

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



CP(2018)22

**Report submitted by the Norwegian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation  
CP(2017)30 on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

**Second evaluation round**

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ROYAL NORWEGIAN  
MINISTRY OF JUSTICE AND PUBLIC SECURITY

Council of Europe  
Executive Secretary of the Council of Europe  
Convention on Action against Trafficking in Human  
Beings

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Our ref.  
15/12

Date  
16.10.2018

## Report to the Committee of the Parties

Reference is made to Your letter of 17 October 2017.

We submit the following information on measures taken to address the issues for immediate action identified in GRETA's report:

*- set up and maintain a comprehensive and coherent statistical system on trafficking in human beings 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;*

The Coordinating Unit for Victims of Human Trafficking (KOM) produces a yearly report on the trafficking situation in Norway. We attach the report for 2016 from August 2017, which has been translated to English. Chapter 4 presents current problems in the collection and collation of data. The report states that although the report cannot provide exact figures on the number and specifics of presumed victims, it gives an overall good indication of the scope and tendencies of human trafficking.

As in most countries, the main challenge for Norwegian authorities is to identify victims and uncover cases of trafficking that today go unreported. While we continue to develop better ways of collecting data, existing data is considered sufficient to guide our efforts in improving assistance to victims.

*- further improve the identification of victims of trafficking by:*

*☐ setting 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, in order to improve clarity and legal certainty, and applying the procedures to all victims of trafficking, including asylum seekers, regardless of the setting in which the victims are*

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*detected;*

*☒ harmonising the indicators and criteria used by the authorities and civil society representatives to identify presumed victims of trafficking;*

The Ministry of Justice and Public Security conducted a project from August 2017 to May 2018 with the aim of improving the assistance to victims of trafficking. The project gathered participants from civil society organisations in the field, as well as relevant authorities. A team of consultants were assigned the task of running the project. The project searched for ways to improve and clarify the organisational structure for providing assistance to victims, and was seen as an important step in establishing a National Referral mechanism.

The GRETA report from the second evaluation round was a vital background document for the project.

Following the initial stage of the project, the participants agreed that there is a clear need to make changes in the reflection period. Our low-threshold six month reflection period is at first glance a generous and positive arrangement, but presents challenges for assistance providers. A main challenge is that many victims do not need as long a stay as six months in Norway. More must be done in the first days and weeks of the period to inform victims about their possibilities, and determine the road ahead. Too many victims are given the impression that they will be able to permanently stay in Norway by the way they are treated initially. More must be done to carry out an assessment at an early stage.

The project recommended that a low-threshold approach is kept for a period of 45 days, where an intensive follow-up is given to possible victims. A decision should then be taken based on agreed criteria to either end or continue the assistance period. If continued, the assistance should follow a specific track, either providing an addition 135 days of unconditional assistance, or laying the foundation for the victim to return to a home country, or applying for asylum, or providing targeted assistance for a victim who has chosen to assist in a criminal investigation.

Minors would follow a similar plan, but under the auspices of authorities tasked with protecting minors.

The project assessed the way we organise assistance, and suggests the establishment of a specialist team composed of representatives from the relevant directorates. It was also suggested that civil society organisations establish a more formal network.

The Ministry of Justice and Public Security has discussed the project proposals with other ministries, and will prepare a suggestion for further implementing the relevant proposals.

*☒ improving the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres;*

The Norwegian immigration authorities has put in place substantial efforts to ensure that their caseworkers and the reception centre staff have sufficient knowledge concerning trafficking in human beings. The Directorate of Immigration (UDI) provides

specialized training to reception centre staff to increase the awareness on vulnerable children with the purpose to identify more victims of human trafficking. The UDI and the Police have guidelines on how the reception centre staff should act in possible cases of human trafficking. The UDI has strengthened their routines to identify children at risk of human trafficking in the reception centres. The UDI requires that all reception centres have at least one employee with special competence on children, including vulnerable children.

*☒ reviewing the legislation limiting the time period for appealing negative asylum decisions with a view to leaving sufficient time for identifying victims of trafficking and ensuring the effective exercise of the right to judicial review;*

As a main rule the time limit for lodging an appeal in asylum cases is three weeks (pursuant to the Public Administration Act). In 2016 the time limit for lodging an appeal was reduced to one week, however this only applies to manifestly unfounded asylum applications. Norway does not consider the reduced time limit to lodge an appeal in certain asylum cases to influence the identification of victims of trafficking. Reference is made to the information on our identification work in reception centres. We underline that the applicant is entitled to free legal aid when appealing a negative decision from the Norwegian Directorate of Immigration (UDI).

*- improve the identification and assistance of child victims of trafficking, in particular by:*  
*☒ adopting as a matter of priority a National Referral Mechanism for child victims of human trafficking which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk;*

The Child Welfare Services in Norway have an obligation to help potential minor victims of trafficking. It is not a requirement that the child is identified as a victim (as in confirmed). The Norwegian Child Welfare Service is a service designed to protect children in need, and it has clear responsibilities in that regard established in the Child Welfare Act.

There is a need for more knowledge and competence on trafficking in minors. With 295 municipal or inter-municipal Child Welfare Services around the country and relatively few trafficking cases, it is a challenge to ensure enough expertise and experience in this particular field.

In 2017, Parliament decided that the Government should establish a central unit specialized in matters relating to child victims of trafficking. Funding for this unit was provided by Parliament. The unit shall provide advice and guidance to the Child Welfare Services around the country, as well as provide guidance to other relevant public actors that suspect that a child might be a victim of trafficking. Further, such a unit is to work for enhanced cooperation between different agencies within this field of child protection. Such a unit is under consideration, an assessment will determinate role, composition, mandate and piloting during 2019.

*☒ ensuring that child victims of trafficking across the country, regardless of whether they seek asylum or not, benefit from the assistance measures provided for under the Convention, including appropriate accommodation, effective access to free legal assistance and psychological support;*

When a child is in particular need of assistance, the Child Welfare Service is obliged by law to initiate measures to assist the child. The child is a party to the case and has the right to free legal aid. There are however relatively few cases involving human trafficking in minors in Norway.

In severe cases of threat or coercion, the Norwegian Child Welfare Act allows the Services to protect the child by placing the potential victim temporary in a specialized institution without consent. It must be underlined that such a measure is to secure the child's immediate need for protection and care.

*☒ taking further steps to address the problem of children going missing while in the care of the state and ensuring that there are clear instructions as to which institution holds the lead responsibility for tracing missing children and for taking appropriate measures to notify all relevant authorities in view of ensuring that children are traced and provided with appropriate protection;*

The state Child Welfare Agency at a regional level (Bufetat), has developed instructions on how to act when a child in care of the state goes missing. The instructions consist of check- lists concerning responsibility, cooperation, acute interventions and general measures that must be considered and carried out when children go missing.

*☒ ensuring that all child victims of trafficking aged 15 to 17 are placed under the care of child welfare services, which should receive the necessary resources and training;*

The Norwegian Child Welfare Act applies to all children below the age of 18 years. If possible, measures for children in need of child welfare services should be voluntary. The measures must be in accordance with the severity of the problem. An assessment of which measure that will be in the best interest of the child must be carried out in each singular case. Minor victims of trafficking are extremely vulnerable children and there is a risk that they will oppose a placement in an institution or care centre. In these cases, it is necessary to consider if it will be in the best interest of the child to place the child in an institution under Section 4-29 of the Child Welfare Act, as mentioned above. Such institutions must have qualifications to carry out necessary care and protection, cf. the Child Welfare Act Section 4-30.

*☒ carrying out family tracing efforts immediately when a separated child is identified as a victim of trafficking;*

The Child Welfare Service follows general procedures when carrying out an investigation relating to a child. This implies tracing and involving the family to separated children.

In Child Welfare cases it is crucial to identify the network of the child, especially the child's parents. The official circular from the Directorate for Children, Youth and Family

Affairs on how the Child Welfare Services shall carry out their responsibilities, emphasizes the need for cooperation with all relevant agencies in all matters regarding minor victims of trafficking. The police is obliged to assist the Child Welfare office in tracing family members.

Norway is a party to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, which is a useful tool in cross border Child Welfare cases. The Directorate for Children, Youth and Family Affairs is designated as the Norwegian Central Authority for the Convention, and can provide assistance to Child Welfare Services in cross border trafficking cases involving child victims.

*- 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 regardless of whether a temporary residence permit and access to assistance can be secured on other grounds;*

A Government grant scheme for victims of trafficking and people in prostitution provides funding for assistance measures for victims. The size of the grant scheme was increased from 23 million NOK to 33 million NOK for 2018, allowing for a strong increase in capacity for relevant projects. Assistance and protection is provided for in equal measure for victims granted a reflection period, for asylum seekers or those with a temporary residence permit.

*- include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings.*

Taking note of the recommendation, we respectfully submit that Norwegian criminal law, which makes bringing another person into slavery a specific offence pursuant to section 259 of the Penal Code, is satisfactory and complies with the Convention and other international law obligations.

Additional information:

The Secretariat has requested information about the outcome of the so-called LIME trafficking case, which was ongoing in Oslo District Court at the time of the GRETA evaluation visit to Norway in May 2016. (The case is mentioned in paragraph 176 and 177 of the GRETA report).

We can inform you that a verdict in this complex case was passed on June 22nd 2018. The verdict is 1099 pages long.

11 of the defendants were convicted of trafficking offences, along with other offences. All 11 received prison sentences from 1 year up to 9 years. They were also required to compensate the victims. The verdicts have been appealed. There has so far not been set a date for proceedings in the court of appeal.

We look forward to our further cooperation with The Council of Europe in this field.

Yours sincerely

Håvard Bekkelund  
Director General  
Department of Crime Prevention

Jonas Leirset  
Deputy Director General

*The document is approved electronically, as such no handwritten signatures are required.*

# Report

from the Coordinating Unit for  
Victims of Human Trafficking

2016

August 2017





# Table of contents

<b>Summary</b>	<b>3</b>	<b>5 The rights of identified presumed victims</b>	<b>44</b>
<b>1 The Coordinating Unit for Victims of Human Trafficking (KOM)</b>	<b>5</b>	5.1 What rights do presumed victims have?.....	44
1.1 A measure to improve coordination.....	5	5.2 Why do many reject offers of assistance?.....	44
1.2 Collaborating parties.....	6	5.3 Legal residence.....	45
1.3 Mandate up for review.....	7	5.3.1 Limited residence permits for victims of human trafficking.....	45
1.4 KOM's situation report.....	7	5.3.2 Asylum application decisions where applicants have been identified as presumed victims.....	47
<b>2 KOM's activities in 2016</b>	<b>9</b>	5.3.3 Asylum centre residents.....	50
2.1 Network operation and expertise development .....	9	5.4 Assisted return and re-establishment .....	50
2.1.1 Meetings under the auspices of KOM.....	9	<b>6 Criminal justice responses to human trafficking</b>	<b>53</b>
2.1.2 External meetings and seminars.....	10	6.1 Goals and priorities for the police's efforts.....	53
2.2 Guidance, information measures and reporting .....	11	6.2 The penal provisions relating to human trafficking .....	53
<b>3 Challenges in the human trafficking field</b>	<b>12</b>	6.3 Strengthening the efforts of the police.....	55
3.1 Overall need for better coordination .....	12	6.4 Reported crimes .....	57
3.2 Particular challenges reported in 2016 .....	13	6.5 Cases under investigation .....	58
3.2.1 Coordinated systems to provide assistance to minor victims of human trafficking .....	13	6.6 Prosecuted cases .....	60
3.2.2 Detecting victims of forced labour and forced services .....	15	6.7 Issues and measures .....	61
3.2.3 Identification and follow-up in immigrant checks...17		6.7.1 Priorities, resources and expertise.....	61
3.2.4 Lacking ID documents .....	19	6.7.2 Intelligence.....	62
3.2.5 Exercising and accessing rights .....	19	6.7.3 Prevention .....	62
3.2.6 Return .....	21	6.7.4 Uncovering and identifying victims .....	63
3.3 Challenges in an international perspective.....	23	6.7.5 Victims' willingness and ability to cooperate with the police .....	64
<b>4 The number of presumed victims</b>	<b>27</b>	6.7.6 Investigation.....	65
4.1 Who can identify?.....	27	6.7.7 Cooperation with the prosecuting authority.....	66
4.2 Persons included in the victim calculation .....	27	6.8 Case law development .....	66
4.3 Problems encountered in the collection and collation of data.....	28	6.8.1 Human trafficking convictions.....	66
4.4 The number of presumed victims in 2016.....	29	6.8.2 Evaluation of police efforts.....	68
4.5 How many have chosen to reject assistance? .....	31	6.8.3 The international situation .....	68
4.6 Who are the presumed victims? .....	31	Attachment 1: Criminal cases in 2016 and the first half of 2017 resulting in convictions.....	71
4.6.1 An overview.....	31	Attachment 2: Overview of criminal cases resulting in convictions .....	76
4.6.2 Nationalities .....	32		
4.6.3 Forms of exploitation .....	33		
4.6.4 Presumed minors .....	35		
4.6.5 Women over the age of 18.....	37		
4.6.6 Men over the age of 18.....	40		
4.7 Developments 2007–2016 .....	42		



# Summary

The Ministry of Justice and Public Security has tasked the Coordinating Unit for Victims of Human Trafficking (KOM) with preparing an **annual report on the human trafficking situation** in Norway. The situation report maps how many presumed victims are receiving assistance from the authorities and various support schemes, provides an overview of criminal cases, highlights challenges and offers input on improvement measures.

Over the recent years, KOM's situation reports have grown, in particular the part about challenges in the field. The 2016 report puts special emphasis on the **challenges** in order to provide a basis of knowledge for the work to follow up the improvement measures in the [Government's action plan against human trafficking](#) from December 2016.

In its follow-up of the measures set out in the action plan, the Ministry of Justice has collaborated with the Agency for Public Management and eGovernment (Difi) to set up a **project**. Difi offers a [scheme to stimulate](#) innovation and service design in the public sector. In 2017, a project to develop a comprehensive service for victims of human trafficking will be conducted under the auspices of the scheme. KOM hopes the project will help improve follow-up of people presumed to be victims of human trafficking and improve coordination or result in the development of a national coordinating authority. Furthermore, we hope that the detailed review provided by this situation report as regards challenges and recommended measures will provide a sound basis for the project work and the further follow-up of the improvement measures.

On the overall level, KOM sees a need for **improved coordination** of the work to combat human trafficking and **more efficiently organised** assistance to possible victims. In order to handle the current challenges, our key recommendations to the authorities is to ensure

- stronger **ownership** to and **prioritisation** of the work to combat human trafficking in all agencies and organisations
- better understanding of human trafficking in Norway, so that the agencies can meet victims with greater **expertise**
- development of more **coordinated and comprehensive services for presumed victims**
- a review of the **legal grounds for granting residence permits** and **rights** of presumed victims of human trafficking, resulting in more comprehensive regulations and simplified procedures

KOM's **assessment of the extent of trafficking** as presented in this report must be seen in the context of what parties report to KOM and the content of their reports. Although the assessment does not provide accurate figures, we still believe that it provides important information about the nature and extent of human trafficking in Norway.

## Key findings in 2016:

- A **lower** number of reported presumed victims received assistance from the authorities or other support scheme providers, from 301 in 2015 to **262** in 2016. This is a reduction of 13 per cent.
- Of the 262 presumed victims, **98** had not previously been identified. (For 89 presumed victims, the year of identification is not specified.)
- There was a marked decline in the number of reported **minor**<sup>1</sup> victims of human trafficking in 2016. Minors only amount to 7 per cent of the total number of victims, down from 14 per cent in 2015. The minor victims are evenly distributed between the genders.

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1 Persons under the age of 18.

- The majority of the reported victims are still **women** over the age of 18, who make up 75 per cent of the total number of presumed victims. Almost 88 per cent of the women over the age of 18 are assumed to be exploited for prostitution or subjected to other forms of sexual exploitation.
- **Men** over the age of 18 make up 18 per cent of the total number of presumed victims. This is an increase in per cent from the preceding year, but the number of male victims is still lower than last year.
- **Prostitution or other forms of sexual exploitation** remains the most common form of exploitation, amounting to 72 per cent of all cases in 2016.
- **Forced labour and forced services** has declined from 29 per cent in 2015 to 23 per cent in 2016.
- 46 **reports** of human trafficking were filed with the police in 2016. This is a decline compared with 2015. Of the 46 crime reports, 4 concerned aggravated human trafficking. 76 per cent of the reports concerned exploitation for prostitution or other forms of sexual exploitation. 9 out of 12 police districts received such reports.
- Following the implementation of the prohibition against human trafficking in 2003, KOM's overview shows that 46 **convictions** had been secured as of 1 July 2017. All avenues of appeal have not been exhausted for 1 of these convictions. 14 of these criminal cases involved exploitation of minors. 9 of the cases involved forced labour or services, and 38 involved exploitation for prostitution or other forms of sexual exploitation (1 of them in combination with forced services).

- On 1 October 2015, the new **penal code** came into force. Human trafficking is now covered by the new Penal Code sections 257 and 258.<sup>2</sup> However, the provisions of the old penal code still apply for cases where the crime was committed prior to 1 October 2015. The sentencing range for human trafficking in the new penal code has been expanded to a maximum of 6 years' imprisonment, while aggravated human trafficking still has a maximum penalty of 10 years.



Reports and tools from the Coordinating Unit for Victims of Human Trafficking (KOM) can be found at [politiet.no/menneskehandel](http://politiet.no/menneskehandel). The site also contains information about human trafficking, the police's measures and support schemes for victims of such exploitation.

<sup>2</sup> Previously, section 224 of the old penal code.

# 1 The Coordinating Unit for Victims of Human Trafficking (KOM)

## 1.1 A measure to improve coordination

The Coordinating Unit for Victims of Human Trafficking, "KOM", is one of the measures implemented by the authorities to combat human trafficking, and is intended as a **driving force** in ensuring interagency cooperation. From 2006 to 2010, KOM was organised as a project. Following an evaluation, a decision was made in 2011 to **make the unit permanent** and subject to the National Police Directorate.<sup>3</sup> Two senior advisers from the Police Development Department were assigned the task of heading the unit.

Under the mandate issued by the Ministry of Justice and the Police<sup>4</sup> 28 April 2011, KOM will

- serve to improve **coordination** between the authorities and NGOs
- assist state agencies, municipal and regional support providers, and organisations that provide assistance and protection for victims of human trafficking, by providing **methods** to detect and mobilise adequate support and protection for victims
- provide **cross-disciplinary exchange of information** and **capacity building** within the human trafficking field.
- KOM will **not** play an operational role in individual cases

KOM's **overall objective** is to combat human trafficking in Norway. KOM will, in cooperation with key parties, work to reduce

- the number of persons recruited to and exploited by human traffickers in Norway
- the existence of criminal networks engaged in human trafficking in Norway
- the use of Norway as a human trafficking transit country

The Coordination Unit's work will facilitate and provide assistance to relevant support schemes and agencies that assist and protect possible victims of human trafficking and that help enable the prosecution of the traffickers.

KOM will give priority to the following:

- network operation
- general guidance
- expertise development
- reporting
- development of tools

KOM's work includes the responsibility for major work processes such as annual **situation reports** and **national seminars** on human trafficking.

Depending on the type of case, KOM **reports** directly to the Ministry of Justice and Public Security's coordinator for the Government's action plan against human trafficking, or via the regular chain of command in the National Police Directorate.

KOM has no **authority over or right to instruct other public agencies**. KOM's ability to safeguard the overall objectives and responsibilities defined by the Ministry depends on the willingness of authorities and organisations to contribute to a reciprocal interagency and cross-disciplinary cooperation.

Both the KOM evaluation and ROSA Project evaluation submitted by the Norwegian University of Science and Technology's in 2008<sup>5</sup> stress the need to further define the roles and functions of various agencies in the human

<sup>3</sup> For information on the evaluation, see Elvegård, Kurt, Dyrliid, Linda and Berg, Berit (2010) [Today's KOM – tomorrow's KOM? \(in Norwegian only\) Evaluation of the Coordinating Unit for Victims of Human Trafficking](#). Trondheim: NTNU Samfunnsforskning AS.

<sup>4</sup> Currently the Ministry of Justice and Public Security.

<sup>5</sup> Dyrliid, Linda and Berg, Berit (2008) [Human trafficking victims – from exploitation to a sense of agency \(in Norwegian only\)](#). Trondheim: NTNU Samfunnsforskning AS. ROSA (Norwegian abbreviation for re-establishment, shelters, security and assistance) is one of the Government's measures to assist human trafficking victims, see [rosa-help.no](#).

trafficking field. Different parties adopt different approaches based on different mandates, functions and responsibilities. In addition, the principle of sector responsibility is deeply rooted in the Norwegian public sector. This principle entails that all agencies, sectors and administrative levels are responsible for the development and adaptation of the services they offer and for ensuring that the services meet the needs of the population and the various target groups. In such a setting, achieving stronger coordination in this field may be demanding.

At which **level** KOM should direct its coordination efforts has been a recurring topic. Roughly speaking, the evaluation of KOM stated that the organisations need a unit that can coordinate cross-disciplinary work in individual cases, while the directorates and other public agencies need a unit that handles interagency work at the system level. When KOM was organised as a project, both these levels were safeguarded. Human trafficking is a dynamic field where change happens quickly. The need for clarification and adjustments will crop up faster with regard to victims and day-to-day follow-up measures than for authorities and organisations that work at the system level. A lot of the work to assist human trafficking victims has taken the form of ad-hoc solutions resulting from a need to stamp out fires as they spring up. As general awareness of human trafficking grew and as more cases and victims were identified, the need for a function to work across sectors and find long-term or permanent solutions to the challenges faced by the authorities and the organisations became increasingly apparent. KOM's mandate therefore specified that the unit would not play an operational role in individual cases.

## 1.2 Collaborating parties

KOM is a venue for the exchange of experience, cooperation and coordination between the relevant authorities and NGOs. KOM operates two cooperation groups: one interagency group and one operational group.

The **interagency group** consists of representatives from directorates and other key agencies tasked with following up the Government's action plan. The following agencies

were represented in the group in 2016: the UDI (The Directorate of Immigration), the Immigration Appeals Board, the Directorate for Children, Youth and Family Affairs, the Directorate of Labour and Welfare, the Directorate of Health, the Labour Inspection Authority, the Prosecuting Authority (represented by Oslo Public Prosecutors' Office), the National Police Directorate, the Police Immigration Service and two police districts with special human trafficking task groups (Oslo and Vest). In addition, coordinators from so-called interagency teams in Bergen, Kristiansand and Oslo have participated.

The **operational group** consists of representatives from key agencies, organisations and projects that assist victims and engage in daily efforts to combat human trafficking. The following agencies and NGOs were represented in the group in 2016: The International Organization for Migration (IOM) Oslo, the ROSA project, Nadheim in the Church City Mission in Oslo, the Pro Centre (a national resource and social service centre for women and men working in prostitution), PION (Sex Workers interest organisation), Red Cross Oslo and Bergen, the Salvation Army, the Norwegian Labour and Welfare Administration – Grünerløkka welfare services, the ADORA Project<sup>6</sup>, the Norwegian Bar Association, Save the Children and a representative of the public legal guardian scheme.

