a legal guardian. To confirm if this is the case it will be necessary to manually look through every cases and collect information from each legal guardian. The County Governor in Oslo and Viken informs that the number of child victims identified after 2018 are presumably low, but generally, there will be unrecorded amount of victims.

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

See answer below

➤ *Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).*

See answer below

➤ *Number of persons given refugee status or subsidiary/complementary protection on the grounds of beings victims of THB (disaggregated by sex, age, nationality, form of exploitation).*

In 2016 The Norwegian Directorate of Immigration (UDI) granted

- 26 temporary residence permits for six months, referred to as a «**reflection period**» for possible victims of trafficking (Immigration Regulations section 8-3).
- **23 temporary residence permits** for up to 12 months for possible victims of trafficking (Immigration Regulations section 8-3 subs. 2, requires cooperation with the police).
- In addition, the UDI reversed 4 decisions following **appeal** (3 reflection period decisions and 1 temporary residence permit decision).
- Of the total 40 applicants for **reflection period** (granted and declined):⁴
 - 29 women, 10 men and 1 minor girl
 - 21 from Nigeria, 4 from other African countries, 5 from Asia, 6 from Eastern Europe, 1 from Western Europe and 3 from other countries.

⁴ The disaggregated data by sex, age, nationality, form of exploitation is in the KOM reports are limited to the total number of applications for residence permits pursuant to Immigration Regulations section 8-3, hence it relates not only to the *granted* residence permits. This applies throughout the equivalent and relevant overview provided under the items related to residence permits. However, more detailed information may be requested from UDI if needed.

- Of the total 50 applicants for **temporary residence permits** (granted and declined):⁵
 - 39 women and 11 men, all adults
 - 30 from Nigeria, 8 from Asia, 3 from Eastern Europe, 2 from South America, and 7 from other countries.

In 2016, UDI made **90** decisions (granted and declined) pursuant to the Immigration Regulations section 8-3⁶.

Manual reporting from the UDI shows that approx. 76 percent of the applicants for Immigration Regulation section 8-3 claim to have been exploited for prostitution or subjected to other forms of sexual exploitation, while approx. 22 per cent claim to have been exploited for forced labour or forced services.

As regards the cases where the applicants were granted a residence permit according to Immigration Regulations section 8-3 subs.2, manual reporting shows that approx. 63 per cent had claimed to be exploited for prostitution, while approx. 31 per cent had claimed to be exploited for forced labour and forced services.

- 20 possible victims of trafficking were granted a residence permit in the **international protection procedure**
 - 17 applicants were granted **protection status** (asylum) cf. the Immigration Act section 28
 - 3 were granted residence permits due to **compelling humanitarian considerations** or a particular connection to Norway, cf. the Immigration Act section 38. Of these 3, 2 were granted residence permits after having given testimony in cases concerning human trafficking, pursuant to the Immigration Regulations section 8-4, subs. 1 and 2, respectively.
- Of the total 34 applicants (possible victims of trafficking) for residence permit in the **international protection procedure** (granted and declined)⁷:
 - 18 women, 12 men and 4 minors
 - 8 from Nigeria, 7 from other African countries, 13 from Asia, 4 from Eastern Europe, 2 from the Middle East
 - 22 claimed to have been exploited for prostitution or to have been subjected to other forms of sexual exploitation. 11 of them claimed to have been exploited for forced labour or forced services. One case is registered under "other", with no further details about the form of exploitation.

In 2017 The Norwegian Directorate of Immigration (UDI) granted

- 8 temporary residence permits for six months, referred to as a "**reflection period**" for possible victims of trafficking (Immigration regulations Section 8-3).
- 15 **temporary residence permit** for up to 12 months for possible victims of trafficking (Immigration regulations section 8-3 subs 2, requires cooperation with the police.)
- Of the total 19 applicants for **reflection period** (granted and declined):
 - 14 women and 4 men, 1 minor

⁵cf. footnote 1

⁶ The number of decisions (final decision) is based on records in the Norwegian Computer System for Immigrant and Refugee Cases (DUF). Applications submitted in 2016 but not decided by the end of the year have not been included.

⁷ The disaggregated data by sex, age, nationality, form of exploitation is in the KOM reports are limited to the total number of applications for protection status pursuant to cf. the Immigration Act section 28 and 38. This applies throughout the equivalent and relevant overview provided under the items related to residence permits. However, more detailed information may be requested from UDI if needed.

- 9 from Nigeria, 6 from other African countries, 2 from Asia, 1 from Eastern Europe and 1 from South America.
- Of the total 30 applicants for **temporary residence permits** (granted and declined):
 - 23 women and 7 men, all adults
 - 16 from Nigeria, 3 from other African countries, 5 from Asia, 5 from Eastern Europe and 1 from South America

In 2017, UDI made **49** decisions pursuant to the Immigration Regulations section 8-3.