Many of the NGOs KOM collaborate with receive public funding. The Ministry of Justice and Public Security manages a **grant scheme** (NOK 23 million in 2016) distributed to NGOs offering various forms of assistance to victims. The largest recipients are the Nadheim (the shelter Laura's house), the Salvation Army (Filemon shelter), the Secretariat of the shelter movement (the ROSA and Adora projects) and the Marita Foundation (shelter).

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6 The ADORA project offers vocational training and on-the-job training within cosmetics and nail design/foot care for women who are victims of human trafficking. The project is a joint effort between the ROSA project and TL-design.

Since 2005, ROSA has, under a mandate prepared by the Ministry, been operating a 24-hour helpline for human trafficking victims exploited for prostitution or subjected to other forms of sexual exploitation. In 2015, **the national helpline to combat human trafficking 22 33 11 60** ([www.rosa-help.no](http://www.rosa-help.no)) was expanded to serve presumed victims of human trafficking, **both men and women, regardless of the form of exploitation**. The target group includes potential victims, organisations and private individuals. The helpline is funded by the Ministry and operated by ROSA in cooperation with Oslo Women's Shelter. 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 cooperation partners and other support measures.

The many different parties KOM works with give an indication of the range and number of involved agencies and organisations in the field. KOM has not formally changed the make-up of its group composition over the past year, in spite of new actors entering the field. As regards potential changes in the organisation of the cross-disciplinary work (through follow-up of measures in the new action plan), KOM has chosen to get involved with a **wider network** of parties beyond the two cooperation groups. In addition, KOM participates in the **police national expert group** to combat human trafficking, under the auspices of the National Criminal Investigation Service, NCIS.

### 1.3 Mandate up for review

The Council of Europe's expert body GRETA has recommended that the Norwegian authorities consider whether KOM has the right mandate and sufficient resources to discharge its responsibilities and achieve its objectives. GRETA has called upon Norway to establish a formal national referral mechanism (NRM), which clearly defines roles and procedures for identifying, referring and following up victims, see chapter 3, section 3.1 on challenges.

[The Government's action plan against human trafficking](#) of December 2016 proposes preparing a new **mandate** for

KOM. A new mandate will provide the unit with a more effective role in the work to identify and refer victims (measure 1).

KOM's assessment is that key topics in the work to prepare a new mandate will include whether such a central coordinating unit should have the authority to identify human trafficking victims and/or provide quality assurance in the process to identify and follow up potential victims, and whether KOM should hold the responsibility of following up certain coordination responsibilities at the system and/or the individual level, including accommodation and follow-up measures, educational measures, assessments relating to the scope of human trafficking and reporting. As emerges from the action plan, the review of KOM's mandate will be seen in the context of other development measures relating to assistance and the issuing of residence permits to the victims.

### 1.4 KOM's situation report

KOM has been tasked by the Ministry to develop an annual situation report on human trafficking in Norway.<sup>7</sup>

#### The situation report

- maps the **number of presumed victims** of human trafficking who receive assistance from the authorities or in the form of support measures
- provides an overview of **criminal cases** involving human trafficking
- highlights **challenges** faced by the authorities and the support measure providers in the work to identify and assist presumed victims, uncover cases and prosecute organisers
- provide **input** for improvement measures and relevant research assignments

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<sup>7</sup> KOM's reports and tools can be found at [politiet.no/menneskehandel](http://politiet.no/menneskehandel).



The report is intended as a **basis** for knowledge-based **prioritisation** and more accurately **targeted measures**, both for **the responsible authorities** and **for organisations** that work to prevent and combat human trafficking and to assist and protect the victims. The Ministry of Justice and Public Security is responsible for coordinating the authorities' work to combat human trafficking, and the situation report will in particular provide the Ministry with a basis for formulating priorities. Other target groups include various public agencies and NGOs engaged in combating human trafficking. In addition, the report is intended for **persons or parties seeking knowledge** about the subject. It is KOM's experience that many use the report as a reference work about human trafficking in Norway.

In order to improve its situation report even further, KOM has **requested** that its many partners (representatives from the operational and interagency groups, all police districts, relevant specialist agencies, the public prosecutors' offices etc.) report the number of persons identified and followed up as presumed victims in 2016. For more information about collection and collation of data, see chapter 4 section 4.3. KOM has also asked the agencies and NGOs to report new, formerly unreported challenges, and to highlight the tasks relating to assistance and protection of victims that pose the greatest challenges, as well as measures that will best address these challenges.

In its report, KOM uses the **terms** *possible victims*, *potential victims* and *presumed victims* interchangeably. The chosen term has no bearing on the degree to which the person in question's status as a victim has been clarified. The terms run through the entire report, as they indicate the threshold for the authorities' obligation to provide assistance. Persons identified by the authorities as **presumed victims** of human trafficking are **entitled to** assistance and protection under the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>8</sup>

We **emphasise** that *the assessment of the number of presumed victims* of human trafficking in Norway only applies to the year 2016. The information on *challenges and case law* applies only to 2016 and 2017 up to 1 July. In the report for 2016, we have particularly emphasised the **challenge situation** in order to provide a knowledge basis for the work to follow up the improvement measures in the action plan against human trafficking. A new section in the 2016 report is a brief account of **criminal cases** where a conviction was secured in 2016 and 2017 up to 1 July, see attachment 1.

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<sup>8</sup> [The Council of Europe Convention on Action against Trafficking in Human Beings](#), 3 May 2005

## 2 KOM's activities in 2016

Below, we provide an **overview** of the activities undertaken by KOM in 2016 that we consider the most significant. The overview is in other words not exhaustive, but provides a view of the many tasks undertaken by KOM over the course of a year. Although KOM was allocated two full-time positions when established in 2011, the unit only had one employee, a senior advisor, between autumn 2015 and autumn 2016. With its limited resources, KOM approaches the challenge of achieving the objectives set out in its mandate with humility.

### 2.1 Network operation and expertise development

Under its mandate, KOM will facilitate establishing important **venues** for interagency parties for exchange of information, mapping of challenges, updates on the subject, networking etc. KOM will, furthermore, **contribute to raise expertise** within the human trafficking field, through lectures and seminars and with general guidance and other information measures. KOM will also provide proposals for information and expertise-raising measures targeting relevant groups. An important objective for this work is to facilitate dissemination of expertise and information grounded in the regular work to assist victims and establish measures.

The important contributions to networking and capacity building includes the preparation of the annual situation report, KOM's national seminar, KOM's general meeting and the joint cooperation group meetings, as well as participation in external meetings and seminars.

#### 2.1.1 Meetings under the auspices of KOM

- KOM held a **joint meeting** for the cooperation groups in February 2016, during which the participants were treated to a presentation of the work performed in the human trafficking group in Oslo Police District, as well as to NCIS's work to combat human trafficking. The participants were also given a presentation of the Salvation Army's Filemon project, a recently established project to provide shelter and follow-up for male victims. Seen in the light of the flow of migrants to Europe, the liaison police prosecutor at Eurojust gave a lecture

focusing on the trends in human trafficking and people smuggling in Europe.

- **KOM held its general meeting** on 23–24 May 2016. The purpose of this meeting was to gather KOM's cooperation groups and other key parties working to provide assistance and protection for human trafficking victims in order to exchange experience and discuss salient challenges in depth. The meeting included the presentation of preliminary findings from the Norwegian Institute for Urban and Regional Research's (NIBR) research project on children who disappear from care centres and asylum centres.<sup>9</sup> Swedish colleagues provided insight into the regional coordination of the Swedish authorities' work to identify human trafficking victims among migrants. In addition, a researcher from the research foundation Fafo presented a follow-up memo on minor human trafficking victims.<sup>10</sup> There was also a presentation of a report commissioned by Save the Children on the experiences of trafficked minors.<sup>11</sup> The second day was opened with a lecture on outreach work targeting minors in Stockholm, a joint project for the police and social services. This was followed by a lecture by [Anti-Slavery International](#) on the report [Time to deliver](#), focusing on follow-up of victims of human trafficking that are pregnant or have children. An introduction was also given about the [The National Referral Mechanism \(NRM\) in the UK](#). Finally, KOM gave an update on relevant topics for 2016.
- **KOM's national seminar** was held on 1–2 December 2016. Almost 270 representatives from various public agencies and NGOs participated. The purpose was to strengthen the participants' understanding, helping them to collaborate to raise their ability to uncover

9 NIBR report no. 2016:17 [Prevention and follow-up of unaccompanied asylum-seeking children who disappear from reception and care centres](#).

10 Fafo memo no. 2016:09 [Follow-up of possible minor human trafficking victims in Norway](#).

11 Report (2016:09) Oslo: Institute for Social Research (2016) "[They said you have to](#)". [Trafficked minors' experiences \(in Norwegian only\)](#).

human trafficking, identify presumed victims and facilitate follow-up, assistance and protection. National and international experts in the field contributed, using various approaches, and also providing an introduction to the complex nature of the subject and the need for interagency and cross-disciplinary cooperation. The seminar had the following topical sessions:

- The path to improved cooperation – challenges in a complex field
- Human trafficking for prostitution or for other sexual services – do the current measures work?
- Children exploited by human traffickers – how to strengthen cooperation in the work targeting the most vulnerable victims?
- The Government’s action plan against human trafficking
- Human trafficking for exploitation in labour or services – new challenges require new solutions
- The path ahead – what is needed to break out and seek help?

For more information on the seminar programme, lecturers and presentations, see [the portal for KOM’s 2016 national seminar](#).

### 2.1.2 External meetings and seminars

In addition to operating KOM's cooperation groups, KOM has in 2016 initiated and participated in several meetings with various actors in the field to **discuss** relevant challenges, cooperation procedures, information sharing etc. and to provide reciprocal **briefings** on KOM's work and the individual actors, both the authorities responsible and volunteer organisations. In addition, KOM receives requests to hold lectures on human trafficking. KOM held approx. 15 such **lectures** for various public agencies and NGOs in 2016. The lectures took place in local, national and international forums.

KOM participated in nearly **30 external meetings and seminars**. These included both smaller interagency meetings and major local, national or international conferences. The following proved to be particularly useful and important: Speech and participation at a Nordic network meeting for children exploited by human traffickers. The network

meetings focus on challenges relating to children exploited by human traffickers and how best to cooperate in the Nordic countries to exchange experience.

- Speech on the Norwegian system for assistance to and protection of victims of human trafficking in a meeting on human trafficking held by the National Police Immigration Service.
- Participation in a Nordic project relating to forced labour.
- Participation at the annual OSCE conference on human trafficking in Vienna.
- Meetings with GRETA during the annual evaluation visit 9–13 May 2016.
- Participation at the initial gathering at NCIS for the operation of the national police expert group on human trafficking.
- Participation at the Ministry of Justice and Public Security’s follow-up meeting of the focus meetings in autumn 2015 relating to possible abuse of the recovery and reflection scheme. Following media coverage, the Ministry summoned the relevant parties to discuss and present potential solutions and measures.
- Speeches and participation at two-day seminars under the auspices of the national police expert group on human trafficking.
- Participation at the National Police Immigration Service's two-day seminar.
- Participation at the IOM seminar on unaccompanied asylum-seeking children.
- Participation at the ROSA project’s two-day autumn seminar for employees following up presumed victims in shelters.
- A number of bilateral meetings with various public agencies, NGOs and journalists.

## 2.2 Guidance, information measures and reporting

KOM's mandate stipulates that adequate assistance and protection of human trafficking victims raise **cross-disciplinary and complex issues**. These issues often require in-depth expertise in various fields. KOM is not expected to possess expertise in all relevant areas, but will be a unit to which agencies and NGOs can direct enquiries for general information, ask for advice on how to solve individual cases, or request to be referred to the competent authority.

In KOM's experience, there is a need for an agency that sees the bigger picture and knows the parties involved, and the year 2016, like previous years, saw KOM receive a large number of enquiries. KOM received approx. 250 **enquiries** in 2016, mainly via telephone or email. The most frequent enquiries are from providers of support measures and others working in the daily active provision of assistance of protection for victims of human trafficking, the police and the prosecuting authority, the involved ministries and other directorates and local cooperation forums and municipalities.

Information given via the **media** can be useful to raise awareness among Norwegian consumers. However, there are problems inherent in using the media to inform the general public without detecting the identities and integrity of victims, for instance. In 2016, various media outlets made almost 20 enquiries to KOM. Several of the enquiries resulted in news items describing various aspects of the human trafficking phenomenon and the work to protect victims. In connection with the publication of the 2015 situation report, KOM was interviewed together with the National Police Directorate, and this was the lead item on the TV2 main news bulletin that day. KOM also participated in one of the news bulletins on the 24-hours news channel TV2 Nyhetskanalen. In addition, KOM was interviewed on the P4 radio channel and contributed to several articles on human trafficking in the newspapers VG, Dagbladet, Aftenposten and Bergens Tidende.

KOM receives enquiries from and contributes to **reports** to international organisations. The intention of these enquiries is to exchange knowledge and experience, and to gather figures, assessments and statistics. In 2016, KOM assisted

the Ministry of Justice and Public Security in completing questionnaires from OSCE, UNODC, GRETA, the US State Department and others.

In addition, KOM has provided **input** to the Government's work on the action plan against human trafficking, relevant public consultations presented by the National Police Directorate and the Ministry of Justice and Public Security's grant scheme for 2016. In addition, KOM has worked to hire a new KOM staff member.

KOM did not develop any new tools or other materials in 2016, but contributed towards the development of tools and guidelines in other agencies and NGOs.<sup>12</sup> As regards possible changes in how the assistance provided to presumed victims is organised (in the follow-up of measures in the new action plan), KOM has been awaiting changes in the information material and has proposed information campaigns. As emerges from the new action plan, the development of information campaigns should be based on thorough assessment of measures to determine the scope, the target group and the message.

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<sup>12</sup> KOM's reports and tools can be found at [politiet.no/menneskehandel](http://politiet.no/menneskehandel).

# 3 Challenges in the human trafficking field

## 3.1 Overall need for better coordination

One important task for KOM is to keep the responsible ministries apprised of the challenges facing the authorities and support measure providers in their efforts to combat human trafficking.

Adequate assistance and protection of possible human trafficking victims requires resolving a number of **inter-agency challenges**, as well as sound **cross-disciplinary cooperation**. The support measure providers and the responsible authorities have, for some time now, been frustrated at the lack of cohesion between measures, projects and ad-hoc solutions. Critics have pointed out that possible victims are not always identified and not offered the assistance to which they are entitled, that the support measures are too easy to abuse and that the risk of prosecution is very low for traffickers. Unclear allocation of responsibilities and lack of expertise have been highlighted as particular weaknesses. The victims often fall between the cracks in the system.

All in all, KOM sees a need for better coordination of the work to combat human trafficking and more efficient organisation of the assistance provided to its presumed victims. This is in line with the recommendations made by the Council of Europe's expert body GRETA.<sup>13</sup> GRETA calls on Norway to establish a **formal national system** which clearly defines roles and procedures for identifying, referring and following up victims, a so-called National Referral Mechanism (NRM).<sup>14</sup> KOM has, both through input to the work on the action plan and in previous situation reports, pointed out the need for such a national superstructure, system or model to clearly allocate responsibilities and ensure equal treatment,

predictability and a comprehensive approach to the assistance and protection of presumed victims.

The following items **summarises**, in KOM's view, the **main problems** and provides an overview of KOM's recommended **improvements**:

- The work to combat human trafficking must become more **strongly embedded** and be given **greater priority** at all levels in public agencies and NGOs.
- There is a need to strengthen **knowledge** about human trafficking in Norway. This also includes
  - development of a more comprehensive system to collect and collate information, figures and trends
  - development of research programmes and/or systematic mapping of selected areas
  - development of effective prevention measures, including information measures targeting differentiated groups; both to prevent people finding themselves in a situation where they are exploited and to reduce the demand for goods and services produced and supplied by possible victims
- There is a need for better and consistently available expertise among the agencies and NGOs that may encounter victims, in order to
  - ensure identification and sound follow-up of children, women and men at risk
  - improve prevention, investigation and prosecution of human trafficking
- There is a need for more **coordinated and comprehensive services** to presumed victims. KOM sees a need for
  - a more formalised, centralised and national system for identification, referral and follow-up of victims
  - clearer allocation of responsibilities and clear procedures for interagency and cross-disciplinary interaction when human trafficking is suspected
  - uniform and accessible information on the rights of presumed victims
  - necessary and adequate measures, including better and more differentiated shelters for presumed human

13 [GRETA](#) (Group of Experts on Action against Trafficking in Human Beings) will ensure that member states meet their commitments under the Council of Europe Convention on Action against Trafficking in Human Beings. Norway was first evaluated in 2013 (report of 7 May 2013) and then again in 2017 (report of 21 June 2017), see [GRETA's report from the evaluation of Norway](#).

14 For more information on NRM, see [OSCE's handbook](#) on collaborative structures in the work to combat human trafficking.

trafficking victims subjected to different forms of exploitation

- clarification of the victims' rights (including medical treatment) to ensure they are treated equally and predictably
- comprehensive follow-up measures for cases where the presumed victims have no identity papers
- more comprehensive return facilitation

■ **The legal grounds for granting residence permits etc.** to presumed victims of human trafficking should be reviewed so that more coherent and consistent regulations and simpler procedures can be designed. This includes

- specifying the content of the reflection period, both to ensure that presumed victims receive the necessary assistance and to prevent possible abuse of the permit
- ensure continuity in the rights of presumed victims if their legal grounds for staying in Norway change

These challenges also form the basis for several of the **Government's measures** to develop improved protection and assistance to victims of human trafficking in [the Government's action plan against human trafficking](#) of December 2016, relating to both assistance and residence permits for victims and to the review of KOM's mandate (see chapter 1 section 1.3).

In the follow-up of the measures, the Ministry of Justice and Public Security has entered into a collaboration with the Directorate of Agency for Public Management and eGovernment (Difi) for a **project**. Difi offers a [scheme to stimulate](#) innovation and service design in the public sector. In 2017, a project to develop a comprehensive service for victims of human trafficking will be conducted under the auspices of the scheme. The Ministry of Justice and Public Security will work with KOM to discharge the project responsibility. Authorities and organisations working with human trafficking will participate in a project group. KOM is hopeful that the project work will provide a sound basis for improving the follow-up of presumed human trafficking victims and for looking into how to strengthen coordination or establish a national coordination function.

## 3.2 Particular challenges reported in 2016

For its 2016 report, KOM asked its partners to describe what new challenges they had met in their work to assist the victims of human trafficking (e.g. in relation to activities, housing, information, regulations relating to residence permits or return, criminal case processing etc.). Many of the reported challenges are covered by the items above. However, KOM has chosen to **explore some of the challenges** reported by KOM's partners in 2016 in depth, as well as challenges that KOM see a special need to highlight based on the knowledge gained from KOM's cooperation forums.

In the 2016 report, we have in particular emphasised the **challenges** in order to provide a knowledge basis for the work to follow up the improvement measures in the action plan against human trafficking and to develop a comprehensive service for victims of human trafficking. **The level of detail** has been deliberately chosen to highlight the need for improvements and simplifications in the current regulations and systems. For an overview of challenges reported by the police in criminal cases, see chapter 6.

### 3.2.1 Coordinated systems to provide assistance to minor victims of human trafficking

It is highly likely that minor victims of human trafficking will **decline** assistance from the Child Welfare Services and other agencies. Clarifying areas of responsibility and interaction procedures is an urgent priority in cases where the presumed victim may be a minor.

There is a **risk** that presumed minors are not identified because the responsibility of identifying them, and of investigating whether the minor has been exploited, has not been allocated to any specific agency. There is also no comprehensive **chain of measures** when children are identified, meaning that they often disappear before measures are implemented. The responsibility of identifying and following up presumed minors is **fragmented** between the Child Welfare Services, the police and the immigration authorities. Counsels for victims and legal guardians or representatives also play key roles in this connection, but these roles have not been clearly defined. Overall, regulations and measures are

organised in an unpredictable manner. No agency is responsible for coordinating the identification and follow-up of the children.

KOM points out that on 6 June 2017, the Norwegian Parliament considered a floor motion to strengthen the efforts targeting children exploited by human traffickers. Parliament adopted a motion to order 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 \(2016–2017\)](#).

**Particular challenges** reported to KOM where there is a continuous need for improvement relate to

- the Child Welfare Services' responsibility to investigate and follow up cases where human trafficking is suspected.
- the need for improved cooperation between the Child Welfare Services, the police and the UDI when decisions are made pursuant to the Child Welfare Act section 4-29 (emergency care orders for children at risk of being trafficked)<sup>15</sup>
- expertise and collaboration procedures when identifying and following up unaccompanied asylum-seeking children who may have been trafficked (the Child Welfare Services, the police, the UDI, reception centres for asylum seekers / care centres and the child's legal representative).

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15 The purpose of removing a child is to cover the child's immediate need for protection and care. The head of the local Child Welfare Services or the prosecuting authority can issue an emergency care order to place the child in an institution for up to two weeks if the child is at risk of being trafficked. Such an emergency care order can be issued without a police assessment confirming the situation. The County Board for Child Welfare and Social Affairs can decide to place a child in an institution for up to six weeks at a time, for a maximum of six months in all. Such a decision from the County Board for Child Welfare and Social Affairs requires a police assessment confirming the risk of exploitation through trafficking and the child's need for protection.

The challenges have been described in more detail in several **research papers**:

- [Not our children. Identification and follow-up of minor human trafficking victims in Norway](#) (Fafo report 2015:45), prepared on assignment from the Ministry of Children and Equality. The report reviews case law, challenges with regard to identification and the systems for follow-up, investigation and assistance to presumed underage victims. The report also summarises the experiences with and evaluates the application of section 4-29 of the Child Welfare Services Act, discussing policy options for underage victims of human trafficking. The report points out that there are significant variations in the follow-up given to underage presumed victims. Whether you will be considered a victim of human trafficking depends on the local authority you are dealing with, the case officer you are assigned to and the police investigator your case is assigned to. This is particularly the case in instances where violence and exploitation has not been explicitly documented. Such borderline human trafficking cases are the most common. The report shows that both assistance to underage victims and investigation of human trafficking cases far too often fail in their follow-up, and also points out system flaws at the reception centres and on the part of local authorities. The Fafo report makes a number of recommendations that will be important to consider in the further work to provide assistance and protection for minor victims of human trafficking.
- [Follow-up of minor victims of human trafficking](#) (Fafo memo 2016:09), prepared on assignment for the Ministry of Children and Equality. The memo points out some of the reasons why follow-up of minor victims not living in Norway often fails even in cases where exploitation and human trafficking is suspected.
- ["They said you have to" Trafficked minors' experiences in Norwegian only](#) (Report 2016:09 Institute for Social Research), prepared on assignment from Save the Children. The report looks into the experiences of minors exploited by human traffickers: their situation, their stories about recruitment and exploitation and how they view the follow-up they have received and their future prospects.

### 3.2.2 Detecting victims of forced labour and forced services

Exploitation through forced labour and forced services can take place in many different sectors and may be **difficult to detect**. Several agencies and NGOs have reported that they fear that a large number of cases go unnoticed in Norwegian businesses and among au pairs, beggars and criminals.

[The Red Cross Oslo project "Right to be seen"](#) offers follow-up and activities for presumed victims of human trafficking, including men exploited for forced labour and forced services. In its reports to KOM, the Red Cross emphasises that in spite of more attention and more measures targeting exploitation in labour and services, there is still no major effort to identify presumed victims and reach the target group with information about their rights. In particular, it is the Red Cross's experience that relevant parties do not have the necessary **expertise** to detect forced labour in the Norwegian labour market. Many of the actors have little knowledge about what cases to pursue, where they can receive guidance and where to refer presumed victims for assistance. The threshold for expressing concern that human trafficking is taking place is high, and the supervisory agencies often classify the exploitation as social dumping. This then results in many potential victims of human trafficking not getting the **information** they need to pursue their case and gain access to the assistance to which they are entitled.

The Red Cross also reports that there are a number of challenges in the **follow-up** of persons that are presumed to be exploited for forced labour or forced services and that the victims have difficulty accessing physical and mental health care for presumed victims. The Red Cross also emphasises a need for more systematic and improved procedures for threat assessments and security measures on the part of the police when presumed victims receive serious threats from organisers, as they often do. According to the Red Cross, access to adapted accommodation has improved since the opening of the Salvation Army's [Safe House Filemon](#) for men exploited by human traffickers. However, the project points out that women exploited for labour and services still lack adapted accommodation. There is also a need for a

contingency plan, for situations when more accommodation is needed than the current available shelters can provide.

In addition, KOM wants to highlight the following areas where there is a perceived **need for greater effort** to combat human trafficking:

Efforts to combat **labour-market crime** can help detect and prevent human trafficking in the labour market.<sup>16</sup> Five co-located units have been established to combat labour-market crime, housing representatives from the police, the Tax Administration, the Norwegian Labour Inspection Authority and the Norwegian Labour and Welfare Administration's audit department. Several of these centres work with the police human trafficking task groups. A national, interagency analysis and intelligence centre has also been established (NTAES), enabling the collation and utilisation of financial crime intelligence and thereby more efficient efforts to combat labour-market crime. However, KOM sees a need to provide a **clearer mandate** for uncovering and combating human trafficking in connection with efforts to combat labour-market crime.

The Norwegian Labour Inspection Authority has reported to KOM that during audits, with other agencies or alone, it has observed conditions suggesting forced labour. This has mostly been in the **restaurant, retail, car valeting and cleaning** sectors. In several audits, the Labour Inspection Authority has learned of third-country nationals staying in Norway with false documents and working for room and board. They have no work permits and can therefore not be offered employment legally. During audits, the Labour Inspection Authority's inspectors have also encountered conditions that border on forced labour, in that the employees are moved between enterprises without their consent. In addition, there are reports of employees being exposed to violence, conflicts, threats and surveillance. The Labour Inspection Authority has also encountered cases where foreign employees have been exploited through a con, having received documents that they believe are

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<sup>16</sup> See also [Strategy to counter labour-market crime \(2017–\)](#).



employment contracts, but that later prove to be registration documents for sole proprietorships, enabling the employer to circumvent the rules. The Labour Inspection Authority has reported to KOM that they contact the police in all such cases. However, KOM has noted a decline in the number of reported forced labour cases, see chapter 6 on criminal cases. It seems that there is a need for more **knowledge** on how cases where forced labour is suspected should be **registered and followed up** in the formalised collaboration between the Labour Inspection Authority, the police and other supervisory agencies, and that improvement measures should be considered.

This also includes **cooperation, as well as exchange of information**, with the immigration authorities. In cases where the employees have no residence permits, The UDI will generally consider **expelling** the employee for having worked illegally or for having provided incorrect information in a work permit application.<sup>17</sup> If the violation of the Immigration Act is linked to a possible human trafficking situation, The UDI may, however, decide not to expel the victim (expulsion may be considered a disproportionate measure).<sup>18</sup>

KOM believes there may be very good reason to take a closer look at certain types of **residence permits**, e.g. seasonal work permits<sup>19</sup>, and consider how to make foreign employees less vulnerable to exploitation for forced labour. In such cases, it may be particularly relevant to consider more targeted **information measures, control measures** and the establishment of clear **cooperation procedures** (including for exchange of information) between the immigration authorities, the Labour Inspection Authority, the police and other supervisory agencies. There may be a need to raise expertise in the police and supervisory agencies concerning

the **quarantine provisions** for employers. These provisions are currently handled by the UDI.<sup>20</sup>

There may currently be a particular risk in private homes and in relation to **the au pair scheme**. In 2016, 1182 residence permits were granted to au pairs in Norway, of which 85 per cent come from the Philippines. Au Pair-Center<sup>21</sup> has reported to KOM that few of the au pairs they meet wish to **report** their host families for human trafficking, in spite of encouragement from the Centre and the offer of free consultation with a lawyer to consider whether to report the matter to the police. More au pairs would rather use the opportunity to find a new host family or new grounds for staying in Norway. It is also Au Pair Center's experience that few choose to make a formal complaint to the UDI against their host families. Such complaints may form the basis for considering whether to issue a **quarantine order** against the family<sup>22</sup>. The UDI reports to KOM that information provided by au pairs wanting to find a new host family has resulted in several quarantine cases. In 2016, the UDI imposed quarantines on 29 persons. The quarantine decisions are generally the result of au pairs being overworked or given work other than that described in their contracts, and sometime with other people than the host family. Support measure providers may have information indicating that more au pairs should file complaints and that information about serious cases does not reach the UDI or the police. KOM believes that there is reason

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17 See the Immigration Act section 66 subs. 1 letter a.

18 See The UDI's circular [RS 2013-014](#) *Residence permits for foreign nationals presumed to be victims of human trafficking (reflection period etc.)* section 5.2.

19 In 2016, the issue of exploitation of seasonal workers for forced labour came up in two court cases, see attachment 1. There have also been cases in other Nordic countries involving exploitation of seasonal workers.

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20 The quarantine scheme allows The UDI to decide that no residence permits will be granted for work with a specific employer for a period of two years in response to his or her violations of the provisions of the Immigration Act relating to protection of foreign workers' wage or working conditions, see The UDI's circular [RS 2010-194](#) *Circular on administrative measures directed at employers who unlawfully exploit foreign workers – the Immigration Act section 27 subs. 5*.

21 The Au Pair-Center provides information and guidance for au pairs. The 2017 state budget discontinued the funding for the centre. However, on 2 June 2017, a floor motion resulted in the Norwegian Parliament instructing the Government, on to "ensure funding on a par with that previously granted to the centre operated by Norwegian People's Aid, to an equivalent au pair centre", see [Recommendation to Parliament 305 S \(2016–2017\)](#).

22 See [RS 2014-008](#) *Circular on administrative measures directed at host families that violate the residence permit terms for au pairs - the Immigration Act section 27b*.

to look into **possible causes** of au pairs' being reluctant to provide information to the authorities in cases where support measure providers believe human trafficking exploitation may be involved. The au pair scheme is a subject of continuous debate. For instance, in the Norwegian Parliament on 2 June 2017, a floor motion to discontinue the scheme and punish those who exploit au pairs more severely, was put forward. see [Recommendation to Parliament 305 S \(2016–2017\)](#).

In cases involving exploitation in connection with **criminal activities**, in particular drugs-related and acquisitive crime, it will be particularly difficult to identify victims. One of the problems will be that the victims are exploited to conduct crimes. The Council of Europe Convention has a provision in article 26 about **immunity from prosecution** for victims where their participation in crime was a result of coercion, see also chapter 6 on criminal cases, section 6.7.7. In addition to legal problems, there are problems relating to assistance to and protection of victims. The support measure providers have experienced that presumed victims involved in drug-related crimes tend to be met by the police with greater **distrust** and prosecuted more often than victims involved in other forms of crime. In recent years, Norway and the other Nordic countries have seen that children and young people, from countries both within and outside of Schengen, drift through Europe and engage in such crime. Their mobility makes it harder to map their individual situations. In addition, various services have found that it is hard to achieve contact with and build trust among these presumed minors. Adults may prevent contact from being established, or the children and young people do not consider themselves victims and appear confident and experienced in their criminal activities.<sup>23</sup> While there have been no criminal cases in Norway involving young drifters who are exploited in

drug-related crime, we have seen several cases where minors from EU countries have been exploited in crime, see attachments 1 and 2 on criminal prosecutions where a conviction has been secured. KOM believes developing **case law** in this field will be important. Furthermore, KOM sees a need for strengthening strategic and operational **cooperation** between authorities to identify and follow up presumed victims engaged in crime.

**Begging** has been a high-profile topic in the public discourse in recent years, and the question of whether to reintroduce a national begging ban has been debated. In spite of the strong focus on begging and the challenges relating to possible exploitation and links to crime, KOM has not received any specific input from its partners about this. In 2016, a conviction was secured in the court of appeal in a case involving exploitation for forced labour in the form of begging and other activities, see attachment 1.

### 3.2.3 Identification and follow-up in immigrant checks

Since 2015, support measure providers and NGOs have reported their concern over deficient identification and follow-up of potential human trafficking victims on the part of the police, both during immigrant checks (the Immigration Act sections 21 and 103) and when returning illegal migrants to their country of origin. Several of the support measure providers refer to the fact that intensified border checks, more frequent immigrant checks and stepped-up efforts to return persons without residence permits were occasioned by the increased migration to Norway in autumn 2015.

This issue has particularly been reported in connection with **prostitution**.

- In previous reports to KOM, **Pro Sentret** has expressed concern that the police do not take the time to detect presumed victims of human trafficking. They call on the political authorities to ensure that the National Police Immigration Service and the police districts take the necessary steps to offer presumed victims legal counsel and consultation with support measure providers who have expertise in the field. The [Pro Sentret's 2016 annual report](#) states that Nigerian women in street prostitution

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23 See e.g. Vollebæk, Line Ruud (2013) [Social work with vulnerable migrants. Minor and adult asylum seekers, undocumented migrants, EEA nationals and potential victims of human trafficking](#). Oslo: Oslo Municipality/Welfare department. See also the books of Katia Wagner [The lost children](#) and [The boys and the lone policemen](#), dealing with presumed unaccompanied minors drifting through Europe, vulnerable to exploitation.

in particular, experienced increased attention from the Police Immigration Service and the police districts in 2015–2016. As a result, they were deported or they left on their own to get away from the increased attention from the police. Pro Sentret calls attention to the fact that Nigerian women have been a large and dominant group in street prostitution for more than a decade. Many of them have been or are victims of organised activities, including human trafficking. Their need for assistance is therefore great and they make up a large percentage of Pro Sentret's users. From autumn 2015 and until the end of 2016, Pro Sentret saw the number of users from this group shrink by almost 400.

- **Nadheim** also reports a marked decline in street prostitution in 2015 and 2016, see [Nadheim's 2016 annual report](#). Nadheim believes the decline is mostly due to Nigerian women in street prostitution being subjected to more frequent Police Immigration Service checks and subsequent deportation. In just a few years, the largest and possibly most vulnerable nationality on the prostitution scene has been almost eradicated as a street presence. Nadheim fears that trafficked persons are not identified, but deported to other countries where their exploitation continues.
- **ROSA** reports the same concerns, see [ROSA's 2016 annual report](#). ROSA believes the police's control and deportation practice violates the police's duty to identify victims of human trafficking and weakens the victim's right to legal protection, as they are not offered assistance and protection and given a chance to report the crimes against them. ROSA questions the coordination between the different police agencies, pointing out that this practice seems counterproductive in relation to the police's objective to expose human trafficking organisers to a greater risk of prosecution. They also point out that specialist units investigating human trafficking have issued alerts for witnesses and victims that the Police Immigration Service has deported.

Immigration control measures among persons in prostitution must also be seen in **the context of other measures in the field of prostitution** across police units. Several researchers

and support measure providers, in particular within the field of prostitution, have asserted that the police's application of the provisions of the Immigration Act and the penal provisions relating to sexual offences (section 315 on controlling or facilitating prostitution and section 316 on purchasing sexual services from adults) may have unintended unfortunate consequences for presumed victims of human trafficking.<sup>24</sup> Following an evaluation<sup>25</sup> of the penal prohibition against purchasing sexual services, the Government decided to initiate work to prepare a [Report to Parliament](#) that will describe the totality of issues relating to prostitution. The report will be presented in 2018. KOM believes it is important that measures to prevent human trafficking and to detect and follow up victims are **specifically discussed** in such a report.

KOM points out that the challenges relating to detection and follow-up in immigrant checks may well also apply in cases where the immigrant could be subjected to **forced labour or forced services**. If there are indications of human trafficking, our international commitments require that we facilitate detection and assistance, also in cases where the Immigration Act's provisions relating to refusal of entry, expulsion or sanctions (cf. sections 17, 66 and 108) may apply. Cooperation, including exchange of information, with the immigration authorities is also important. In cases where violations of the Immigration Act are linked to a possible human trafficking situation, the UDI will generally not consider expulsion a suitable or proportionate measure, see section 3.2.2.

In working meetings with the Police Immigration Service and other collaborating agencies, KOM has raised the reported problems relating to identification and follow-up in immigrant checks. **The Police Immigration Service** has reported to KOM that they have implemented training measures in autumn 2016 for staff working with immigrant checks. Oslo Police District's human trafficking group has

24 See e.g. the Amnesty report [The human cost of crushing the market: Criminalization of sex work in Norway, 26 May 2016](#).

25 [Evaluation of the prohibition against purchase of sexual services](#), Report 2014/30 Vista Analyse.

assisted in the training, which focused on general knowledge of the phenomenon and notification to and interaction with the human trafficking group. The Police Immigration Service, the Immigration Crime Section in Oslo Police District and others have since autumn 2016 held weekly coordination meetings to assign priorities and to coordinate immigrant checks, based on intelligence and interagency interaction. Problems relating to identification of presumed human trafficking victims are raised during these meetings. Interaction and consultation with the human trafficking group is part of the implemented strategy. In June 2017, the Police Immigration Service formed a resource group for human trafficking and people smuggling, aiming to develop expertise, tools, as well as reporting and interaction procedures. KOM is positive to the initiative to strengthen such a structure in the Police Immigration Service, and to further develop the collaboration structures safeguarding the human trafficking perspective.

### 3.2.4 Lacking ID documents

The UDI reports to KOM that, as in previous years, a significant number of persons **do not present documentation** relating to their identity when applying for a reflection period, as set out for victims of human trafficking by the Immigration Regulations section 8-3. This is particularly the case for Nigerian nationals. The main rule is that applicants must present or obtain ID documents to have their application for a reflection period approved. The UDI can waive this requirement in special cases.<sup>26</sup> Nigerian nationals, the largest group among the applicants, are normally not eligible for exemption from the requirement.

If an applicant cannot provide proof of identity and is not eligible for exemption, the UDI will consider whether the explanation presented by the applicant for the lack of ID documents is credible. The consideration is not strict. In cases involving human trafficking, there may be plausible reasons for why such documents were not presented with an application for the reflection period, and the UDI has granted a residence permit in such cases. However, if the UDI grants a residence permit in spite of absent ID documents, it will specifically emphasise that there are doubts as to the true identity of the applicant and encourage the applicant to verify his or her identity during the permit period.

As Nigeria has no diplomatic mission in Norway, the UDI informs the applicant of the option **to apply for a permit to travel abroad and an immigrant's passport valid for one journey only** for the purpose of obtaining a national passport at the Nigerian embassy in Sweden (the Immigration Regulations section 8-3 subs. 3). The UDI points out that no such applications were received in 2015 and 2016. Why, the UDI does not know.

The UDI emphasises that it is very important that Norwegian authorities **know the true identity** of persons staying in Norway. The work to obtain ID documents should therefore be initiated as soon as possible. If the person is granted a limited residence permit, the lack of ID documents will also make **it harder for the applicant to exercise or access her or his rights** during the permit period. Lack of ID documents also makes it harder to **return** applicants to their country of origin. KOM sees a need for comprehensive **follow-up measures** from the authorities and support measure providers in order to facilitate more efficient ID verification in cases where presumed victims have a limited residence permit.

### 3.2.5 Exercising and accessing rights

The support measure providers have encountered considerable problems when helping presumed victims to exercise their right to medical assistance, benefits and employment. This is an issue that has been reported repeatedly over the years to the authorities responsible, as has research into the

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<sup>26</sup> See The UDI's circular [RS 2013-014](#) *Residence permits for foreign nationals presumed to be victims of human trafficking (reflection period etc.) section 6*. The permit is granted pursuant to the Immigration Act section 38, and is, as a rule, contingent upon the foreign national presenting proof of identity. Exceptions apply where the applicant's identity has been substantiated and established and his or her country of origin has no functioning central administration, or where other reasons make it impossible to obtain an original valid passport or other similar ID documents that can be sufficiently verified. Exemptions may also be made if the applicant's identity has been substantiated and security considerations make contacting the authorities of the country of origin unviable (the Immigration Regulations section 8-12 subs. 1).

field.<sup>27</sup> Presumed victims often have a particular need for medical assistance. Medical assistance beyond emergency care, from GPs, specialised health services etc. is, however, hard to access. One of the main problems is that **the rules relating to the reflection period etc. (the Immigration Regulations section 8-3)** are not specified in other key regulations that grant access to rights.

Below, we have summarised the main challenges reported to KOM – **the level of detail** has been chosen to highlight the need for simplified regulations.

#### **Absence of a comprehensive approach in rights regulations – difficult to gain an overview:**

- It is unclear what rights persons whose **application** for a residence permit or **appeal** of a rejection is being processed, have under the Social Services Act. Such case processing may generally trigger rights to social benefit (Social Services Regulations, persons without domicile section 1), but requires that the recipient has permission to stay in Norway (Social Services Act section 4). The Immigration Regulations do not specify whether applications or appeal processing relating to a reflection period (Immigration Regulations section 8-3 subs. 1 or 2) triggers a permission to stay in the country. Clarification must therefore be sought in the general regulations relating to permission to stay in Norway, which in practice exclude many in the target group (Immigration Act section 56 and the UDI's circular [RS 2013-007](#)). Different municipalities have **different approaches** to the provision of services under the Social Services Act to this group.
- Persons who have been **granted** a reflection period (Immigration Act 8-3) have rights under the **Social Services Act** (Social Services Regulations, persons without domicile section 1). Municipalities where victims with such residence permits reside have a duty to provide

assistance, but the specifics of this assistance vary from municipality to municipality. The Child Welfare Services are responsible for minors with such residence permits.

- Persons granted a reflection period can report to have immigrated to Norway. With a limited permit for six months or more, a person is deemed to be living in Norway under the Population Register Act and can be issued with a **national identity number** (see the Population Register Act sections 2-2, 4-1 and 4-2 or the Tax Administration's website on [Norwegian identity numbers](#)). The national ID number gives access to public services, such as an assigned **GP** (Patient and User Rights Act section 2-1 c), **employment** (the reflection period gives the right to take employment and they can [apply for a tax card](#) when they have been issued with a ID number) and right to **state employment and welfare services**. These rights are contingent upon the person's staying in Norway legally (this is not specified to apply during the processing of an application or appeal under the immigration regulations, see above). The fact that presumed victims with such a permit often **lack ID documents** compounds the problem. However, a permit under the Immigration Regulations section 8-3 provides a basis for a Schengen-standardised **residence card** proving permission to stay in Norway (for third-country nationals). For this group, a residence card is sufficient **proof of ID** to be awarded a national ID number (see the Tax Inspectorate's circular 4/2013 or the Tax Administration website on [approved ID documents](#)).
- However, a reflection period of six months does **not** constitute grounds for enrolment in the **National Insurance Scheme**, as the National Insurance Act only considers a person a resident if the stay has lasted or is intended to last at least 12 months (see the National Insurance Act section 2-1 subs 2 or the Labour and Welfare Administration's website on [membership in the National Insurance Scheme](#)). Persons granted a permit under the Immigration Regulations section 8-3 are not covered by the exemption in the National Insurance Act, unlike asylum seekers (the National Insurance Act section 2-16 and the Regulations relating to national insurance for asylum seekers and their family members).

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27 See e.g. [Special rights within universal welfare: Assistance to trafficking victims in Norway](#), Anette Brunovskis, Journal of Comparative Social Work 11, 1 2016.

The six-month reflection period does not give right to coverage of medical expenses for treatment received in institutions subject to the public **specialist health service**. The Ministry of Health and Care Services holds that the conditions for being considered "domiciled" are the same as for enrolment in the National Insurance Scheme and requires these conditions to be met to cover such expenses (the Ministry of Health and Care Services' [circular I-3/2017](#)).

- In addition, problems arise when people try to access medical assistance when **applying for protection** (asylum) after first having had a permit under the Immigration Regulations section 8-3. KOM has received reports about a number of problems relating to continuation of national ID numbers, generation of the foreigner's Norwegian identity number (the so-called d number) and deregistration from the Central Population Register. This creates problems for these persons when they try to access social services, including health services.

KOM recommends a **review of the regulations** relating to the reflection period, to coordinate the provisions with other regulations governing the right to various benefits. It is currently difficult to gain an overview of the rights of presumed victims with a residence permit issued under the Immigration Regulations section 8-3. KOM recommends that the regulations be clarified and made more comprehensive and predictable. In this connection, KOM believes it would be relevant to consider giving these persons the same rights to medical assistance as regular asylum seekers, and to extend the scope of the National Insurance Act section 2-16 to include persons with a permit issued under the Immigration Regulations section 8-3.

#### **Application procedures to achieve rights:**

- As shown above, a national ID number is a prerequisite for access to the social benefits that persons in the target group are entitled to, including medical assistance (assigned GP etc.). In addition to the challenges posed by the regulations, support measure providers such as ROSA have also experienced that it takes **a long time**

before a person applying for a reflection period gains access to these rights. The applicant must first await a decision for a granted residence permit, or an overturned rejection upon appeal. When a residence permit has been granted, an application for a residence card can be submitted (processing time 10–14 days). Only then can the application for a national ID number be submitted (processing time 8–9 weeks). The reflection period under the Immigration Regulations section 8-3 is only six months, and the process therefore takes up a lot of this time. The lengthy processing time may also have consequences for the right to work (tax deduction card).

- The support measure providers have found that there is a **lack of knowledge** about residence schemes for human trafficking victims among front-line case handlers in the Tax Administration and that there are no shared **procedures** for handling applications for national ID numbers and tax deduction cards from these persons. The support measure providers must therefore accompany and assist applicants when contacting Tax Administration offices, something which should not be necessary.

KOM believes there is a need to consider **regulatory amendments** that will secure quicker access to relevant benefits for this group, making it possible to better achieve the purpose of the permit. It would appear that the Tax Administration offices need **information measures** and **procedures** for the processing of applications for national ID numbers and tax deduction cards for this group.

### **3.2.6 Return**

#### **Rights while awaiting assisted return**

The recovery and reflection scheme does not currently permit granting a **residence permit** while awaiting an assisted return. In cases where presumed victims no longer have a valid residence permit and want to return, with the assistance of IOM, their rights to **housing** and **follow-up** are unclear. This may be the case where a presumed victim's reflection period has expired, or where an application for such a period has been rejected. The Social Services Act only applies to persons with a legal right to stay. Presumed victims

whose reflection periods have expired have in some cases received continued aid by the Norwegian Labour and Welfare Administration (NAV) following a discretionary assessment, but they have no legal right to it. Presumed victims may apply for asylum to gain a legal right to stay in the country and to be housed in a reception centre for asylum seekers while awaiting application processing and an assisted return. NAV Grünerløkka in Oslo has reported to KOM that when the responsibility for following up a case passes from one agency to another, the effect may be detrimental to the victims in the period preceding an assisted return.