Manual reporting from the UDI shows that approx. 70 percent of the applicants for Immigration Regulation section 8-3 claim to have been exploited for prostitution or subjected to other forms of sexual exploitation, while approx. 30 per cent claim to have been exploited for forced labour or forced services.

As regards the cases where the applicants were granted a residence permit according to Immigration Regulations section 8-3 subs.2 , manual reporting shows that approx. 50 percent had claimed to be exploited for prostitution, while approx. 50 percent had claimed to be exploited for forced labour and forced services.

- 17 possible victims of trafficking were granted a residence permit in the **international protection procedure**
 - 7 were granted **protection status** (asylum) cf. the Immigration Act section 28.
 - 10 were granted residence permits due to **compelling humanitarian considerations** or a particular connection to Norway, cf. the Immigration Act section 38. Of these 10, 6 were granted residence permits for witnesses in cases concerning human trafficking, pursuant to the Immigration Regulations section 8-4.
- Of the total 33 applicants (presumed victims of trafficking) for residence permit in the **international protection procedure** (granted and declined) :
 - 20 women, 8 men and 5 minors
 - 14 from Nigeria, 5 from other African countries, 11 from Asia, 3 from Eastern Europe
 - 25 claimed to have been exploited for prostitution or to have been subjected to other forms of sexual exploitation. 8 of them claimed to have been exploited for forced labour or forced services. 1 case is registered under "other", with no further details about the form of exploitation.

In 2018 The Norwegian Directorate of Immigration (UDI) granted

- 13 temporary residence permits for six months, referred to as a "**reflection period**" for possible victims of trafficking (Immigration regulations Section 8-3).
- **11 temporary residence permits** for up to 12 months for possible victims of trafficking (Immigration regulations section 8-3 subs.2, requires cooperation with the police.)
- Total of 20 applicants for **reflection period** (granted and declined):
 - 13 women and 5 men, 2 minors
 - 3 from Nigeria, 9 from other African countries, 1 from Asia, 6 from Eastern Europe and 2 from South America.
- Total of 21 applicants for **temporary residence permits** (granted and declined):
 - 12 women and 9 men, all adults
 - 5 from Nigeria, 3 from other African countries, 9 from Asia, 4 from Eastern Europe and 1 from South America

In 2018, UDI made 41 **decisions** pursuant to Immigration regulations Section 8-3.

Manual reporting shows that from the cases concerning residence permits pursuant to Immigration regulations Section 8-3: **24** had claimed to be exploited for prostitution, while **17** claimed to be exploited for forced labour and forced services.

Manual reporting shows that from the granted residence permits pursuant to Immigration regulations Section 8-3 subs.2: **4** had claimed to be exploited for prostitution, while **4** claimed to be exploited for forced labour and forced services and 1 claimed a combination of both forms of exploitations.

- 2 victims of trafficking were granted a residence permit in the **international protection procedure**
 - Both were granted protection status (asylum) cf. the Immigration Act section 28.
- Of the total **7** applicants for residence permit in the **international protection procedure** (granted and declined):
 - 6 women, 1 man
 - 6 from Africa, 1 from Asia
 - All 7 claimed to have been exploited for prostitution or to have been subjected to other forms of sexual exploitation.

In 2019 The Norwegian Directorate of Immigration (UDI) granted

- 5 temporary residence permits for six months, referred to as a "**reflection period**" for possible victims of trafficking (Immigration regulations Section 8-3).
- 14 **temporary residence permits** for up to 12 months for possible victims of trafficking (Immigration regulations section 8-3 subs.2, requires cooperation with the police.)
- Of the total 10 applicants for **reflection period** (granted and declined):
 - 5 women and 5 men, all adults
 - 4 from Eastern Europe, 3 from Asia, 2 from Africa, and 1 from Western Europe.
- Of the total 17 applicants for **temporary residence permits** (granted and declined):
 - 11 women and 6 men, 1 minor
 - 8 from Asia, 6 from Eastern Europe, 1 from Africa, 1 from Western Europe and 1 from South America

In 2019, UDI made a total of **27 decisions** pursuant to Immigration regulations Section 8-3.

Manual reporting shows that from the cases concerning residence permits pursuant to Immigration regulations Section 8-3: **7** had claimed to be exploited for prostitution, while **17** claimed to be exploited for forced labour and forced services, **2** claimed a combination of both forms of exploitations.

Manual reporting shows that from the granted residence permits pursuant to Immigration regulations Section 8-3 subs.2: **5** had claimed to be exploited for prostitution, while **7** claimed to be exploited for forced labour and forced services and **1** claimed a combination of both forms of exploitations.