When an application for a reflection period is rejected, the applicant is given a **deadline for leaving Norway** by the UDI, in line with the current regulations – generally four weeks from the date of the rejection. Applicants can apply for postponement of the execution of such decisions, and may be permitted to remain in Norway until the Immigration Appeals Board has made a final decision. However, the rules for granting postponed execution in such cases are currently very strict.<sup>28</sup> The UDI has reported to KOM that it realises that applicants who are not granted a reflection period may wish to take advantage of the option of assisted return and reintegration in their home country. This must generally be applied for and arranged while the applicant has a legal right to stay in Norway. The UDI believes it may be hard to apply for, arrange and carry out such returns within the deadline of four weeks. The Norwegian authorities wish to raise the number of persons who take advantage of the option of assisted return and reintegration, and the UDI therefore wishes to facilitate this. If someone applies for assisted return and reintegration before the deadline for leaving Norway expires, the UDI will consider whether to delay execution in

line with the use of the word "may" in the Immigration Act section 61 subs. 7 sentence 1.

KOM believes there are sound reasons for considering how the **regulations** may be adapted, to better facilitate assisted return for presumed victims of human trafficking.

#### **Dublin returns**

Returns under the Dublin Regulation can also pose problems. Generally, asylum seekers will have their application processed in the first safe country in which they arrive. However, the UDI will consider the specifics of each individual case. In the event of a rejection of the asylum application, Norwegian authorities assume that the applicant will be given assistance and protection in the first country he or she arrived in. The US State Department's [Trafficking in Persons Report](#) forms part of the basis for the UDI's assessment of the individual member states' measures to combat human trafficking. The UDI and the Police Immigration Service facilitate **information exchange** about possible human trafficking with the receiving state, and can alert the receiving state before the return takes place and will **inform** the applicant about support measures in the receiving state.

For several years now, the support measure providers have expressed **concern** that presumed human trafficking victims do not receive the necessary follow-up when returned under the Dublin Regulation. In its [2016 annual report](#), ROSA reports that returns to Italy and Spain are particularly problematic. ROSA maintains that there are examples of persons who have been identified as victims of human trafficking in Norway who have not been identified as such in the country to which they have been returned. The victims are therefore not guaranteed to be received as such, and their rights as victims in the country to which they are returned are therefore not triggered. ROSA also refers to the facts that several NGOs in this field have been severely afflicted by the financial crisis, and that several of the organisations ROSA have been in contact with in Italy and Spain do not have the financial means to provide necessary assistance, such as shelter and food, to women and their children when they are returned from Norway. Many of the women are also afraid to return to the country where they initially applied for asylum,

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<sup>28</sup> Applicants only have a right to delayed execution if they apply for a new permit no later than one month before the expiry of the current permit, and if they have had a legal right to stay pursuant to previous permits for at least the last nine months, see the Immigration Act section 61 subs. 7. There is no room for exceptions under the regulations relating to reflection periods. The reflection period is only six months, and applicants with such a permit therefore have no right to delayed execution and therefore no right to stay in Norway while the Immigration Appeals Board processes its final decision.

as they claim that this is where the human traffickers are. ROSA's main concern is that women identified as victims of human trafficking and their children are returned to a new, situation of vulnerability. They believe there is a risk that the women will be re trafficked and that their children will be targeted by organisers for other forms of exploitation. As long as Norway cannot guarantee that women (and their children) get the help and protection they are entitled to under the human rights conventions, ROSA believes there should be special reasons for exempting women identified as victims of human trafficking (and their children) from the Dublin Regulation.

Potential victims of human trafficking, who are to be returned to the country where they first applied for protection, can apply to the UDI for **assisted return** through the IOM return scheme for vulnerable groups, either to their home country or to a third country outside Schengen (if the potential victim has a residence permit valid for more than six months in the country in question), see chapter 5 section 5.4. Return and reintegration support is subject to individual assessment by the UDI. IOM cannot assist returns to the initial Dublin country where an application for protection was submitted.

To KOM's knowledge, only one case concerning return under the Dublin Regulation of a person identified as a victim of human trafficking has been considered in a Norwegian court of law, **Supreme Court** decision HR-2016-1051-A of 18 May

2016.<sup>29</sup> The Court assessed the return protection provided, in accordance with the European Convention on Human Rights article 3.

KOM believes the experiences gained from the support measure providers in Dublin cases should be **reviewed** systematically by the responsible authorities in order to consider whether the commitments under the Council of Europe Convention on Action against Trafficking in Human Beings have been sufficiently taken into account in the *identification procedures* for Dublin cases, in the *regulations relating to exceptions* from the Dublin procedure, and in the *facilitation procedures* for of Dublin returns.

### 3.3 Challenges in an international perspective

Available figures do not always tell the same story, but the UN considers human trafficking, drugs trafficking and arms trafficking the largest criminal businesses in the world. **UNODC** (United Nations Office on Drugs and Crime) prepare global analyses of human trafficking. The most recent report, from December 2016, is based on data from 136 countries. [The Global Report on Trafficking in Persons 2016](#) provides an overview of the situation, globally and regionally,

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<sup>29</sup> A Somali woman who had been granted asylum in Hungary continued on to Norway to seek asylum here. The application was rejected without the merits' of the case having been heard, pursuant to the Immigration Act section 32 subs. 1 letter a. The Supreme Court noted that the presumption that the first country of arrival would meet its commitments under the European Convention on Human Rights and the Dublin Regulation could be refuted. Norwegian courts will therefore have to consider, as thoroughly and broadly as necessary, the substance of a claim that a return to another Dublin Regulation country would constitute a violation of the European Convention on Human Rights article 3, before adjudicating on the claim. In this specific case, where it had been argued before the Court of Appeal that the woman would not receive the necessary medical aid and assistance in Hungary, the grounds for the Court of Appeal's decision that a return would not violate the European Convention on Human Rights article 3 met the requirements for a thorough and broad consideration posed by the Convention. The appeal against the Court of Appeal's decision was rejected. (Supreme Court Reports – summary)



knowledge about the links between human trafficking and migration/people smuggling, and various human trafficking drivers. UNODC emphasises that human trafficking exists in all countries, they be countries of origin, transit or destination. The profile of identified victims has changed. Most of the victims are still women, but children and men make up a larger percentage than they did ten years ago, and the percentage of forced labour victims has increased. The crime category is more **complex** than it was before, both as regards perpetrators, victims and migration patterns. Victims and perpetrators often share backgrounds/nationality, something that tends to create trust and dependency ties, therefore also greater vulnerability.

According to the UNODC, most identified victims in Europe come from south-eastern Europe, West Africa and Asia. In its 2017 [SOCTA report](#) (European Union Serious and Organised Crime Threat Assessment), the EU criminal intelligence law-enforcement cooperation agency [Europol](#) refers to human trafficking as a key internal threat to the EU. According to Europol, exploitation for forced labour is on the increase, and criminal networks are increasingly becoming involved in forced labour in the EU. This exploitation undermines legitimate labour markets and businesses. Like UNODC, Europol refers to a **complex** situation, see also [Situation Report. Trafficking in Human Beings in the EU](#) from February 2016. A majority of the persons identified as victims and organisers in all forms of exploitation are EU nationals. In forced labour, a larger percentage of persons identified as victims are from third countries, and many sectors are vulnerable to such exploitation, including agriculture, catering, cleaning, construction, fisheries, trade and transport. Europol emphasises that exploitation for prostitution and other forms of sexual exploitation remain the most common forms, but the situation here is also quite complex, both as regards migration patterns and the fact that more children are exposed to such exploitation.

**The migration pressure** on Europe has been massive in recent years. In 2015, Norway received more than 30,000 applications for asylum, of which more than 5000 were from

minors<sup>30</sup>. This is the highest-ever number of applications received in Norway in one year. The number of applications dropped sharply in 2016, to 3460, of which 320 were from minors. According to forecasts from May 2017 from the Calculation Group for Immigration Administration, 3000 asylum applications are expected in 2017, in addition to 1250 asylum seekers from the EU relocation scheme. The decline in the number of asylum seekers in Norway is believed to be linked to border checks on ferries and major border crossings to Norway.<sup>31</sup> The decline is not reflected in the figures for the EU. According to the EU statistics agency [Eurostat](#), [1.2 million asylum seekers](#) were registered in the EU in 2016, a slight decline from 2015 (and more than double the 2014 figures). [63,000 of the applicants were unaccompanied asylum-seeking children](#), down one-third from 2015 (almost 96,000), but still five times higher than the previous average. More than half of those who applied for asylum in the EU in 2016 were from Syria, Afghanistan and Iraq.

Europol refers to the fact that in Europe, the **migration crisis** resulted in a large and increasing number of vulnerable people with limited opportunities to fend for themselves. There are many possible causes of the increase in migration. Armed conflicts, poverty and demographic pressure in Africa and the Middle East are highlighted by Europol as the major push factors for irregular migration to the EU. Criminal networks have access to a large number of **possible victims**. This includes migrants, who represent a large and continuously increasing group of potential victims. Children require special attention, as they are particularly at risk of exploitation. In a report from May 2017, [UNICEF](#) calculates that the number of unaccompanied children (refugees or

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30 Unaccompanied asylum-seeking children (UAM) are asylum seekers who claim to be under the age of 18, and who are unaccompanied by parents or others with parental responsibility in Norway.

31 Norway is one of five countries in Schengen that have implemented temporary border checks as a result of the migration crisis (in addition to Denmark, Sweden, Germany and Austria). Border checks were introduced in Norway in November 2015. They were extended by another six months on 10 May 2017.

migrants) on the move has almost quintupled since 2010.<sup>32</sup> According to UNICEF, 170,000 unaccompanied children applied for asylum in Europe in 2015 and 2016.

Europol states that human trafficking **actors** in Europe are often independent cells involved in various phases of the exploitation, where some recruit, others transport and others again exploit. These are highly mobile actors, operating in multiple countries and regions and targeting vulnerable children and adults (people facing socio-economic hardship, people with cognitive or physical disabilities, drug or alcohol addicts etc.). The criminal actors often combine several forms of exploitation to maximise profits.

Europol also states that **people smuggling** and human trafficking are closely interlinked. People smugglers sometimes **abuse legal means** of entry to bring irregular migrants into the EU, or to legalise their stay here. Such abuse may involve sham marriages or parenthood, the use of false employment contracts, false letters of invitation, false medical visas or false claims of being refugees or victims of human trafficking. Europol stresses the existence of reports of increased numbers of **sham marriages** in the EU, linked to the migration crisis and an increasing number of irregular migrants seeking to gain legal right to stay following rejection of their asylum applications. In 2015–2016, the EU financed a project to look into the links between sham marriages and human trafficking in the EU. The resulting

report directs attention to an increasing trend where such marriages facilitate exploitation through human trafficking<sup>33</sup>.

Human trafficking is often combined with **other crime**, such as fraud, document forgery and people smuggling, which can also be linked to illegal buying and selling of services on the **internet**. Europol emphasises that false documents, money laundering and online trading are three **drivers** across crime categories that enable human trafficking. A particular risk is posed by new platforms, both on the open and dark webs, e.g. in connection with streaming of **sexual abuse of children** via the internet, so-called live distant child abuse.

Increased use of the internet has shifted recruitment, transport, housing, advertising, sale and payment in connection with exploitation for prostitution, other forms of sexual exploitation, forced labour and forced services to **digital spaces**.<sup>34</sup> This development will probably both continue and intensify in line with technological developments and global internet penetration. Criminal groups can achieve contact with and recruit a large and increasing number of potential victims via different online venues, such as social media and online markets. The internet has become a key facilitating factor in human trafficking. The perpetrators may for instance deceive vulnerable people, making them believe that they are being recruited to perform various

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32 UNICEF's figures have been calculated on the basis of registered unaccompanied migrating children in 80 countries: In 2015–2016, this figure increased to 300,000, up almost 500 per cent from 66,000 unaccompanied migrating children in 2010–2011. See the UNICEF report [A child is a child: Protecting children on the move from violence, abuse and exploitation](#).

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33 See the report [Exploitative Sham Marriages: Exploring the Links between Human Trafficking and Sham Marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia](#), HEUNI, October 2016. The report states that the purpose of such sham marriages is to gain residence permits in the EU, on the basis of, particularly, three typical settings: poor women with EU member citizenship (often from Eastern Europe) are paid to move to another EU country and enter into a sham marriage with a man with no legal right to stay. They are allured by the offer of a job in another EU country or the prospect of love. Countries that participated in the project have found that women are subjected to mental and financial subjugation, physical violence including sexual abuse and debt bondage. Their children have also, in some cases, been abused or used to control their mothers. The identified husbands were mainly from Pakistan, India and Bangladesh, while the organisers of the marital migration were EU nationals or from the husbands' home countries.

34 See Europol [Trafficking in Human Beings and the Internet](#), Intelligence notification 15/2014.

forms of regularly paid work in Norway. The traffickers and their potential clients get in touch and communicate both on regular online platforms and in chatrooms or on specific websites offering dating or escort services. The internet has also provided more channels for the downloading and sharing of abuse material. This applies to human trafficking for sexual exploitation in particular. Europol assumes that the technology will give rise to new and so far unknown forms of sexual exploitation.<sup>35</sup>

In Norway, there is little relevant **case law**. However, in 2016 a man was convicted by Bergen District Court of being an accomplice to human trafficking after ordering sexual exploitation via the internet of children in the Philippines (direct streaming of sexual abuse), see attachment 1 concerning criminal cases in 2016. There is reason to expect more human trafficking cases involving children and internet-related sexual abuse.

Human trafficking and slavery are old forms of crime that have gained **new dimensions** with cheap and widely available technology. We see that human trafficking is a complex problem, and efforts to combat crime and assist victims must be conducted on a wide front, both nationally, internationally and digitally.

The international trends are described in **NCIS's 2016 trend report. Organised and other serious crime in Norway** (October 2015), where irregular migration combined with more professional criminal networks are highlighted as causes of particular concern.

In Norway, as in the rest of the world, the majority of the victims are women exploited for prostitution or subjected to other forms of sexual exploitation. However, concerns over forced labour in many other sectors are also growing: NCIS states that criminal networks engaged in human trafficking

are often multi-type criminals and that victims and perpetrators in Norway often share the same backgrounds.<sup>36</sup>

In such a situation, it becomes even more necessary for all who might possibly come into contact with presumed victims of human trafficking, in particular presumed minor victims, to have sufficient knowledge and expertise to uncover and detect presumed victims. With the current migration situation in Europe, there is a need for improved measures to **raise expertise** about human trafficking in the relevant agencies, including the immigration, police and child welfare sectors. There is a need for stronger **collaboration structures** both nationally and internationally to assist victims and prosecute organisers. Furthermore, there is a need for information efforts to reach the general public and more targeted measures directed at groups at risk.

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35 Europol [Exploring tomorrow's organised crime](#), 2015.

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36 In October 2015, NCIS described actors in the prostitution market. The street market was dominated by Nigerians and/or Romanians, while the indoor market was dominated by Romanians and ethnic Albanians in most of the major cities. A new trend report will be prepared in 2017.

## 4 The number of presumed victims

### 4.1 Who can identify?

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.<sup>37</sup> **The responsibility to identify** presumed victims rests with all professions that may come into contact with victims through their work. The purpose is twofold: Identification is required for providing victims with access to fundamental rights; in order for the authorities to provide necessary assistance and protection, they must know who the victims are. Identification is also required for the police and prosecuting authority to investigate and prosecute the people behind the human trafficking.

What does this responsibility entail? Under the Council of Europe Convention, all authorities that are liable to come into contact with victims must have employees with **the expertise** to identify presumed victims and **procedures** that facilitate such identification. The duty to identify applies regardless of whether the suspected exploitation took place in Norway or elsewhere, including the victim's home country and regardless of whether the exploitation took place in the past or is ongoing. If the authorities have **reasonable grounds for believing** that a person is a victim of human trafficking, that person has a right to assistance and protection under the Council of Europe Convention, and the person must not be forced to leave the country until the identification procedures have been completed.

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 against the organisers. 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, see chapter 5 on rights.

Norway has aimed to create a **system with a low threshold** for identifying and following up presumed human trafficking victims. The purpose of the Norwegian model is to contribute to the detection of more human trafficking victims and to offer them assistance and protection. A consequence of the Norwegian system, where all authorities that may come into contact with potential victims have a duty to identify and refer victims to the competent authority, is the emergence of different views as to who should be considered a victim of human trafficking; presumed victims risk not being followed up in a consistent manner. Several agencies have pointed out the importance of being critical in the identification process to ensure that actual victims of human trafficking are identified and given help and that the human trafficking term is not diluted.

### 4.2 Persons included in the victim calculation

As in most other countries, it is difficult to map the exact number of presumed human trafficking victims in Norway. Since 2007, KOM has prepared an annual report where we try to estimate the number of persons identified as potential victims of human trafficking in Norway.

The KOM report's estimate includes **presumed victims** of human trafficking who **received assistance** from the authorities and support measure providers in 2016. **Assistance** entails that the person was followed up by one or more agencies in line with the rights afforded to presumed victims, see chapter 5 for information on the rights of presumed victims.

The estimate of the number of victims **over the age of 18** includes all who **accept** offered assistance and protection. Many of the victims **under the age of 18** have not accepted

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<sup>37</sup> See [The Council of Europe Convention on Action against Trafficking in Human Beings](#) articles 10, 12 and 13. See also [Norwegian Parliament bill no. 2 \(2007-2008\)](#) On consent to ratification of the Council of Europe Convention of 3 May 2005 on Action Against Trafficking in Human Beings.

offered protection and assistance, but we have chosen to include them in our figures, as children have no legal right to reject assistance and protection. The terms child and minor refer to persons we believe are under the age of 18.

In order to gather sufficient information about the identified victims and to determine the level of *assistance needed*, KOM has chosen to limit the estimate to presumed victims who have *received assistance* from the authorities and support measure providers. KOM believes this delineation provides a relevant knowledge basis to prioritise and target measures to assist victims of human trafficking.

However, several assistance providers have found that many adults also *reject* assistance and protection. There is therefore reason to assume that in reality there are more presumed victims of human trafficking in Norway than KOM' statistics suggest.

### 4.3 Problems encountered in the collection and collation of data

Reporting to KOM is **voluntary**. We have obtained information from authorities and organisations in the cooperation groups and other KOM partners.

In connection with the 2016 situation report, KOM **received reports** on the number of identified presumed victims from the following parties:

- The interagency cooperation group: The Norwegian Directorate of Immigration, the Immigration Appeals Board, the Norwegian Directorate for Children, Youth and Family Affairs, the Norwegian Labour Inspection Authority, Oslo Public Prosecutors' Office, the National Criminal Investigation Service, the National Police Immigration Service, Vest and Oslo police districts and the coordinators for the interagency operational teams in Bergen and Kristiansand.
- The operational cooperation group: The International Organization for Migration, Nadheim in the Church City Mission in Oslo, the ROSA project, the Salvation Army, Red Cross Oslo and NAV Grünerløkka's social services.
- The police and the prosecuting authority: The Director of Public Prosecutions at Oslo Public Prosecutors' Office, Nordland Public Prosecutors' Office, Hedmark og Oppland Public Prosecutors' Office, Vestfold og Telemark Public Prosecutors' Office and the National Authority for Prosecution of Organised and Other Serious Crime In addition to Vest and Oslo Police Districts, which are members of the KOM network, we received reports from Agder, Finnmark, Innlandet, Møre og Romsdal, Nordland, Sør-Øst, Sør-Vest and Trøndelag police districts.
- Other parties: Albertine and the Stavanger Women's Refuge, the Au Pair Center in Oslo, the FRI measure under the auspices of the Bergen Church City Mission and the Municipal Outreach Service in Oslo.

For several years now, both KOM and our partners have expressed a desire to **assure the quality of the basis for our estimate**. The Council of Europe's expert group on measures to combat human trafficking, [GRETA](#), has also asked Norway to extend its data collection and prepare a reliable statistical system for collecting and collating data.<sup>38</sup> GRETA maintains that a formal national system which clearly defines roles and procedures for the identification, referral and follow-up of victims (a national referral mechanism) will provide a basis for developing such a centralised overview of the number of presumed human trafficking victims.

As there is currently no joint system for reporting and quality assurance of cases involving human trafficking, we are dependent upon good entry data from our partners to be able to collate the information. This requires non-anonymised data, but KOM **cannot order** agencies to release

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38 [GRETA](#) is tasked with evaluating the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in the countries that have ratified it, see [GRETA's evaluation report for Norway](#).

non-anonymised data. Each individual agency is therefore responsible for assessing the legal basis for exchange of information, in line with the regulations governing the respective agency's activities.

KOM's request for reports from the interagency and operational cooperation groups, other partners, police districts, specialist agencies and the central prosecuting authority includes reporting on the number of presumed victims identified in 2016. This also includes persons identified in previous years who were still being followed up by the reporting entity in 2016.

Since 2009, KOM has used a **reporting form** that to some extent makes it possible to collate anonymised data and generate reports on the number of presumed human trafficking victims. The reporting form contains a number of **categories** (sex, nationality, year of birth, presumed form of exploitation, year initially identified, whether he or she received an offer of assistance, immigration status, criminal case status, type of accommodation offered, type of qualifying measures etc.). These categories, linked to both anonymised and non-anonymised data, are then reviewed and **collated** by KOM. This manual process must allow for **sources of error** such as under- and overreporting. Through the collation of the reported data, KOM has found many instances of one person being reported by several different agencies or NGOs. As long as the collation is based in part on anonymised data, there will be some uncertainty. To prevent overreporting to the extent possible, KOM therefore assumes, in cases of doubt, that the matter has been reported more than once. Other sources of error in the data may be that reporting agencies and NGOs have applied varying definitions of the information criteria in the reporting template. KOM has tried to specify what information we want in the different categories in the reporting form, but we must allow for the possibility of varying interpretations on the part of the various reporting agencies and NGOs.

As the KOM network does not include all agencies and NGOs in Norway that might come across presumed victims, there will also be presumed victims of human trafficking under follow-up who **are not reported** to KOM.

There are also good reasons to assume that the number of **unreported human trafficking cases and victims** in Norway is high, as human trafficking is a hidden form of crime where victims rarely can, want or dare receive assistance or report the matter.

We therefore believe that the number of presumed victims represented in this report can be considered an absolute minimum. Although the report cannot provide exact figures, it gives an overall good **indication** of the scope and tendencies of human trafficking in Norway.

#### 4.4 The number of presumed victims in 2016

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.

Table 1 shows the estimated number of persons identified as presumed victims who received assistance from 2007 to 2016.<sup>39</sup> It is important to emphasise that these figures only include persons who were followed up in the year in question.

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<sup>39</sup> The KOM project was established in 2007, and estimates of the number of victims therefore apply only from that year.

**Table 1:** Presumed victims of human trafficking being followed up in Norway between 2007 and 2016

Year	Presumed victims of human trafficking followed up by agencies and NGOs reporting to KOM		The number of "new" persons identified as presumed victims of human trafficking in the indicated year by the agencies and NGOs reporting to KOM
2007	203		Data not available
2008	256	(26% increase since 2007)	Data not available
2009	292	(14% increase since 2008)	Data not available
2010	319	(9% increase since 2009)	127 (included in 319)
2011	274	(14% decline since 2010)	134 (included in 274)
2012	349	(27% increase since 2011)	136 (included in 349)
2013	300	(14% decline since 2012)	124 (included in 300) 52 reported with identification year unknown
2014	324	(8% increase since 2013)	157 (included in 324) 96 reported with identification year unknown
2015	301	(7% decline since 2014)	145 (included in 301) 54 reported with identification year unknown
2016	262	(13% decline since 2015)	98 (included in 262) 89 reported with identification year unknown

The figures show that the **total number** of identified presumed victims followed up **fell** from 301 in 2015 to 262 in 2016. What does this decline entail? Do the figures reflect a real decline in the number of victims, a reduced effort to identify presumed victims, fewer victims being willing or able to break free from exploitation, or a random fluctuation in the number of identified presumed victims? It is hard for KOM to draw any final conclusions here, other than to point out that this is a complex field with many and complex potential causes of variation.

A possible explanation for the lower number of victims is that there was a **marked decline** in the number of identified presumed **minor** victims of human trafficking in 2016. Another reason may be that we did not receive any reporting for 2016 from Pro Sentret due to updates to their statistics system. Since Pro Sentret is one of the key reporting agencies in Oslo, this may have contributed to a lower number of identified victims compared with previous years.

#### 4.5 How many have chosen to reject assistance?

KOM has also asked the agencies and the NGOs to report how many of the identified presumed victims rejected offers of assistance. The reported data will naturally vary depending on the functions of the different reporting agencies and NGOs. However, several agencies and NGOs have reported that many of those identified as presumed victims of human trafficking choose to reject offered assistance and protection.

In addition to those who accept, KOM has received reports of **35** adults who were offered help in 2016, but who chose to reject the offer. The reports received on this are, however, deficient, as the onus of the reporting is on victims who accept offered help and protection and who are followed up as presumed victims of human trafficking. We can therefore assume that the real number is considerably higher.

See also chapter 5 section 5.2 for more detailed information on why more presumed victims of human trafficking reject offered assistance and protection.

## 4.6 Who are the presumed victims?

In the following, we will take a closer look at the information the reporting agencies and NGOs provided concerning the 262 presumed victims under follow-up in 2016. When specifying sex, we use boy and girl for presumed minors (under the age of 18), and woman and man for adults (over the age of 18).

### 4.6.1 An overview

**Table 2:** Persons followed up as presumed victims in 2016, by presumed form of exploitation, sex and age

Form of exploitation	Total	Women, over the age of 18	Girls, under the age of 18	Men, over the age of 18	Boys, under the age of 18	Trans-gender persons, over the age of 18
Prostitution/other forms of sexual exploitation	188	173	5	7	2	1
Forced labour and forced services	59	13	3	38	5	0
Combined prostitution etc. and forced labour etc.	13	11	0	0	2	0
Organ trade	0	0	0	0	0	0
War service	0	0	0	0	0	0
Undetermined	2	0	1	1	0	0
Total	262	197	9	46	9	1

#### Comments to table 2:

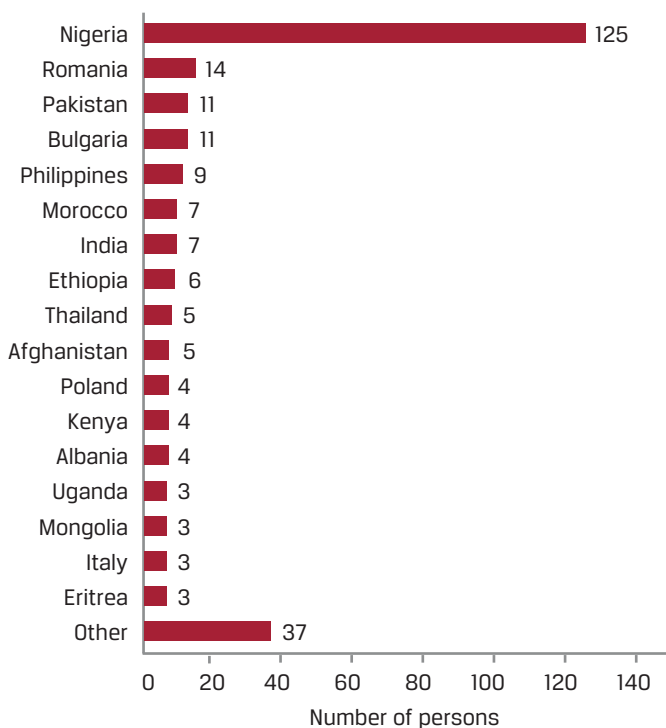
- The salient feature of this year's reporting is a major **decline in the number of identified minors**. Only **18** presumed minors were reported as presumed victims of human trafficking in 2016. This is down almost 50 per cent from the preceding year and amounts to just **7 per cent** of the total number of victims. As regards the distribution between the exploitation categories among the minors, 2016 shows a minor change compared with previous trends. In most years, a clear majority of the girls were exploited for prostitution and/or subjected to other forms of sexual exploitation, while a clear majority of the boys were exploited for forced labour or forced services. This distribution still applies in 2016, but it is less marked, since both boys and girls are exploited for prostitution and/or other forms of sexual exploitation and/or forced labour and forced services.
- As in previous years, **women over the age of 18** constitute the **largest group** among identified presumed victims of human trafficking. The total number of women identified in 2016 has been quite stable since 2015, with a minor decline from 205 to **197**. They make up **75 per cent: of the total number** of victims. Furthermore, most of the presumed victims over the age of 18 are still women exploited for prostitution or subjected to other forms of sexual exploitation. One reason may be the strong national and international focus on women who have been exploited for prostitution for several years. Agencies and NGOs working with practical prostitution issues are actively looking for human trafficking aspects. This is also reflected in KOM's cooperation groups, where a minority of the participants focus mainly on forced labour.



- As regards to the total number of **men over the age of 18**, there was a decline from 54 in 2015 to **46** in 2016. This is **18 per cent** of the victims. Exploitation for forced labour is the dominant category among men, with 38 reported presumed victims. However, the number of men exploited for prostitution or subjected to other forms of sexual exploitation over the last two years has been higher than in previous years, with 10 in 2015 and 7 in 2016 and only 2 in 2014.
- In 2016, a **transgender person** over the age of 18 was also reported as a presumed victim. Support measures such as Nadheim and ROSA have previously reported an increase in the number of enquiries made by transgender persons, but this is the first report KOM has received of a transgender person among the identified victims.

#### 4.6.2 Nationalities

**Diagram 1:** Persons followed up as presumed victims in 2016, by nationality  
N=262



#### Comments to diagram 1:

- The diagram provides an overview of nationalities represented by 3 or more persons reported in 2016. The "Other" category is made up of nationalities with 2 or fewer persons reported.
- The 262 persons who were followed up as presumed victims of human trafficking represent **42 nationalities**.
- As in recent years, **Nigeria** is the most frequently represented nationality, with 125 persons in 2016. These figures have been quite stable since 2015, when 128 Nigerians were reported. The reported data seem to show that most of the Nigerian presumed victims were identified prior to 2016 and were still being followed up in 2016.
- As in previous years, Nigeria is followed by **Romania** in the second place, but the number of Romanians dropped from 32 in 2015 to 14 in 2016.
- **The Philippines** and **Pakistan** are both represented by 11 persons. This represents a decline in the number of persons from the Philippines in 2016 compared with previous years. For Pakistan, however, we saw an increase in both 2015 and 2016.
- 7 persons from **Morocco** were identified in 2016, an increase from previous years.
- The number of identified presumed victims from **India** is the same in 2016 as in 2015.

#### 4.6.3 Forms of exploitation

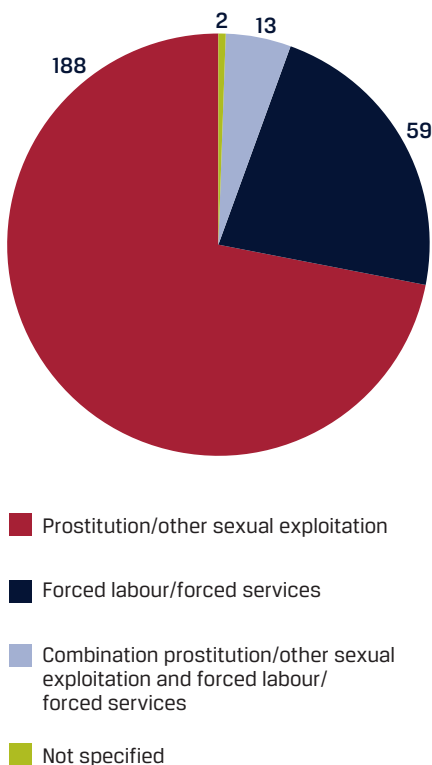
The Penal Code (2005) section 257 sets out the following main human trafficking categories:

- prostitution or other sexual services,
- labour or service, including begging,
- war service in a foreign country, or
- consenting to removal of one of the person's internal organs

KOM's identification guide<sup>40</sup> provides an overview of some general factors which may indicate that the person is a victim of human trafficking. In addition, indicator lists have been prepared for detection of exploitation for prostitution or other forms of sexual exploitation, forced labour and forced services, and exploitation of children. These indicators are based on international experience and have been adapted to Norwegian conditions and experiences.

KOM has asked the reporting agencies and NGOs to state which form of exploitation the person is believed to have been subjected to. Diagram 2 shows the distribution between the reported forms of exploitation.

**Diagram 2:** Persons followed up as presumed victims in 2016, by presumed form of exploitation  
N=262



#### Comments to diagram 2:

- The diagram shows the **distribution** of the various exploitation forms in 2016, based on reporting for all victims, boys and girls, women and men. The same information also emerges from the overall information in table 2.
- In 2016, **188** persons were identified as presumed victims of exploitation for prostitution or other forms of sexual exploitation, **59** persons were exploited for forced labour or forced services, **13** persons were exploited for a combination of prostitution/other forms of sexual exploitation and forced labour/forced services and **2** persons had been subjected to exploitation in a form unknown at the time of the reporting.
- The distribution between the various forms of exploitation **correlates** well with the reported situation in 2015. However, we see a **decline** in the number of persons exploited for forced labour/forced services.
- What stands out compared with the figures from last year is an **increase** in the number of persons exploited for a combination of prostitution/other forms of sexual exploitation and forced labour/forced services, from 4 in 2015 to 13 in 2016.

#### More on exploitation for prostitution or other forms of sexual exploitation

Prostitution or other forms of sexual exploitation remains the most common form of exploitation, with **188** reported victims. This constitutes **72 per cent** of identified victims. Over a period of several years, multiple measures have aimed at identifying victims and uncovering exploitation for prostitution or other forms of sexual exploitation, and this is probably still the main reason why this category is the most numerous.

Of the 188 victims, about **90 per cent** were exploited for **prostitution**. As in previous years, women over the age of 18 are overrepresented in the category exploitation for prostitution or other forms of sexual exploitation, with **173 women** reported in 2016. Nigerians are the most numerous among these women. Almost all of the 121 women from Nigeria were exploited for prostitution or subjected to other forms of sexual exploitation. [The 2016 annual report of](#)

40 KOM's reports and tools can be found at [politiet.no/menneskehandel](http://politiet.no/menneskehandel).

[the ROSA project](#) refers to the major decline in the number of initial enquiries made by Nigerian women. We see no such decline in KOM's statistics. This may be because the number of Nigerian women reported to KOM includes several previously reported victims who were still being followed up in 2016. The decline in the number of Nigerian women experienced by support measure providers in 2016, will therefore only be reflected in KOM's statistical basis in the reporting for next year.

#### **More on exploitation for forced labour or forced services**

Recent years have seen several efforts to identify and uncover exploitation for forced labour or forced services. Against this background, it is considered likely that the number of persons identified as potential victims of forced labour and forced services will increase as these exploitation forms are given more attention and counter-efforts are ramped up. However, KOM's 2016 statistics show a decline in the number of reported victims exploited for forced labour or forced services, from 86 in 2015 to **59** in 2016. This amounts to only **23 per cent** of identified victims, and we must go back to 2007 to find equally low figures.

There are a number of possible explanations. One reason may be that preceding years were characterised by large and complex forced labour cases that proved difficult and time-consuming to investigate. The police have therefore been busy investigating and prosecuting these cases.

As regards to the **types of forced labour** reported to KOM, we see that many of the same **business sectors** represented in previous years recur in 2016. The business sectors that stand out are car valeting, construction, agriculture and seasonal work, cleaning, restaurants and domestic work. In addition, we have received reports of a few presumed victims exploited in massage parlours and various clinics.

As regards **domestic work**, there is a clear decline in the number of persons exploited through the au pair scheme compared with previous years. This reduction may be the result of somewhat deficient reporting from the Au Pair Center for 2016. The 2017 state budget discontinued the

funding of the Au Pair Center, which naturally had an effect on the centre's resources and reporting to KOM.<sup>41</sup>

As regards **forced services**, acquisitive crime, including drug-related crime, still dominates. The acquisitive crime category in this report covers both drug-related crime and various forms of theft and fraud.

In 2015, a total of 16 persons were reported as victims of exploitation for acquisitive crime: 6 in drug-related crime and 10 in various forms of theft, primarily pickpocketing and shoplifting. In 2016, this figure fell to **13**. The majority of these 13 persons are presumed to have been exploited for **drug-related crime**. The number of persons presumed to have been exploited for pickpocketing and shoplifting have declined.

In spite of the attention devoted to **begging** in the public discourse, this category seems to have had a limited effect on the number of persons reported as presumed victims of human trafficking. The reports submitted to KOM for 2016 shows only **2 persons** presumed to have been exploited for begging.

#### **4.6.4 Presumed minors**

In 2016, a total of **18** presumed minors<sup>42</sup> were reported as presumed victims of human trafficking in Norway. This amounts to **7 per cent** of the total number of victims. We term them **presumed** minors, as identity and age have not been verified for all of them. These persons must be handled in line with the Council of Europe Convention article 10 no. 3. This provision says that when the **age of a victim is unverified** and there is reason to believe that he or she is a child, he or she shall be considered a child and be subject to special protection measures until the age has been verified.

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41 In its [decision of 2 June 2017](#), the Norwegian Parliament asked the Government to resume the funding of an au pair centre, see also [Recommendation to Parliament 305 S \(2016–2017\)](#).

42 This report uses the terms "minor" and "child" for persons under the age of 18.

There is a marked **decline** in the total number of minors reported in 2016, less than half of last year's figure. Over the last ten years, 18 presumed minors is the lowest figure ever reported to KOM. KOM finds this surprising considering figures from neighbouring countries and the flow of migrants to Europe, and since a historically high number of unaccompanied asylum-seeking children arrived in Norway in 2015. By way of comparison, 50 presumed minors were reported to be victims of human trafficking in Sweden in 2016.<sup>43</sup>

It is difficult to draw any conclusions about the causes of this decline. The reporting agencies and NGOs have generally reported fewer minors in 2016. In other words, none of them stand out, and they have made no significant changes to their reporting procedures compared with previous years. If the figures from the received reports reflect a real decline in the number of minors exploited in human trafficking, this is good news. However, if the received reports reflect a situation where fewer agencies and NGOs are able to identify and discover minors exploited through human trafficking, this gives cause for concern.

Trafficked children often resist attempts to help them made by the Child Welfare Services or other agencies. However, children have no legal right to reject assistance and protection. A small percent of victims identified as presumed minors will be **placed in a child welfare institution as a matter of emergency under the Child Welfare Act section 4-29** (temporary placement in an institution without consent upon risk of exploitation in human trafficking), see section 3.2.1. KOM has received reports of 5 such decisions under section 4-29 in 2016.<sup>44</sup> Figures from the Coordinating Authority for the County Social Welfare Boards give the

following overview of cases pursuant to section 4-29 following implementation of the act in August 2012.<sup>45</sup>

**Table 3:** Number of section 4-29 cases

2012	2013	2014	2015	2016
4	30	16	18	15 <sup>46</sup>

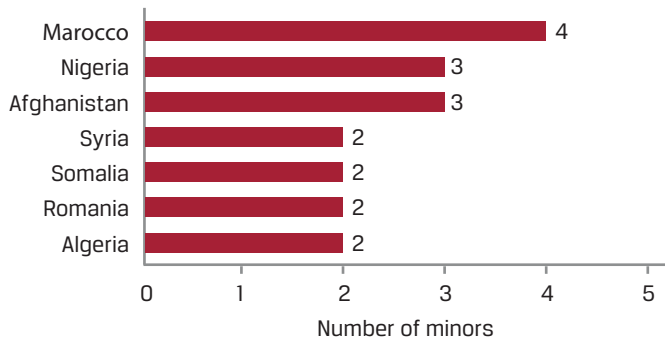
43 See [National methodology support team against prostitution and human trafficking \(NMT\)](#). The figures cover cases reported by regional coordinators or discovered through the national support telephone in Sweden.

44 Reporting from the Norwegian Directorate for Children, Youth and Family Affairs and Oslo Municipality's Children and Family Affairs Agency.

45 The number of cases includes all that have been received by the county social welfare boards from the municipalities pursuant to the Child Welfare Act section 4-29 (all subsections). The figure includes both cases where the board found in favour of the municipality (or a private party) and cases where no decision was made (case retracted, closed or rejected).

46 Due to changes to the county boards' case processing system in spring 2016, the 2016 figure is only an estimate.

**Diagram 3:** Number of presumed minor victims in 2016, by nationality  
**N=18**

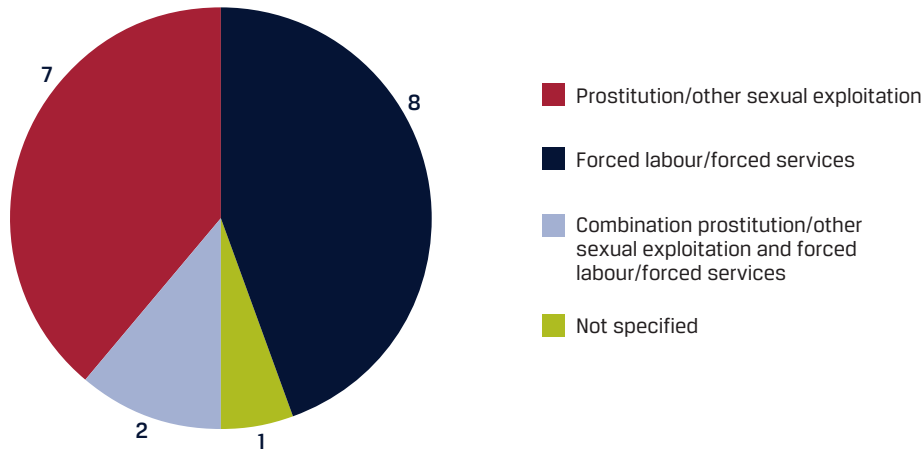


**Comments to diagram 3:**

- A total of 7 **nationalities** are represented among the presumed minors in 2016. This is a decline from previous years and can be seen in the context of the general decline in the number of reported presumed minors.
- **Moroccans** are the most frequently occurring nationality in KOM's statistics over reported presumed minors in 2016. It is important to emphasise that 4 is only marginally higher than numbers reported in previous years.
- Morocco was followed by **Nigeria** in 2016, down from the top spot in 2015. The number of Nigerian presumed minors fell from 9 in 2015 to 3 in 2016.
- **Afghanistan** was represented with 3 minors in 2016 and 4 in 2015.
- **Syria** had 2 in 2016, as in 2015.
- **Somalia, Romania and Algeria** had 2 presumed minors each in 2016. There have been statistical fluctuations for these nationalities over several years. The 2016 and 2015 figures are quite stable, but Algeria is down by 4 from 2015, while Somalia and Romania are down 3 each.

KOM's statistics of nationalities among minors vary from year to year, as regards both how many nationalities are represented and the number of minors from each country. Over the years, however, some nationalities stand out in this overview. The Fafo report [Not our children. Identification and follow-up of minor victims of human trafficking in Norway](#) (Fafo report 2015:45) categorises the majority of minor victims of human trafficking as follows: (i) Girls from Africa south of Sahara exploited for prostitution, (ii) boys from North Africa and the Middle East exploited for different forms of crime, often drug dealing, and (iii) boys and girls from countries in Central and Eastern Europe exploited for prostitution, theft and fraud. In addition to these groups, there is a heterogeneous group of minors from almost all parts of the world exploited for various purposes. These groups mostly correlate with the reporting submitted to KOM.

**Diagram 4:** Number of presumed minor victims in 2016, by form of exploitation  
**N=18**



**Comments to diagram 4:**

- In 2016, as in 2015, the exploitation categories "forced labour/forced services" and "prostitution/other forms of sexual exploitation" are **about the same size**, with 8 minors in the former and 7 in the latter. In previous years, forced labour/forced services was the most common form of exploitation among presumed minors.
- In the category **forced labour/forced services**, only 1 minor is presumed to have been exploited for forced labour and the remaining 7 are presumed to have been exploited for forced services, mainly in connection with drug-related crime.
- In the category **prostitution/other forms of sexual exploitation**, 3 minors were presumed to be exploited for prostitution and 4 for other sexual purposes.
- We see that both sexes are represented in both exploitation categories: Of the 8 minors exploited for forced labour/forced services, 5 are boys and 3 are girls. Of the 7 minors presumed to be victims of exploitation for prostitution/ other forms of sexual exploitation, 5 are girls and 2 are boys. 2 boys were exploited for a combination of prostitution/other forms of sexual exploitation and forced labour/forced services.
- For 1 minor, the exploitation form was unclear at the time of the reporting.

**Other salient aspects of the statistics for presumed minors reported in 2016:**

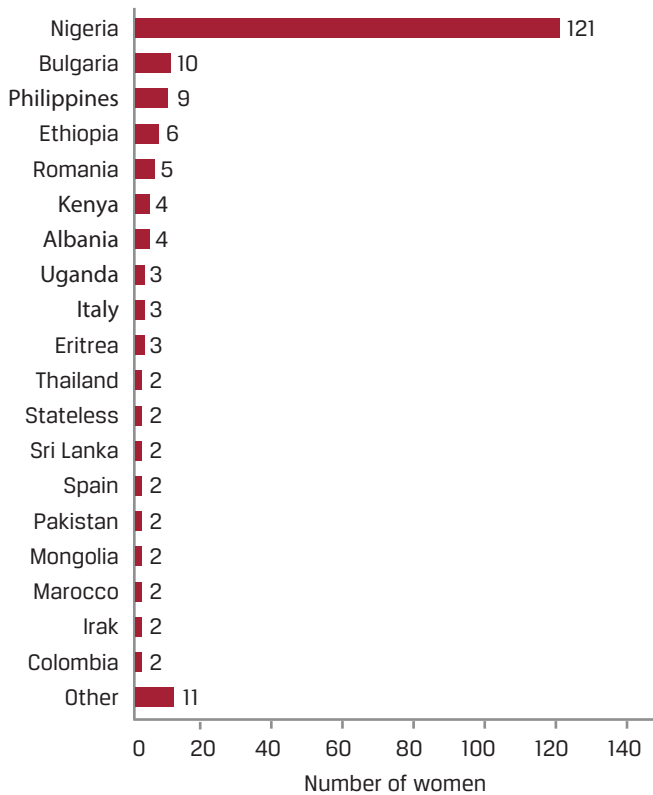
- As in previous years, the majority of the presumed minor victims of human trafficking are aged **16 and 17**. The reports submitted to KOM show that children approaching the age of 18 are most at risk of being or becoming exploited by human traffickers in Norway. However, the youngest reported victim in 2016 was a boy of 12. This is one of the **youngest** victims ever reported to KOM.
- In 2016, there was a completely equal distribution between boys and girls, **9 each**. The distribution was also completely equal in 2014, while KOM's statistics show a majority of girls from 2007 to 2009 and a majority of boys from 2010 to 2014. In 2015, the majority were girls.