- 16 possible victims of trafficking were granted a residence permit in the **international protection procedure**
 - 10 were granted **protection status** (asylum) cf. the Immigration Act section 28.
 - 6 were granted residence permits due to **compelling humanitarian considerations** or a particular connection to Norway, cf. the Immigration Act section 38. Of these 6, 4 were granted residence permits for witnesses in cases concerning human trafficking, pursuant to the Immigration Regulations section 8-4.

- Of the total **24** applicants for residence permit in the **international protection procedure** (granted an declined):
 - 19 women, 4 men, 1 minor
 - 7 from Nigeria, 8 from other African countries, 3, from Asia, 5 from South American countries, 1 from Eastern Europe.
 - 21 claimed to have been exploited for prostitution or to have been subjected to other forms of sexual exploitation, 6 of them claimed to have been exploited for forced labour or forced services, 3 claimed exploited for a combination of exploitation forms.
- *Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (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).*

We have no statistics on the number of victims of THB who have claimed State compensation, who were granted State compensation or who effectively received State compensation.

- *Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.*

No answer

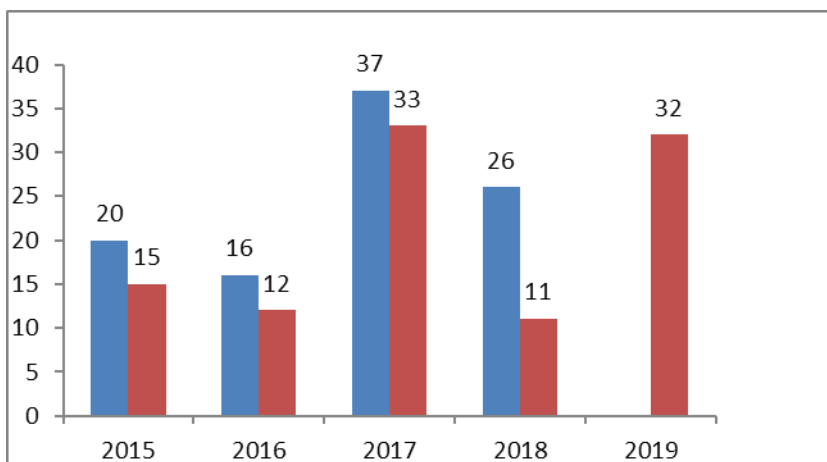
- *Number of victims of THB who received free legal aid.*

We do not have any statistics showing this. The Article used for providing free legal assistance to assess whether the case should be reported to the police is used in several types of cases, not only THB cases. The same goes for the article used for providing free legal aid in cases before the courts.

- *Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).*

The Norwegian Directorate of Immigration (UDI) offers presumed victims of human trafficking assisted return and reintegration through the IOM Norway's Project for Voluntary Assisted Return and Reintegration for Vulnerable Migrants.

The diagram below shows how many who applied for assisted return (in blue) and how many who did return with IOM (in red)⁸.



Further information:

⁸ For the year 2019, the numbers of applications are not available due to a change in the UDI datasystem.

- In **2016**, a total of 16 *applied* for assisted return and 12 adult presumed victims of trafficking *returned* with IOM⁹.
 - 6 women and 6 men
 - 4 from European countries, 4 from African countries and 4 from Asian countries
 - In **2017**, 29 adult presumed victims of trafficking returned with IOM, in addition to 4 accompanying children. In total 37 presumed victims *applied* for assisted return (32 adults and 5 accompanying children)
 - 20 women and 12 men
 - 12 from Asian countries, 6 from African countries, 3 from South American countries
 - 12 victims claimed to be exploited for prostitution or to have been subjected to other forms of sexual exploitation, 20 claimed to be exploited for forced labour or forced services
 - In **2018**, 11 adult presumed victims returned with IOM (7 women and 4 men), in addition to 1 accompanying child. In total 26 presumed victims *applied* for assisted return (23 adults and 3 accompanying children):¹⁰
 - 17 women and 6 men
 - 10 from Eastern European countries, 6 from African countries, 5 from Asian countries, 2 from South American countries
 - 11 victims claimed to be exploited for prostitution or to have been subjected to other forms of sexual exploitation, 10 claimed to be exploited for forced labour or forced services, 2 claimed exploited for a combination of exploitation forms
 - In **2019**, 32 adult presumed victims of trafficking *returned* with IOM, in addition to 2 accompanying children¹¹.
 - 11 women and 21 men
 - 29 victims returned to European countries (primarily Romania and Bulgaria), while 3 returned to Asian countries.
 - 7 victims claimed to be exploited for prostitution or to have been subjected to other forms of sexual exploitation, 25 claimed to be exploited for forced labour or forced services
- *Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).*

Please note that we cannot retrieve statistics on number of investigations but will provide you with the number of filed/reported THB crimes.

NUMBER OF FILED HUMAN TRAFFICKING CRIME REPORTS 2016 to 2019 (the Penal Code of	2016	2017		

⁹ In the KOM report for 2016, the disaggregated data available is connected to the victims who returned with IOM and limited to sex and nationality.