**4.6.5 Women over the age of 18**

In 2016, a **total of 197 women** over the age of 18 were followed up as presumed victims of human trafficking. This is a minor decline from the preceding year, when 205 women over the age of 18 were reported.

**Diagram 5:** Women in 2016, by nationality

**N=197**



**Comments to diagram 5:**

- The diagram provides an overview of nationalities represented with 2 or more reported women in 2016. The "Other" category is made up of nationalities represented by only 1 woman.
- The 197 women represent a total of **30 different nationalities**, more than we have seen in preceding years. In addition to the 19 nationalities that emerge from the diagram, there are 11 women from 11 other countries who were also followed up as presumed victims (see the "Other" category).
- Of the 30 nationalities in total, **Nigeria** is the highest represented country, as in earlier years, with 121 women. They make up **61 per cent** of the total number of women.
- Almost all of the 121 Nigerian women are presumed to have been exploited for prostitution or subjected to other forms of sexual exploitation, 119 for the former and 3 for the latter. Furthermore, 2 of the 119 women exploited for prostitution are also presumed to be exploited for a combination of prostitution and forced labour.
- In 2016, Nigeria was followed by **Bulgaria**, with 10 potential female victims of human trafficking. In 2015, 11 women from Bulgaria were reported.
- The decline for **the Philippines** is also quite marked, from 16 women in 2015 to 9 in 2016. This may be linked to a lower number of reported victims from the Au Pair Center in 2016, previously the most frequent reporter of women from the Philippines.
- **Ethiopia** has seen a minor increase in women, 6 in 2016 compared with 4 in 2015.
- **Romania** is the nationality with the greatest change, with 15 women reported in 2015 against only 5 in 2016. This was a marked **decline**, also when considered against the figures from before 2015. The percentage of women from Romania exploited for forced services has been relatively high for several years. The general decline in reported cases of forced labour or services in 2016 may therefore have impacted on the reduction in the percentage of Romanian women in the statistics.

**Diagram 6:** Women in 2016, by form of exploitation  
N=197



**Comments to diagram 6:**

- As in preceding years, exploitation for prostitution or other forms of sexual exploitation dominates, involving 173 of the 197 women followed up in 2016. This amounts to almost **88 per cent**.
- The calculations relating to victims show a **marginal decline** in the number of women exploited for prostitution, from 175 in 2015, to 173 in 2016.
- Only **7 per cent**, i.e. 13 women, were presumed to have been exploited in **forced labour or services**. This is a marked decline from the 26 women reported in 2015.
- As regards forced labour or services, the situation is quite varied, but exploitation for domestic work remains prominent with 4 reported female victims. Furthermore, 3 women are reported to have been exploited in service-sector businesses such as restaurants and massage parlours. In addition, 3 were reportedly presumed to be exploited for acquisitive crime and 2 for begging.
- Women represent 11 of the 13 persons who were reportedly exploited for a **combination** of prostitution and other forms of sexual exploitation and forced labour or services. This is a marked **increase** from the preceding year, when only 3 women were exploited in a combination of exploitation forms.

**Other salient features of the statistics over women reported in 2016:**

- The ages of the women range quite widely, from 19 to 59.
- The age distribution shows that women between the **ages of 19 and 35** are most at risk of being recruited for exploitation. The **majority** of the women, or 154 out of 197, are in this age bracket (53 are aged 19–25, 61 are aged 26–30, and 40 are aged 31–35).
- The distribution of women by **age group and presumed form of exploitation** clearly shows that women aged 19–35 form the largest group exploited for prostitution or subjected to other forms of sexual exploitation, with **139** reported women. Only 7 women aged 19–35 are reported to have been exploited for forced labour or services. **19** women over the age of 35 are reported to have been exploited for prostitution or subjected to other forms of sexual exploitation, while **6** were exploited for forced labour or forced services. The age of women exploited in a combination of prostitution and other forms of sexual exploitation and forced labour or services spans from 22 to 51.

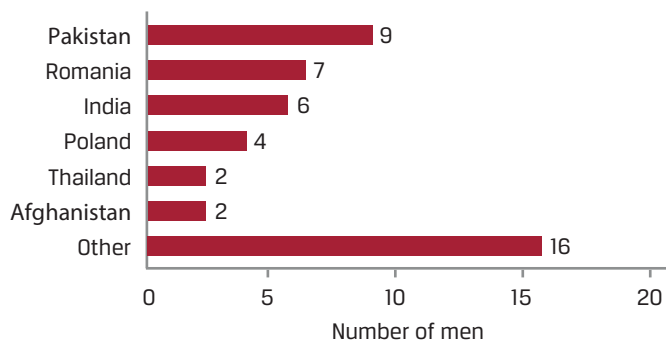


#### 4.6.6 Men over the age of 18

A total of **46** men over the age of 18 were followed up as presumed victims of human trafficking in 2016. This is a **decline** from the preceding year, when 54 men over the age of 18 were reported.

We cannot reliably determine what the cause of this decline is due to. One explanatory factor may be the general decline in the number of persons reported to have been exploited for forced labour and forced services, a category where men make up a clear majority of victims.

**Diagram 7:** Men in 2016, by nationality  
**N=46**

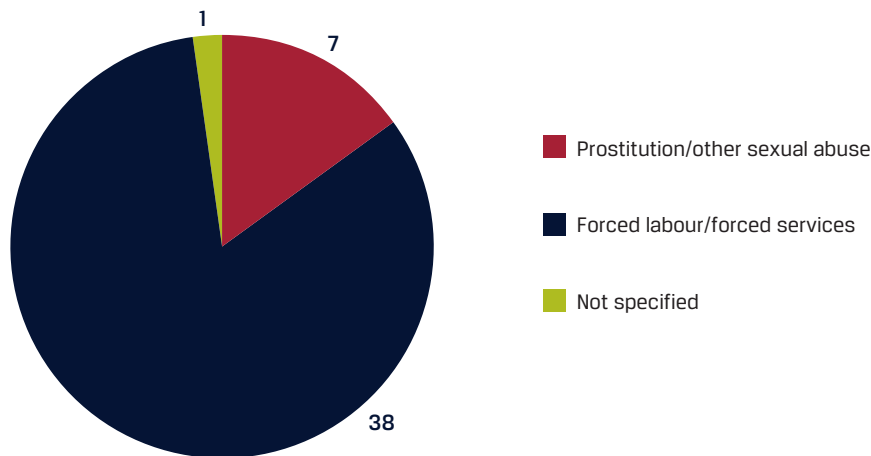


#### Comments to diagram 7:

- The diagram provides an overview of nationalities represented by 2 or more men in 2016. The "Other" category is made up of nationalities represented by only 1 man.
- The 46 men represent a total of **22 different nationalities**. This is a **higher** number of nationalities than in previous years. In addition to the 6 nationalities in the diagram, there were 16 men from 16 other nationalities who were also followed up as presumed victims (see the "Other" category).
- Of the 22 nationalities, **Pakistanis** form the largest group, with 9 reported men. They make up **19 per cent** of the total number of men. All of the 9 Pakistani men were exploited for forced labour, many of them in the so-called Lime case.

- Pakistan is followed by **Romania**, with 7 male presumed victims of human trafficking. This is down by 50 per cent from 14 in 2015. This means that the reduction in Romanian female victims in 2016 is mirrored among Romanian men. One reason may be that the number of reported victims exploited for forced labour or services, a category where Romanian nationals have been heavily represented, has gone down.
- As in previous years, **Indians** are among the frequently occurring nationalities. All 6 Indian men were exploited for forced labour or services.
- **Poland** is represented with 4 men in 2016, compared with 5 in 2015.
- **Thailand** is represented with 2 men. Reporting to KOM in recent years has not included any Thai nationals. Both men were exploited for prostitution.
- **Afghanistan** is represented with 2 men in 2016, as in 2015. 1 of them is reported to have been exploited for forced labour, while the other was subjected to sexual exploitation.

**Diagram 8:** Men in 2016, by presumed form of exploitation  
N=46



**Comments to diagram 8:**

- As in previous years, exploitation for **forced labour or services** dominate, with **38** reported men. This amounts to **83 per cent** of all men followed up as presumed victims of human trafficking.
- For forced labour, the situation is quite varied, with men exploited within various sectors such as construction, agriculture, cleaning, restaurants and car valeting.
- The percentage of men exploited for **prostitution/subjected to other forms of sexual exploitation** has increased over the last two years and amounted to **7** in 2016. This is **15 per cent** of all men followed up as presumed victims of human trafficking.
- The category "not specified" covers 1 man where the form of exploitation was still unknown at the time of reporting.

**Other salient features of the statistics over men reported in 2016:**

- The **age distribution** in 2016 ranges from **19 to 57**. In other words, the presumed victims cover a wide age range.
- There is no age group that stands out as being clearly the most vulnerable to recruitment and exploitation through human trafficking (from a total of 46 men, 8 are between the ages of 19 and 25, 9 are between 26 and 30, 11 are between 31 and 35, and 1 is above the age of 35). Looking at the age distribution overall, almost half of the 46 men are **older than 30**.
- The distribution of men by **age group** and **presumed form of exploitation** shows that 20 in the age group **19 to 35** were reported to have been exploited for forced labour or services. 7 men in the same age category were reported to have been exploited for prostitution or subjected to other forms of sexual exploitation. All the reported men **over the age of 35** were reportedly exploited for forced labour or services. This shows that exploitation for prostitution or forms of sexual exploitation occurs among young men.

## 4.7 Developments 2007–2016

Table 4 provides an overview and summary of developments in the number of presumed human trafficking victims, broken down by age, sex and presumed form of exploitation between 2007 and 2016.

**Table 4:** Presumed victims of human trafficking by sex, age and form of exploitation in the years 2007–2016, shown as number and percentage<sup>47</sup>

Year	Girls presumed to be under the age of 18	Boys presumed to be under the age of 18	Women over the age of 18	Men over the age of 18	Trans-gender persons over the age of 18	Total	Prostitution/ other forms of sexual exploitation	Forced labour/ service	War service	Organ removal	Combination/ not determined
2007	35 17%	19 9%	139 68%	10 5%	-	203	162 80%	32 16%	-	-	9 4%
2008	49 19%	45 18%	146 57%	16 6%	-	256	180 70%	71 28%	-	-	5 2%
2009	50 17%	19 7%	191 65%	32 11%	-	292	198 68%	80 27%	1 0.5%	1 0.5%	12 4%
2010	19 6%	60 19%	198 62%	42 13%	-	319	194 61%	112 35%	-	-	13 4%
2011	32 12%	33 12%	191 70%	18 6%	-	274	187 68%	72 27%	2 1%	-	13 5%
2012	33 9%	37 11%	255 73%	24 7%	-	349	239 69%	84 24%	10 3%	-	16 6%
2013	16 5%	18 6%	231 77%	35 12%	-	300	201 67%	88 29%	-	-	11 4%
2014	18 6%	18 6%	234 72%	54 17%	-	324	209 64%	103 32%	-	1 0.5%	12 4%
2015	27 9%	15 5%	205 68%	54 18%	-	301	204 68%	86 29%	-	-	11 3%
2016	9 3%	9 3%	197 75%	46 18%	1 0.5%	262	188 72%	59 23%	-	-	15 6%

<sup>47</sup> The percentages in the table have been rounded off to the nearest full number, except for figures amounting to less than 1 per cent. This means that the figures for minors in 2016 have been rounded down to 3 per cent for girls and 3 per cent for boys, while the real percentages are 3.5 for both.

#### Comments to table 4:

- The column "Combination/not determined" includes both persons subjected to a combination of exploitation forms and cases where the form of exploitation was unknown at the time of the reporting. For 2016, only 2 cases of unknown form of exploitation were reported, while 13 of the victims (5 per cent) were presumed to have been exploited for a combination of prostitution and other forms of sexual exploitation and forced labour or services.
- For presumed **minors**, there have been major fluctuations since 2007. From 2007 to 2011, the total number and percentage of presumed minors was considerably higher than from 2012 until present. 2016 saw a record low in the number of identified presumed minors, with a percentage of only 7.
- For the entire period 2007–2016, **women** made up the majority of the persons followed up as presumed victims.
- In the same period, the percentage of **men** has increased steadily.
- Since 2007, exploitation for **prostitution or other forms of sexual exploitation** has been the most prominent form of exploitation.
- The percentage of identified victims exploited for **forced labour or forced services** seems to have increased over the period with peaks in 2010 and 2014. However, the percentage has fallen over the last two years, and the **23 per cent** reported in 2016 is the lowest since 2007.

Developments in distribution by age, sex and form of exploitation must be read with **caution**. It is important to emphasise that the figures are based on voluntary reporting to KOM and that it is mainly the cooperating agencies and NGOs in Oslo and larger cities in Norway that report on their work. The variations with regard to **what** agencies and NGOs report to KOM and **what** they report will impact on the situation or trends described in this report. The reported figures and facts must also be seen in the light of manual counting and interpretation of the material. It is therefore not possible to determine how representative these trends are, but as previously pointed out, we believe that the calculations of the number of victims are minimum estimates. There are good reasons to assume that the number of victims in Norway is underreported.

# 5 The rights of identified presumed victims

## 5.1 What rights do presumed victims have?

Persons identified by the authorities as **presumed victims** of human trafficking are entitled to **assistance and protection** under the Council of Europe Convention: right to assistance to physical, mental and social restitution.<sup>48</sup> These rights are aimed at providing presumed victims with an opportunity to break free from a situation of exploitation.

**In Norway, presumed victims may be entitled to:**

- information about rights and support measures
- legal assistance (at least three hours of free legal advice to assess aspects of importance for filing a crime report, the counsel for the victim can apply to the County Governor for additional free legal advice)<sup>49</sup>
- a reflection period (a limited residence permit of six months) and further leave to stay upon meeting certain criteria.
- necessary security measures (following risk assessment)
- necessary medical assistance
- safe and adapted housing
- money to support themselves (and offers of activities and/or employment schemes)
- assistance for a safe return and re-establishment in their home countries

Unaccompanied minors are entitled to have their interests protected by a representative or legal guardian.<sup>50</sup> Minors are also entitled to basic education and may also be entitled to high-school education.

As there is no single agency responsible for identifying victims of human trafficking, there is no single agency responsible for determining whether the conditions for granting if certain rights have been met. The authorities responsible for the respective sectors will consider each case individually. **The authorities responsible for their respective sectors**, 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, are therefore responsible for following up the duties imposed by the Convention.

In this chapter, KOM has chosen to describe the rights to **a residence permit** and assistance to **safe return and re-establishment**. Victims of human trafficking are mainly foreign nationals who have only been in Norway for a brief period. Residence permits and assisted safe returns are particularly relevant in the general situation relating to rights and problems, and KOM has received accounts dealing specifically with these topics. However, let us first look into why some presumed victims reject offers of assistance.

## 5.2 Why do many reject offers of assistance?

KOM has asked the agencies and NGOs to report how many presumed victims choose to reject offers of assistance and protection. The reported data will naturally vary with the functions of the different reporting agencies and NGOs.

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48 It is not necessary to be a verified victim in order to be entitled to these rights, see the Council of Europe Convention's *Explanatory Report* item 147. It is sufficient that there are reasonable grounds for believing that the person is a victim.

49 See the Legal Aid Act section 11 subs. 1 no. 6, cf. the Regulations relating to stipulation of fees for publicly appointed counsels for the victim or defence section 5 subs. 2 no. 5 and [Circular G-13/05](#): "Cases where victims consider reporting human trafficking to the police are often so complex that the actual number of hours worked is often double what the stipulated fee allows. The exception in subsection five will therefore often apply in these cases."

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50 Unaccompanied minors who seek protection (asylum) or a limited residence permit for presumed victims of human trafficking (reflection period) are entitled to a representative, see the Immigration Act section 98a. The right to a legal guardian is stipulated by the Guardianship Act, see also [vergemal.no](#). A legal guardian can also be appointed for adults who need assistance to protect their interests.

It is therefore not possible to determine with certainty whether the percentage of presumed victims who accept offers of assistance and protection is going up or down. Several agencies and NGOs have, however, experienced that many individuals identified as presumed victims of human trafficking choose to reject assistance and protection.

There are many and complex **reasons** for this. In their report "*Leaving the past behind? When victims of trafficking decline assistance*", Anette Brunovskis and Rebecca Surtees mention three main reasons why victims exploited for prostitution decline offers of assistance:<sup>51</sup>

- Personal circumstances that make victims of human trafficking reject offers of assistance.
- The circumstances and content of the assistance and the protection.
- Personal experience and social context prevent victims from accepting assistance.

These three main categories overlap some, but Brunovskis and Surtees' findings correlate to a great extent with the experiences of Norwegian authorities and NGOs.

Researchers have pointed out that it is important to acquire more **insight into** about why victims do not want help. Reference is made to the fact that the current support measures are designed on the basis of work with victims who have accepted assistance and protection. If we assume that those who decline have other needs than those who accept, it will be crucial to learn more about the needs that those who decline believe the offer does not cover.

Presumed **minors** who are victims of human trafficking can generally not reject offers of assistance and protection. The Child Welfare Services can initiate measures for children even if the child should not wish them to do so. However, it is a major problem that children disappear and do not consider themselves victims of human trafficking. The Child Welfare

Services, the police, the Municipal Outreach Service and other agencies and NGOs working to protect children report that a large percentage of presumed minors evade protection and assistance. There are reports that these are children and young people who consider themselves independent, tough and "street-smart". They may perceive their exploitation as help and do not understand that they are in need of protection in the form of being placed in a child welfare institution. They generally do not believe that the Child Welfare Services and other agencies and NGOs have their best interests at heart, and often feel a strong loyalty to the traffickers. The support measure providers have also seen that after a time, some children eventually understand that they are in need of the assistance and protection provided by the Child Welfare Services.

## 5.3 Legal residence

In 2016, the UDI registered 142 presumed victims of human trafficking whose immigration status was still being processed.<sup>52</sup> Below you will find the information from the UDI and the Immigration Appeals Board about decisions on residence permits for presumed victims.

### 5.3.1 Limited residence permits for victims of human trafficking

Persons identified as presumed victims of human trafficking may be granted a reflection period and/or limited residence permit (the Immigration Regulations section 8-3 subs. 1 and 2):

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51 Brunovskis, Anette og Surtees, Rebecca (2012) [Leaving the past behind? When victims of trafficking decline assistance. Summary report](#). Oslo: Fafo/Nexus institute (Fafo-rapport 2012:31).

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52 The date for the registration of the presumed victims may be when a decision to grant a reflection period or protection was made, or when the asylum centre reported a presumed victim or when an asylum seeker was registered in the ROSA/Laura shelters, or in connection with a return through IOM. The UDI points out that there is great uncertainty as to the overall number, due to manual reporting and, as a result, the possibility that victims are reported more than once. The UDI emphasises that it does not have reporting procedures for presumed victims identified in other cases, such as visa applications, au pair permits, family reunification, work permits, expulsion etc.

- The **reflection period** entails a six-month residence permit which cannot be renewed. The purpose of the permit is to enable the victim to break ties with the trafficking environment. The assessment will emphasise whether there are signs that the person is a victim of human trafficking, and whether the person is motivated to receive support and follow up the offered measures.
- A **limited residence permit** is granted for up to 12 months and can be extended. The purpose of the permit is to facilitate prosecution of the traffickers. The conditions for being granted such a permit is that the person has broken ties with the trafficking environment, that the matter has been reported to the police, that an investigation or prosecution against the traffickers has been initiated and that the police or the prosecuting authority considers the foreign national's presence in Norway necessary to achieve a conviction.

For more information on the conditions for the permits and the associated procedures, see The UDI's circular [RS 2013-014](#) *Residence permits for foreign nationals presumed to be victims of human trafficking (reflection period etc.)*. For more information on residence permits for witnesses in human trafficking cases, see section 5.3.2.

The UDI made 90 decisions pursuant to the Immigration Regulations section 8-3 in 2016.<sup>53</sup> The decisions applied to 82 persons. 1 of the applicants was a minor when the application was submitted (the status of the applicant was changed to a minor after the decision was made in another one of the cases).

- 40 of the decisions concerned a **reflection period**, cf. the Immigration Regulations section 8-3 subs. 1:
  - 26 applications were granted (of which 1 was from a minor)

- 14 applications were rejected

- 50 of the decisions concerned a **limited residence permit**, cf. the Immigration Regulations section 8-3 subs. 2:
  - 23 applications were granted. 8 of them were initial applications, while 15 were permit renewals.
  - 27 applications were rejected 22 of them were initial applications, while 5 were permit renewals.

In addition to the 90 decisions, the UDI reversed 4 decisions following appeal (3 reflection period decisions and 1 limited residence permit decision).

Applications were submitted for 11 accompanying children, where the parent applied for either a reflection period or a limited residence permit, cf. the Immigration Regulations section 8-3 subs 4. 4 children were granted a permit on the same conditions as the parent, while 7 applications were rejected as the parent's application had been rejected.

Reports from the UDI shows that fewer persons applied for a reflection period in 2016 than in 2015. The basis for the rejections was mainly that the assertions relating to human trafficking had already been considered when the asylum application was processed, or that the information in the case indicated that the applicant was not a presumed victim of human trafficking, see the UDI's circular RS 2013-014 items 2.1.2 and 3.2. There were also fewer applications for limited residence permits in 2016 than in 2015. The rejections were mainly due to the police or the prosecuting authority's not having investigated or initiated prosecution against traffickers in the case, and that they therefore did not consider the applicant's presence in Norway necessary for the investigation or prosecution, see the UDI's circular RS 2013-014 item 4.1.

The UDI has also provided further information about the **applicants**:

- The applicants for a reflection period included
  - 29 women, 10 men and 1 minor girl (for 1 of the women, the age was changed to younger than 18 after the date of the decision).

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<sup>53</sup> 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.

- 21 from Nigeria, 4 from other African countries, 5 from Asia, 6 from Eastern Europe, 1 from Western Europe and 3 from other countries.
  - 12 of the 40 had applied for asylum before applying for a reflection period, their applications for asylum were either shelved in connection with the reflection period application or had already been rejected. 3 of the persons applied for asylum after initially applying for a reflection period.
- The applicants for a limited residence permit included
    - 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.
    - 22 of the 50 had applied for asylum before applying for a limited residence permit, their applications for asylum were either shelved in connection with the limited residence permit application or had already been rejected. 9 applied for asylum after first having applied for a limited residence permit.

The UDI has also reported on the **form of exploitation**. Manual reporting from the UDI shows that approx. 76 per cent of the applicants 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.<sup>54</sup> As regards the cases where the applicants were granted a residence permit, 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. Furthermore, the UDI states that approx. 59 per cent claimed that the exploitation had taken place in Norway only, while 12 per cent claimed that the exploitation had taken place in Norway and elsewhere, and approx. 29 per cent claimed that the exploitation had only taken place abroad.

<sup>54</sup> For reasons related to privacy protection, neither the form of the exploitation nor other sensitive information is listed in the DUF. Information about the form and location of the exploitation is therefore based on manual counting. Some uncertainty therefore pertains to the figures.

The **Immigration Appeals Board** decides appeals of decisions made by the UDI. The Immigration Appeals Board decided 21 appeals pursuant to the Immigration Regulations section 8-3:<sup>55</sup>

- 10 of the decisions concerned **the reflection period**. 1 of the cases was overturned on appeal. The applicant in this case had previously applied for asylum, and the Immigration Appeals Board had made a final decision in the case. Information that the applicant may have been a victim of human trafficking only surfaced later, in the application for a reflection period. The Appeals Board accepted that the applicant was not to blame for this information not being previously known.
- 11 of the decisions concerned **limited residence permits**. All decisions were upheld.

In practice, many presumed victims of human trafficking switch between applying for asylum and applying for a reflection period. In order to ensure that presumed victims of human trafficking are aware of their rights as regards to residence permits, the UDI currently provides information that it is possible to switch from applying for a reflection period to applying for asylum. Information on how to submit such an application is also provided.

### 5.3.2 Asylum application decisions where applicants have been identified as presumed victims

The right to seek asylum is guaranteed by international conventions. Norway is committed to not returning persons to their home country if they are at risk of being subjected to serious abuse. First, an assessment is made as to whether the applicant meets the conditions for **international protection (asylum)**. If these conditions are not met, the authorities must consider whether the applicant meets the conditions for a **residence permit for witnesses in human trafficking cases**, see the Immigration Regulations section 8-4 and

<sup>55</sup> There may e.g. be some decisions made by the UDI in previous years and therefore previously reported to KOM in connection with the UDI's input to KOM's annual report.



directive [GI-31/2010](#). The purpose is to enable the victims of human trafficking to assist the police in the prosecution of the traffickers without fear of reprisal. A human trafficking victim who has given evidence to the police or testified in court, may be granted a residence permit that can serve as a basis for a permanent residence permit, and this permit can only be granted following an asylum application. If the applicant does not meet the conditions for granting him or her asylum or a residence permit as a witness in a human trafficking case, the authorities will consider whether the applicant meets the conditions for a residence permit granted on the basis of **compelling humanitarian considerations or a particular connection to Norway**, see the Immigration Act section 38.

For information on topics related to legal assessments and procedures, see UDIs memo on practices and procedure [IM 2014-004](#) *The Asylum Department's handling of cases where the applicant may be a victim of human trafficking*.

As a result of the large number of asylum seekers who arrived in autumn 2015, the entire immigration bureaucracy was put under a great strain which made itself felt in 2016 as well. The Asylum Department has been under a great strain throughout 2016, and the UDI has recruited many new case officers. The UDI worries that large numbers of potential human trafficking victims go unreported as a result of the above.

In 2016, the UDI made 34 asylum application decisions where the applicant had been identified as a presumed

victim of human trafficking.<sup>56</sup> None of these applicants were accompanied by children, but 4 of them were minors when the decision was made.

- 20 of the 34 persons were granted residence permits:
  - 17 were entitled to residence permits due to a need for protection, cf. the Immigration Act section 28. For 10 of them, the need for protection was linked to risks that resulted from having given evidence as witnesses. This meant that no assessment was made as to whether they could also have met the conditions for a residence permit pursuant to the witness provision (the Immigration Regulations section 8-4).
  - 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.
- 5 applications were rejected after an examination of the facts in issue.

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<sup>56</sup> No note is made in the DUF as to whether human trafficking is mentioned in the asylum application. The figures are therefore based on manual counts, with the exception of permits given pursuant to the witness provision (the Immigration Regulations section 8-4). Some uncertainty therefore pertains to these figures. The figures do not cover decisions made by the Immigration Appeals Board. The UDI also points out that presumed victims of human trafficking are reported to KOM when the decision is made, not when they are identified as presumed victims. The figures therefore do not provide a full picture of the number of asylum seekers identified as presumed victims in 2016. For instance, asylum applicants who may be victims of human trafficking are informed of their rights and the available offers of assistance during their asylum interview, but they are only reported when their application has been decided. The figures include decisions in cases where the UDI accepts that the applicant is at risk of becoming a victim of human trafficking in Norway or abroad. The figures do not include cases where there are indications that the applicant is a human trafficking victim, though the applicant does not make the claim. Nor do the figures include cases where the UDI has not accepted claims that the applicant is a victim of human trafficking.

- 9 applications were rejected under the Dublin Regulation. 1 of these decisions was later overturned and subjected to an examination on its merits.

The UDI has provided more detailed information on the **group of applicants** linked to the 34 decisions:

- 12 were men and 3 were boys younger than 18; 18 were women and 1 was a girl younger than 18.
- 15 of the applicants were from Africa (8 from Nigeria), 13 were from Asia, 4 from Eastern Europe and 2 from the Middle East. The applicants were distributed among a total of 15 nationalities.
- 22 of them 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. 1 case is registered under "other", with no further details about the form of exploitation.
- In 12 of the cases, the exploitation allegedly took place in Norway. In 5 of the cases, the exploitation was said to have taken place in the applicant's home country, while the exploitation took place in a European country in 9 of the cases. In 8 cases, there was no information on where the exploitation took place. None of applicants claimed that the exploitation continued in Norway at the date of the decision.
- 17 of the applicants had previously been granted residence permits under the Immigration Regulations section 8-3: 4 were granted permits under subs. 1 (reflection period) and 13 under subs. 2 (limited residence permit).

The figures above differ sharply from those reported by the UDI's Asylum Department for 2015. In 2015, all the identified victims of human trafficking were women, and 21 out of 23 were from Africa. 21 claimed to have been exploited for prostitution or subjected to other forms of sexual exploitation. The figures from 2016 include more men than figures from previous years. The UDI also notes that a

considerable number of presumed victims claim to have been exploited for forced labour or forced services. In addition, the UDI notes that 15 different nationalities are represented in the reports, and that every part of the world is represented.

KOM has also received reporting on asylum application decisions following appeal processing by the **Immigration Appeals Board**. In 2016, the Board considered 5 appeals relating to **asylum applications** where the applicant claimed to be a victim of human trafficking. The form of exploitation was prostitution in all the cases. The cases were mainly decided by the Board chair following preparatory proceedings in the secretariat:

- The appellants were all Nigerian women.
- The UDI's decisions were upheld in 3 of the cases. In the Immigration Appeals Board's assessment, there were no grounds for granting asylum pursuant to the Immigration Act section 28 subs. 1 letters a or b in any of the cases. The Appeals Board considered internal relocation in the home country a safe, possible and not unreasonable alternative for the appellant. The Board also found that the authorities in the home country are generally able to provide effective protection of the victims. The witness provision (the Immigration Regulations section 8-4) was not relevant in any of the cases.
- In 2 of the cases, a residence permit was granted on humanitarian grounds pursuant to the Immigration Act section 38. In the specific assessment of the totality of these cases, emphasis was placed on the appellants' particularly vulnerable situation upon a return to the home country, where they would have no network or help to get the necessary assistance with their mental and physical health issues. In one of the cases, the appellant's relatively long stay in Norway was considered relevant.

In addition, the Immigration Appeals Board considered 4 appeals relating to the **Dublin procedure** (the Immigration Act section 32 subs. cf. the Immigration Regulations section 7-4 subs. 2), where the appellants claimed to be victims of human trafficking:

- The Appeals Board found that the receiving countries were states governed by law with the ability and will to protect the appellants against criminal persons and groups, and that the countries in question were committed by the Palermo Protocol. The appellant was called upon to make the receiving country's authorities aware of the information that he or she was a presumed victim of human trafficking, as the receiving country would be responsible for considering the asylum application under the Dublin Regulation.
- One of the cases was returned to the UDI for reconsideration, as new information received during the appeal processing showed that the police wanted to put the appellant on the stand as a witness in a case against the appellant's traffickers.

### 5.3.3 Asylum centre residents

The UDI has reported that 8 presumed victims of human trafficking were identified among **asylum centre residents** in 2016. This figure includes unaccompanied children aged 15 to 18. The figures are based on manual reporting, and there is a risk of underreporting from the asylum centres to the UDI.

- 5 of the 8 were presumed to be minors, 2 boys and 3 girls. The minors were reported by asylum centres, the Asylum Department or the police.
- 3 of the 8 had been exploited for prostitution or subjected to other forms of sexual exploitation.
- 2 of the 8 were accompanied by at least one parent.

In addition, the UDI has recorded a total of 7 asylum-seeking women and 2 accompanying children living in a shelter provided by the **ROSA project** in 2016.

The UDI points out that increased numbers of arriving asylum seekers in autumn 2015 resulted in major pressure on the system. This also had an effect on the situation in 2016. There were many new asylum centre operators and employees. The UDI is therefore concerned that potential

victims of human trafficking in the centres go unreported. The UDI has noted that the reported figures from the reception centres have declined in recent years. For information relating to identification and follow-up of presumed victims of human trafficking in reception centres, see the UDI's circular [RS 2015-007](#) *Requirements regarding identification and follow-up of residents in asylum centres who may be exposed to human trafficking, family violence or child marriage*.

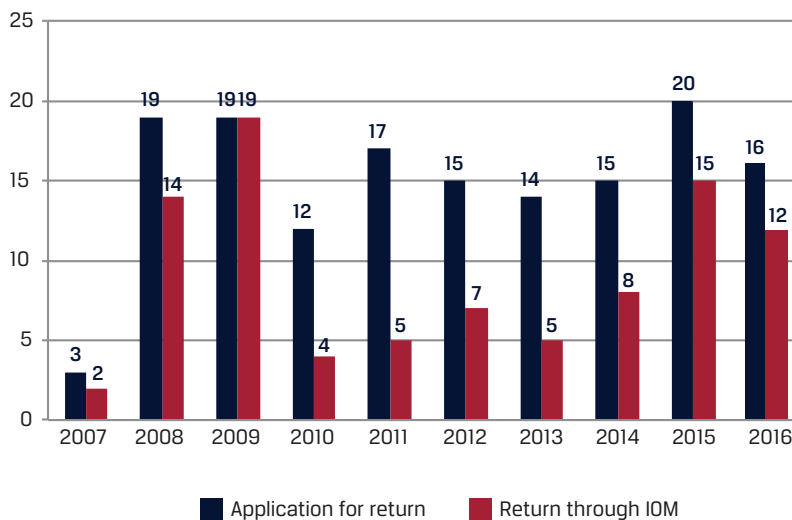
## 5.4 Assisted return and re-establishment

Article 16 of the Council of Europe Convention commits Norwegian authorities to facilitate (preferably voluntary) the safe return of victims and to have regard for the victim's interests. Victims must be given contact information about agencies that can assist them in the receiving country. Minors must only be returned if it is in their best interests.

In line with these obligations, victims of human trafficking can apply to the UDI for **assisted return**. However, only a minority of victims return in this manner. Some identified victims of human trafficking choose to return home or to another country where they can stay legally, without the assistance of Norwegian authorities or NGOs. Some disappear without leaving any information on where they are or have gone. Others are returned by the police to another European country where the authorities have made a decision pursuant to the Dublin Regulation, while others are forcibly returned to their home country following a final rejection of their application for asylum and failure to leave by the stipulated deadline. In some cases involving minors, the Child Welfare Services facilitate return, in particular in cases where the child is an EEA national. The commitments imposed by the Council of Europe Convention relating to facilitation of return apply to all return cases.

We will look more closely at the number of possible victims who apply to the UDI for assistance for a safe return

**Diagram 9:** Overview of the number of applications to and IOM returns from 2007 to 2016



and re-establishment in their home countries<sup>57</sup>. The UDI offers presumed victims of human trafficking **assisted return and reintegration** through the [IOM \(International Organization for Migration\) Voluntary Return and Reintegration Assistance to Vulnerable Migrants](#).<sup>58</sup> The purpose of this programme is to prevent them from becoming victims again and to contribute to their reintegration in their home countries. Support schemes are offered to help integration in the home country through e.g. education and

labour-market measures.<sup>59</sup> For minors, the offered support facilitates satisfactory care through return to their families or other suitable care.

The Ministry of Justice and Public Security holds the overall responsibility for the authorities' offers of assisted return and reintegration for presumed victims of human trafficking, in line with the Council of Europe Convention article 16.

Diagram 9 shows an **overview** of the number of applications and completed returns between 2007 and 2016. There are various reasons for the fluctuations. The decline from 2009 to 2010 was mainly due to lack of public funding. While

<sup>57</sup> Assisted return can also be provided to countries outside of Schengen if the returnee has a residence permit with a duration of more than six months. However, most returnees apply for return to their home country and the text below therefore refers to returns to home countries. This also applies to the figures for completed assisted returns.

<sup>58</sup> For general information on assisted return, see [the UDI's website on assisted return](#) and the Ministry of Justice and Public Security circular [G-02/2016 Guidelines for the work with assisted returns](#). Previously, IOM had a return programme for potential victims of human trafficking (the so-called Counter Trafficking programme from 2007 to 2012). In 2012, through an agreement with The UDI, IOM established a programme for assisted return and reintegration for several groups of vulnerable migrants, including potential victims of human trafficking.

<sup>59</sup> Presumed victims are offered reintegration support: some means of support are disbursed in cash, while the rest takes the form of services and material goods. The aim is to prevent returnees from becoming even more vulnerable by carrying large amounts of cash, and to facilitate more long-term planning of the reintegration support. The use of the support is based on a reintegration plan developed by the recipient in collaboration with IOM and other partners. The main part of the reintegration support is handled by the local IOM office in the home country. For more information, see [IOM's information folder](#) about reintegration support.

awaiting funding, IOM had to stop voluntary return and reintegration of presumed victims. The funding situation was resolved in September 2010 and IOM could resume its work. From 2010 to 2014, the number of applications and returns has been relatively stable. In 2015, there was an increase of 15 returnees, of which 3 were children accompanying their parent(s). In 2016, 16 presumed victims of human trafficking applied for a return through IOMs vulnerability project. **12 returned to their home countries, 6 women and 6 men.** 4 of the returnees in 2016 were from Europe, 4 from Africa (2 from Nigeria) and 4 from Asia.

#### [The Government's action plan against human trafficking](#)

points out that many victims do not wish to return. One of the **measures of the action plan** is to provide more tailored information and to improve the content of the return offer. This to increase the percentage of victims who receive assistance to return (measure 8).

One of the important objectives of the return and reintegration project is to prevent re-trafficking. In this connection, it is important to gather **information** on what happens to the returnees:

- A report from a research project into assisted return to Nigeria, funded by The UDI, was publicised in 2016, see [Assisted return to Nigeria](#), May-Len Skilbrei et al. at the Department of Criminology and Sociology of Law, University of Oslo. (2016). The study examined to what extent the Financial Support for Return programme motivates Nigerian asylum seekers and persons with no legal grounds for staying in Norway to choose assisted return. The study also looked at the situation for vulnerable groups upon their return to Nigeria. The report proposes improvements in the UDI's work to develop return programmes and support schemes.
- From 2015 to 2019, the Research Council of Norway funded a broader and more comprehensive research project which aimed to understand the dynamics between the migration controls of states and the choices migrants make as regards e.g. return, see [Transnationalism from above and below: Migration management and how migrants manage \(MIGMA\)](#).

## 6 Criminal justice responses to human trafficking

Human trafficking has been a priority for the police since the introduction of a specific human trafficking provision in the Penal Code in 2003. Nevertheless, the number of investigated cases and convictions has been low. In this chapter, we take a look at goals and priorities, the number of crime reports filed and the number of cases under investigation and/or prosecution in 2016, in particular at issues related to prosecution of these cases, and human trafficking convictions.

We have asked the public prosecutors' offices, police districts<sup>60</sup>, and specialist agencies to provide input on the number and types of cases in 2016, the type of challenges met in such cases, the main reasons why offences eventually are not subsumed under the old Penal Code section 224 and the new Penal code sections 257 and 258, and new current challenges relating to such criminal cases, as well as examples of preventive measures and strategies, and intelligence products prepared in 2016. We have obtained information about the number of crime reports in the National Database of Criminal Cases and any directives relating to the police's work provided by overall governing documents. The overview of judgments has been obtained from the Norwegian legal database *Lovdata*. This chapter has been prepared by KOM in cooperation with NCIS, which has the coordinating responsibility for the police national expert group to combat human trafficking.

### 6.1 Goals and priorities for the police's efforts

Human trafficking breaches fundamental human rights and constitutes a serious form of crime that is particularly harmful for the victims. The police have been given clear overall directives for their efforts to combat this type of crime.

All of the **four actions plans formulated by the Government**, from 2003 to the current action plan from

2016, have had two overall and equally important objectives: assisting and protecting the victims, and investigating and prosecuting the traffickers. These objectives are partially mutually dependent; traffickers should be prosecuted to give the victims the best possible protection, and to prosecute the traffickers it is required to protect and safeguard the victims as witnesses. It is also important that human trafficking is prevented and exposed, both nationally and internationally. The [Government's action plan from December 2016](#) demands structural improvement of the police force and efforts to ensure that criminal offences relating to all forms of exploitation as a result of human trafficking are investigated and prosecuted quickly and effectively.

**The Director of Public Prosecutions** has emphasised, both in 2016 and 2017, that more human trafficking cases should be uncovered. The Director of Public Prosecutions states that human trafficking is often committed in the context of organised crime. The Director's goals and priorities for prosecution orders the police and the public prosecutors' offices to strengthen their expertise on the subject, to actively seek to uncover closed groups and networks behind this serious and often lucrative form of crime, and conduct more accurately targeted financial investigations. The Director emphasises that migration developments will have an impact on the crime situation, partly in the form of crime targeting vulnerable foreigners through human trafficking, labour-market exploitation, and exploitation of (unaccompanied) minors. The Director has also emphasised the importance of an active and targeted effort against labour-market crime: illegal use of foreign labour, human trafficking, aggravated social dumping, forced labour and fictitious invoicing.

### 6.2 The penal provisions relating to human trafficking

Human trafficking is a relatively new concept in the Penal Code. The prohibition against human trafficking was enacted in Norway by the Act of 4 July 2003 no. 78, as a result of

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<sup>60</sup> The police reform of 2016 cut the number of police districts from 27 to 12. This report refers to the new police districts.

Norway's ratification of the Palermo Protocol.<sup>61</sup> A new penal code came into force on 1 October 2015. Human trafficking is now covered by the Penal Code sections 257 and 258. The provision in the old Penal Code of 1902 section 224 still applies for cases where the offence was committed prior to 1 October 2015. The new Penal Code includes the old penal provision, with some changes to the wording. The maximum penalty for human trafficking has been raised to six years' imprisonment, while aggravated human trafficking still has a maximum penalty of 10 years.

The new penal code includes the word "forces" in the introduction to section 257, and the word "forced", as used with the word "labour" ("forced labour") has been removed from subs. 1 letter b. These adjustments to the wording are not intended to change the realities of the provision, but to express more clearly that exploitation for prostitution and other forms of sexual exploitation can also include elements of coercion.<sup>62</sup> The change may also entail that the it becomes easier to prove exploitation for labour or services (previously forced labour or services) than was previously the case.

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#### The penal provision in the Penal Code of 2005:

##### Section 257. Human trafficking

Any person who by violence, threats, taking advantage of a vulnerable situation or other improper conduct forces, exploits or deceives another person into/for

- a) prostitution or other sexual services,
  - b) labour or services, including begging,
  - c) active military service in a foreign country, or
  - d) consenting to the removal of one of the person's internal organs,
- shall be punished for human trafficking with imprisonment for a term not exceeding six years.

The same penalty shall be applied to any person who

- a) facilitates such force, exploitation or deception as specified in the first paragraph by procuring, transporting or receiving the person,
- b) otherwise contributes to the force, exploitation or deception, or
- c) provides payment or any other advantage to obtain consent for such a course of action from a person who has authority over the aggrieved person, or who receives such payment or advantage.

Any person who commits an act as specified in the first or second paragraph against a person who is under 18 years of age shall be subject to punishment regardless of whether the act involved violence, threats, taking advantage of a vulnerable situation or other improper conduct. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be subject to a penalty if he/she may be held to blame in any way for such ignorance.

##### Section 258. Aggravated human trafficking

Aggravated human trafficking is punishable by imprisonment for a term not exceeding 10 years. In determining whether the violation is aggravated, particular weight shall be given to whether the person subjected to the act was under 18 years of age, whether severe violence or force was used and whether the act generated significant proceeds. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be punished if he/she may be held to blame in any way for such ignorance.

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61 [The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](#). For the law bill, see [Parliamentary bill no. 62 \(2002-2003\)](#).

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62 [Parliamentary bill no. 22 \(2008-2009\)](#), p. 421.

### 6.3 Strengthening the efforts of the police

The Ministry of Justice and Public Security' assignment letter to the National Police Directorate defines human trafficking as a priority crime category. Efforts to combat all forms of human trafficking must be stepped up and more accurately applied.

In the 2015 state budget, Parliament earmarked NOK 15 million for police efforts to combat human trafficking. The funding was earmarked for the establishment of **specialised human trafficking groups**. The National Police Directorate awarded the funding to five police districts: Oslo, Agder, Sør-Vest, Vest and Trøndelag. These districts had previously had dedicated units, projects or informal groups investigating human trafficking. The funding was continued in 2016. The groups were organised in different ways, and interacted with police prosecutors and other district units in various manners. The number of officers also varied, from ten full-time positions in Oslo to three in Agder, and some of the officers were also seconded to other types of cases at times, based on specific priorities. All police districts report their efforts to combat human trafficking via the police governance tool (PSV), but districts with specialised human trafficking groups are required to provide additional reports.

The [2016 police reform](#) defined the clear expectation that all police districts will boost internal expertise to meet the challenges posed by human trafficking, and that they will ensure the capacity to prevent, investigate and prosecute such crimes.<sup>63</sup> The reforms also requires creating standardised functions responsible for ensuring a comprehensive approach to prevention and investigation of human trafficking cases for all forms of exploitation. The function will amass knowledge on the topic through gathered

intelligence, assess expected developments, implement the right preventive measures and prosecute traffickers.<sup>64</sup>

NCIS, the National Criminal Investigation Service, took over coordination of the **police national expert group to combat human trafficking** in 2016. The expert group was established in 2006 as part of the implementation of the Government's action plan. The group was administrated by the National Police Directorate until 2015. The expert group's purpose is to improve the police's understanding and knowledge of the human trafficking phenomenon. The group's tasks include intelligence work and knowledge-based measures, exchange of experience between police officers and prosecutors, further development of methods and efforts to combat human trafficking and to encourage cooperation with relevant parties. The group also has responsibilities relating to cooperation and joint action, quality assurance, the provision of input to national and international reporting, and the updating of information on human trafficking on the police information portal, KO:DE.