¹⁰ In the KOM reports for 2018 and 2017, the disaggregated data available is connected to the victims who applied for assisted return.

¹¹ In the KOM report for 2019, the disaggregated data available is connected to the victims who returned with IOM.

1902 section 224 and the Penal Code of 2005 sections 257 (Human trafficking) and 258 (Aggravated trafficking in human beings)			2018	2019
Prostitution/other sexual purposes/services	35 (of which 4 are aggravated)	27 (of which 5 are aggravated)	24 (of which 7 are aggravated)	14 (of which 2 are aggravated)
(Forced) labour/service	8	16	18 (of which 2 are aggravated)	15 (of which none are aggravated)
Organ trade	-			
War service				
Facilitation	3	3	3 (of which 2 are aggravated)	4 (of which 1 is aggravated)
TOTAL	46	46	45	36

- *Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).*

Please note that number of victims and defendants has not been obtained. This will require manual review of cases. Cases decided by prosecutors one year, can be reported previous years.

NUMBER OF HUMAN TRAFFICKING CRIME REPORTS SUBJECT TO DECISIONS BY PROSECUTORS 2016 and 2019	2016	2017	2018	2019
Prostitution/other sexual purposes/services	53 (of which 8 are aggravated)	31 (of which 6 are aggravated)	26 (of which 5 are aggravated)	23 (of which 4 are aggravated)
(Forced) labour/service	13 (of which 2 are aggravated)	10 (of which none are aggravated)	9 (of which 3 are aggravated)	21 (of which none are aggravated)
Organ trade				
War service				
Facilitation	2 (of which 1 are aggravated)	3 (of which none are aggravated)	1 (of which none are aggravated)	6 (of which 4 is aggravated)
TOTAL	68	44	36	50
The Penal Code of 1902 section 224 and the Penal Code of 2005 sections 257 (Human trafficking) and 258 (Aggravated trafficking in human beings.				

- *Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).*

No available statistics

- *Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.*

The prohibition against human trafficking was enacted in Norway in 2003. Since the introduction of the penal provision, a total of 51 human trafficking cases heard by Norwegian courts have resulted in convictions. 48 of the 51 decisions are final and enforceable.

Throughout **2016**, 4 convictions were achieved in a district court. 4 appeals were heard by a court of appeal, resulting in convictions, and 1 appeal was heard by the Supreme Court, resulting in a conviction.

Throughout **2017**, 4 convictions were achieved in the district court. 2 appeals were heard by the court of appeal, 1 resulting in a conviction and 1 in an acquittal, while the Supreme Court heard 1 appeal, resulting in a conviction:

- Out of the 6 convictions in 2017, 11 suspected traffickers have been convicted.
- 4 of the court rulings; conviction for exploitation into sex trafficking (prostitution). One of the cases concerned exploitation of a minor girl.
- 2 of the court rulings; one conviction for exploitation into forced labour and one conviction for exploitation into forced services (the victims were two minor girls, exploited in petty crimes/thefts).

The case heard by the court of appeal resulting in an acquittal concerned exploitation into forced labour (one person was convicted in the district court of exploiting 26 victims from Vietnam into farming/agriculture). In addition, one district court case resulted in acquittal of human trafficking (an indictment was filed for exploitation of a Nigerian woman for prostitution)

Throughout **2018**, 2 convictions were achieved in the district court, both were achieved in a district court and they are not final. One of the appeals was heard by a court of appeal in January 2019, resulting in conviction

- Out of the 2 convictions in 2018, 13 suspected traffickers have been convicted.
- One of the court rulings concerned conviction for exploitation into sex trafficking (prostitution), the victim was a woman. One suspected trafficker was convicted and sentenced to prison for 4 years. The case was heard by the court of appeal in January 2019, resulting in conviction, although not final.
- 1 of the court rulings concerned exploitation into forced labour. The victims were ten men. 12 persons were convicted, the principal suspected trafficker sentenced to prison for 9 years.

Throughout **2019**, 4 convictions were achieved:

- Three convictions were achieved in a district court (of which one is final) and one appeal was heard by a court of appeal, resulting in conviction (final decision).
- All the four court rulings concerned conviction for exploitation into sex trafficking (prostitution or sexual purposes). The victims were 6 women and 2 men.
- Out of the four convictions, 4 suspected traffickers have been convicted. They were sentenced to prison for 5 years, 4 years, 3 years, and 1 year and six months.

In addition, 1 conviction in a district court in 2019 resulted in acquittal by a court of appeal in 2019 (final decision). The case concerned exploitation of 4 men into forced labour.

- *Number of judgments in THB cases resulting in the confiscation of assets.*

No answer available

- *Number of convictions of legal entities for THB.*

None