In autumn 2015, the responsibility for coordinating police intelligence work in relation to the flow of asylum seekers and migrants to Norway was assigned to NCIS, in close cooperation with the National Police Immigration Service (Op Migrant). The preparation of tactical intelligence reports focusing in particular on human trafficking was one aspect of this assignment. OP Migrant continued until March 2017 and provided decision support for targeted police measures.

**International police cooperation** is important in efforts to uncover cross-border crime such as human trafficking. NCIS plays a key role in this work, and is a point of contact for several international channels, including Europol and Interpol. In 2016, Norway continued the work in Europol's human trafficking project [EMPACT \(European multidisciplinary platform against criminal threats\)](#), one of Europol's three overall prioritised areas). This project targets several

<sup>63</sup> See measure 9 of [the Government's action plan against human trafficking](#).

<sup>64</sup> See [Parliamentary proposal 61 LS \(2014-2015\)](#) and the National Police Directorate's [framework and guidelines for establishing new police districts](#), version 1.0 of 10 May 2016, section 3.2.25. See also [the National Police Intelligence Doctrine \(2014\)](#).



threats within the human trafficking area. Norway participates in two sub-projects: financial intelligence in human trafficking cases, and Operation ETUTU, targeting criminal networks in Nigeria that exploit women for prostitution in Europe. The EMPACT cooperation provides a unique opportunity to build police networks among member states for both intelligence and investigation purposes in human trafficking cases.

Another example of international police cooperation is a secondment scheme under the auspices of the National Police Directorate. In 2016, participants included Oslo Police District's human trafficking group. The scheme included a

75-day secondment for two Romanian police officers who participated in preventive work and investigation in Oslo. Last year, the Oslo Police District human trafficking group also ceded officers to participate in the training of multinational investigation teams. The secondment scheme contributes to important cross-border cooperation. Oslo Police District points out that the secondment scheme should be expanded to include the prosecuting authority.

**Table 5:** The number of filed human trafficking reports over the last ten years, by form of exploitation (the offence may have taken place abroad or in Norway)

YEAR	NUMBER OF FILED HUMAN TRAFFICKING CRIME REPORTS (the Penal Code of 1902 section 224 and the Penal Code of 2005 sections 257 and 258)					TOTAL
	Prostitution/ other sexual purposes/ services	(Forced) labour/ service	Organ trade	War service	Facilitation	
2007	19	4	-	-	-	23
2008	41	4	1	-	-	46
2009	31	7	-	-	-	38
2010	30	10	-	-	-	40
2011	32	12	-	-	-	44
2012	26	22	-	-	-	48
2013	30 (of which two are aggravated)	39 (of which five are aggravated)	-	1	-	70 (of which seven are aggravated)
2014	37 (of which three are aggravated)	68 (of which 48 are aggravated)	1	-	-	106 (of which 49 are aggravated)
2015	43 (of which 4 are aggravated)	18 (of which three are aggravated)	-	-	1	62 (of which seven are aggravated)
2016	35 (of which 4 are aggravated)	8	-	-	3	46 (of which four are aggravated)
TOTAL	324	192	2	1	4	523

## 6.4 Reported crimes

Table 5 provides an overview of the **number of crime reports filed over the last ten years** for violations of the human trafficking provisions in the Penal Code (section 224 in the Code of 1902 and sections 257 and 258 in the Code of 2005). The overview gives figures for form of exploitation and applies to crime reports filed in Norway, but the offences may have taken place elsewhere.<sup>65</sup>

The number of crime reports filed **rose steadily** from 2009 to 2012, with a surge from 2012 to 2014, when it rose from 48 to 106. The increase was particularly marked for forced labour and forced services. One possible reason may have been increased attention, and the acknowledgement of the fact that forced labour also exists in Norway. The record number of crime reports in 2014 may have a number of causes, but the primary reason is the fact that some major cases were opened that year. For instance, 36 victims were recorded in one single case of suspected aggravated exploitation.<sup>66</sup>

However, from 2014 the number of crime reports **declined**, to 62 in 2015 (8 subject to the new Penal Code) and to **46 in 2016** (24 subject to the new Penal Code). Of the 46 crime reports in 2016, **4 concerned aggravated human trafficking**. 76 per cent of the crime reports filed in 2016 concerned exploitation for prostitution or other forms of sexual exploitation, and 17 per cent concerned exploitation for forced labour and forced services. The decline from 2015 to 2016 applies to both exploitation for prostitution or other forms of sexual exploitation and forced labour or services.

One of the explanations may be that the some police districts have tied up a lot of resources over the last two years in the investigation and preparation of very demanding cases, including the so-called "Lime" and "Planteland" cases. It is, however, hard to find a satisfactory explanation for why the percentage of forced labour cases has dropped below the figures for 2010.

Table 6 shows **crime reports in 2016 by police district**. The overview shows crime reports filed in Norway about offences that took place in Norway.<sup>67</sup>

The national overview in table 5 shows a total of 46 crime reports, while table 6 shows 31 crime reports. The reason is that table 5 includes all crime reports, also reports about offences committed abroad, while table 6 only includes crime reports about offences committed in Norway. In 2016, 54 per cent of these crime reports were submitted to Oslo Police District.

Although the police have gained more knowledge about human trafficking and a greater awareness that human trafficking takes place in Norway, the number of crime reports is still generally low. It is hard to point out specific reasons for why the number of crime reports fluctuates in the various police districts over the last decade. The reasons may have to do with factors within the police, the prosecuting authority and the public agencies responsible for safeguarding the rights of presumed victims, and with how the support measures are designed and also with factors relating to the victims and their counsels. A large number of human trafficking victims **dare not, cannot or will not** report the exploitation they have been subjected to. One reason for the low number of crime reports may be that cases are registered under other penal provisions due to the difficulty of uncovering the exploitation aspect.

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65 The information has been obtained from the National Database of Criminal Cases, table JUS065. The figures are "frozen" every 1 January of the following year, and the total number may therefore be subject to changes through the year as the status of the investigation changes. Since 2013, this table has differentiated between "human trafficking" and "aggravated human trafficking". The table also includes "facilitation" of human trafficking. Facilitation was also a criminal offence under the old penal code, but a separate facilitation statistics category was created in the National Database of Criminal Cases with the introduction of the new penal code.

66 The case concerned possible exploitation of Vietnamese nationals within agriculture and industrial greenhouse gardening.

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67 The information has been obtained from the National Database of Criminal Cases, table JUS063. 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.

**Table 6:** Filed reports in 2016 of crimes committed in Norway broken down by police districts

POLICE DISTRICT	NUMBER OF HUMAN TRAFFICKING CRIME REPORTS (the Penal Code of 1902 section 224 and the Penal Code of 2005 sections 257 and 258)					TOTAL
	Prostitution/ other sexual purposes/ services	(Forced) labour/ service	Organ trade	Military service	Facilitation	
Finmark	1	-	-	-	-	1
Innlandet	3 (of which three are aggravated)	-	-	-	-	3 (of which three are aggravated)
Nordland	1	-	-	-	-	1
Oslo	10	5	-	-	2	17
Sør-Vest	1	1	-	-	-	2
Sør-Øst	1	2	-	-	-	3
Troms	1	-	-	-	-	1
Vest	1 (of which one is aggravated)	-	-	-	-	1 (of which one is aggravated)
Øst	1	-	-	-	1	2
TOTAL	20	8	-	-	3	31 (of which four are aggravated)

## 6.5 Cases under investigation

KOM has tried to gain an overview of the number of human trafficking cases under investigation in the police districts in 2016. 10 out of 12 police districts and one specialist agency responded to our request. We can therefore not preclude that the police have investigated more cases than those reported.

NCIS investigates cases within its remit and prosecuted two human trafficking cases in 2016. One of the cases concerned the placing of orders for children for sexual exploitation via the internet; the National Authority for Prosecution of Organised and Other Serious Crime filed an indictment. Bergen District Court found that the matter was covered by the human trafficking provision and handed down a sentence of eight years' imprisonment, see attachment 1. The other cases prosecuted by the NCIS overlapped into social dumping, financial crime and exploitation for forced labour.

The investigation resulted in an indictment for aggravated fraud, but not human trafficking.

**The specialised human trafficking groups** have continuously been investigating cases or running projects relating to human trafficking, but the evidence has often been insufficient to file an indictment. The activities in the five groups have varied in form and scope. Several of the groups only had their first full year in operation in 2016.

- Oslo Police District (the largest group) investigated 21 human trafficking cases, 3 of which involved forced labour and 18 of which involved prostitution. The group initiated 3 cases itself in 2016, while the rest of the cases were initiated by the filing of crime reports. 5 indictments resulted in convictions in 2016.

- Agder Police District investigated 2 cases of human trafficking, 1 of which resulted in a conviction for controlling prostitution for gain. The judgment states that the offence "bordered on human trafficking".
- Sør-Vest Police District investigated 2 cases, 1 involving exploitation for prostitution and 1 involving exploitation of minors for acquisitive crime.
- Vest Police District has not initiated any new human trafficking cases in 2016, due to a deliberate prioritisation of completing several major human trafficking cases, some involving minors.
- Trøndelag Police District has investigated 2 cases involving potential exploitation for labour, in addition to several enquiries into matters which may involve exploitation for prostitution and labour. None of the cases were reported by members of the public, they were all initiated by the police.

All the specialised groups have, in addition, investigated a number of cases touching upon human trafficking: cases involving controlling prostitution for gain, buying of sexual services, labour-market crime, pill dealing and drug-related crime, where the police suspect links to human trafficking. The groups have also initiated or participated in raids and cooperation with police labour-market crime groups and other supervisory agencies. The importance of such cooperation is emphasised as a means of preventing persons at risk from ending up in an exploitative situation, uncovering potential victim and increasing expertise about human trafficking in other agencies

**Police districts without specialised human trafficking groups** have reported fewer cases:<sup>68</sup>

- Innlandet Police District did not open any cases involving human trafficking in 2016. The district has allocated one officer at the organised crime section to human trafficking, and the investigation of a major human trafficking case against a Bulgarian prostitution ring has required considerable resources since 2014. The district has never received any reports of human trafficking from victims or members of the public. All investigations have been initiated by the police. Innlandet Police District is aware of the potential for exploitation in the labour market, in the car valeting, construction and fast food sectors. The police believe that the employees have employment contracts and that stipulated wages are disbursed, but that they are forced to make cash withdrawals and repay most of the wages to the employer, and/or to rent housing at very high prices. The district points out that capacity constraints and funding issues make it difficult to uncover and investigate human trafficking cases.
- Sør-Øst Police District has investigated one case involving forced labour. The case was dropped. The district also mentions the so-called "Planteland" case, where an indictment was filed in 2014. The case was heard by Borgarting Court of Appeal in 2016 and the Supreme Court in 2017, see attachment 1.
- Møre og Romsdal Police District has not recorded any human trafficking cases. The district has looked into several cases, but has not uncovered any criminal offences.
- Nordland Police District has investigated one case involving exploitation for prostitution and forced services. The case was closed. The district reports that they uncover few cases and that capacity and expertise constraints make it hard to uncover and investigate such cases.
- Finnmark Police District has investigated one case involving exploitation for prostitution. The case was closed. Finnmark also states that lack of resources makes such cases difficult to pursue.

<sup>68</sup> Troms and Øst police districts have not submitted any reports to KOM. However, it must be mentioned that Øst Police District has spent considerable resources to prosecute and investigate the so-called Lime case in 2016.

## 6.6 Prosecuted cases

KOM has tried to determine how many human trafficking cases the public prosecutors' offices handled in 2016. The public prosecutors decide whether to file indictments in criminal cases and prosecute the cases in court. The National Authority for Prosecution of Organised and Other Serious Crime and five of the ten public prosecutor regions (Oslo, Hedmark og Oppland, Vestfold og Telemark, Møre og Romsdal, Sogn og Fjordane, Nordland) replied to KOM's request for information. Only the National Authority for Prosecution of Organised and Other Serious Crime and two of the regions (Oslo, Hedmark og Oppland) handled human trafficking cases in 2016.<sup>69</sup>

**The National Authority for Prosecution of Organised and Other Serious Crime** filed an indictment for assisting or encouraging human trafficking in one case in 2016 (judgment by Bergen District Court on 7 December 2016, final and enforceable, see attachment 1). The case was investigated and prosecuted by NCIS and involved placing orders for children for sexual exploitation via the internet. The Authority also states that the police have had some major and very resource-intensive human trafficking cases under investigation in 2014 and 2015. In the so-called Lime case, a very extensive labour-market crime case investigated by Øst Police District, the Authority filed an indictment for human trafficking and other offences in 2015. The main proceedings in Oslo Court of Appeal started in January 2016 and lasted the entire year. No judgment has yet been handed down (as at 1 July).

In 2016, **Oslo Public Prosecutors' Office** received 18 individual cases and two sets of cases, in total 22 cases, involving possible human trafficking offences:

- Of the 18 individual cases, 17 involved exploitation for prostitution and 1 involved forced labour (paving). The two sets of cases involved exploitation for forced services (theft).

- An indictment was filed for one of the sets of cases (exploitation of minors for theft, judgment in Oslo District Court on 20 April 2017, final and enforceable).
- The other cases were dropped, mainly by the police, and the decisions to drop the cases were upheld by the public prosecutors' office following appeal.<sup>70</sup> One set of cases and one individual case were dropped due to the state of the evidence, one case was dropped due to insufficient evidence and one case was dropped after being transferred to a foreign jurisdiction. The other cases were dropped due to lack of information about the identity of the perpetrator.
- Most of the cases were dropped due to the perpetrator being unknown to the police. On the basis of the processing of the appeals against the decision to drop these cases, the public prosecutors' office is of the opinion that the police seeks to identify the perpetrator to the extent possible, also through investigative measures abroad in several of the cases. Some of the appeals refer to investigative steps that the victim or his or her counsel believes should have been taken. The Public Prosecutors' Office has taken this into consideration, but has not found any basis for ordering further investigation.
- In some of the cases, the offences were committed abroad. In several such cases, the Norwegian police have transferred the case, along with the information provided in the crime report, to the police in the country where the offence was committed.
- With one exception, the cases were investigated by Oslo Police District. Øst Police District has only submitted one case recorded as a human trafficking matter to the Public Prosecutors' Office for prosecution in 2016. No cases have been received from Sør-Øst Police District. Although there is nothing exceptional in the fact that Oslo Police District received most of the crime reports and opened most of the cases, Oslo Public Prosecutors' Office still believes

<sup>69</sup> The overview of cases under prosecution may overlap with the overview of cases under investigation under section 6.5.

<sup>70</sup> The police can drop cases where no-one has been charged.

there is reason to ask why some police districts have few or no cases involving human trafficking.

- There have been several cases before the courts in 2016 where the Public Prosecutors' Office had previously filed an indictment. These cases involve exploitation for
  - prostitution (judgment Oslo District Court on 9 March 2016, final and enforceable)
  - prostitution (judgment Borgarting Court of Appeal 10 May 2016) and appeal to the Supreme Court against the sentencing and claims for compensation and/or restitution in the same case (judgment the Supreme Court 8 December 2016)
  - forced labour in the agricultural sector (judgment Eiker, Modum og Sigdal District Court 15 March 2016) and appeal to Borgarting Court of Appeal (acquittal of forced labour, judgment Borgarting Court of Appeal 30 June 2017, final and enforceable)
  - forced labour in the form of stealing, begging and bottle refund collection (judgment Borgarting Court of Appeal 6 April 2016, final and enforceable)
  - forced labour in industrial greenhouse gardening (judgment Borgarting Court of Appeal 25 November 2016) and appeal to the Supreme Court of the application of the human trafficking provision etc. (judgment the Supreme Court 7 June 2017)
- In the view of the Public Prosecutors' Office, most of these cases have contributed important clarification about the interpretation of the statutory provision and its limits, see attachment 1.

In 2016, Hedmark og Oppland Public Prosecutors' Office prosecuted one human trafficking case, where four persons were indicted and one was the subject of an international arrest warrant for aggravated human trafficking for prostitution. Four persons had the status of victims in the case (judgment Glåmdal District Court 24 November 2016 and Eidsivating Court of Appeal 31 May 2017, appealed to the Supreme Court), see attachment 1.

## 6.7 Issues and measures

Combating human trafficking requires preventive, proactive and reactive measures from the police. One precondition for implementing the right measures is raised awareness about human trafficking. The submitted reporting shows that human trafficking cases are complex and raise a number of issues. The police highlight the need for strengthening the **investigation capacity**. The importance of the reorganisation resulting from the 2016 police reform and the soon-to be implemented investigation reform is emphasised in this connection. We will look into the issues and measures reported to KOM by the police.

### 6.7.1 Priorities, resources and expertise

The need for **prioritisation from the management** is mentioned in a majority of the reports. Human trafficking must be given high priority by central authorities in order for local police management to give priority to these resource-intensive and difficult cases.

- Sufficient **resources** must be set aside for this crime category. One public prosecutors' office points out that "if we simplify, we could say that the number of cases depends on the police's efforts in this field". The office points out that the police must give priority to and seek to uncover such exploitation by allocating resources to risk area analyses, intelligence, and use of statutory and non-statutory investigative methods.
- If the local police management does not give **priority** to the allocation of resources, it may be hard for the police to allocate considerable resources to an area which is so hard to get to grips with. The benefit of allocating resources to human trafficking cases will often be uncertain as the case may not end in prosecutions. Human trafficking cases must be weighed against other prioritised cases and may lose out to cases involving sexual abuse and violence, in particular against children, when resources are scarce. Some reporting also refers to case fatigue, as human trafficking cases are **resource-intensive** and take a long time. Attitudes along the lines of "it will be a long time before we open a new human trafficking case" may develop. In districts with no specialised human trafficking groups, the investigation

of such cases may affect the investigation capacity of the entire district. The resource-intensive nature of human trafficking cases may result in the police's failing to uncover human trafficking. Cases may be prosecuted under other penal provisions due to the difficulties of proving the exploitation aspect, the victim's vulnerability etc.

- There is a need for more **knowledge** about human trafficking and related risk areas in local districts, among police leaders, officers, investigators and prosecutors. There is also need for expertise in other supervisory agencies, as the police are only one of several parties that can prevent and uncover human trafficking.
- Creating **specific groups** or units to work in this field has an effect. The specialised groups amass expertise in the field and establish close cooperation with other police units, other agencies and NGOs. We also wish to point out that there is a need for close cooperation between the police and police prosecutors for prosecution to succeed in such cases.

### 6.7.2 Intelligence

The Government's action plan against human trafficking points out that **knowledge** is required to implement the right preventive measures, initiate prosecutions and uncover possible victims. Intelligence reports describing the various forms of human trafficking, the business sectors at risk, and the indicators that may uncover victims, traffickers and trafficking groups, must be prepared. These intelligence reports will form the basis for decisions on how to combat human trafficking.

Few of the police districts have prepared their own intelligence reports on human trafficking, partly due to lack of capacity and resources. However, the specialised human trafficking groups contribute a large part of the intelligence gathering and mapping themselves. They also report information needs and prepare hypotheses on different crime groups, forming part of **the intelligence-based dialogue on effort prioritisation**. The police's national expert group to combat human trafficking, coordinated by NCIS, aims to help the district use intelligence to implement measures to help

the police and other parties combat human trafficking. A **national intelligence** project has been established to gather and share information for relevant parties in the police and between police districts.

### 6.7.3 Prevention

The **market** demand for sexual services and underpaid labour enables human trafficking. A major task is to counter the factors that make exploiting people through human trafficking an attractive prospect. This will require cross-disciplinary cooperation and improved expertise in the supervisory agencies. The police do not have the resources to identify and uncover these conditions on their own. Most police districts with **specialised human trafficking groups** focused strongly on **measures to prevent** human trafficking in 2016, with training, outreach activities and interagency cooperation forming the pillars of these efforts:

- Lectures and other **forms of training** internally in the police, enabling officers to better prevent and initiate investigation of human trafficking cases.
- External **lectures** to raise knowledge and improve understanding of the phenomenon among other supervisory agencies, public authorities, NGOs, businesses, schools, etc. Several of the human trafficking groups report raised awareness of human trafficking among the agencies and NGOs they cooperate with.
- Active use of the **media** for preventive work among members of the general public.
- Participation in **crime-prevention efforts in the municipalities**, with human trafficking and prostitution among the priority areas.
- Maintained **presence in venues** where human trafficking for prostitution occurs. Several of the human trafficking groups have worked specifically with persons in the indoor and street prostitution markets, massage parlours which advertise on prostitution websites, and, to a somewhat lesser extent, beggar groups. The work has included submitting monthly counts regarding local prostitution, monitoring advertising sites, outreach

activities and information to people working in prostitution about their legal situation and support measures – both for prevention purposes and to uncover human trafficking. The specialised human trafficking groups state that such a presence contributes to the establishment of a good relationship with potential victims, thus enabling gathering of information from sources on the prostitution scene, and that this is important for knowledge-based preventive work, identification and investigation. In particular, contact with women in prostitution has contributed to the establishment of increased trust. No reports have been received about similar outreach work in potential arenas of forced labour.

- **Checks** in cooperation with other supervisory agencies to uncover potential exploitation, e.g. in car wash enterprises and massage parlours. Several of the specialised human trafficking groups also state that cooperation with their district's labour-market crime team has been beneficial.
- Use of associated and relevant penal provisions to **strike at organisers and markets**. These provisions include the penal provisions about sexual crimes (in particular section 315 – controlling or facilitating prostitution for gain – and section 316 – purchasing sexual services from adults), the Immigration Act section 108 and Working Environment Act violations. Such cases are believed to have a preventive effect. KOM points out that many researchers and support measure providers, in particular in the field of prostitution, have claimed that some such preventive measures may have unintended and unfortunate consequences for presumed victims of human trafficking.<sup>71</sup>

#### 6.7.4 Uncovering and identifying victims

**Identifying** the offence and persuading the victim to tell the authorities about her or his situation is one of the main problems. Failure to get statements from the victims and lack

of evidence, including information about the perpetrator, are cited as the main reasons why cases are closed or never opened.

- It can be difficult to persuade the victims to **cooperate**. They are vulnerable persons who may consider that they have nothing to gain from making a statement about the traffickers, and who fear reprisals, expulsion from Norway or having to stand trial for crimes they themselves have committed. The victims often have debts or close connections or relations with the traffickers, and their confidence in the police may be low.
- The organisers often come from the same country as the victims and can control the victims by **cooperating** with associates in their common home country.
- In some cases, the victims are transported into Norway and then out again when they are replaced with new victims; they are only here for **brief periods**, making it hard for the police to uncover and identify them.
- Persons exploited in the labour market may have a higher income than they would at home, even though they are seriously underpaid by Norwegian standards. They may believe that there is no **real alternative** to accepting whatever income they can get. They may also have previous experience of financial exploitation and of being without legal rights as employees, and they are often reluctant to contact the police.

In addition to the need for **raised expertise and stronger prioritisation** in the police, there is also a need for expertise among third parties who uncover such crimes and **tip the police off or submit crime reports**. Tip-offs and crime reports received by the police about human trafficking can come from the general public, NGOs, the Child Welfare Services, the immigration authorities, the labour and social security authorities, the Norwegian Labour Inspection Authority and other supervisory agencies.

The number of crime reports received varies between police districts. However, none of the police districts reports having received many of tip-offs or crime reports relating to human

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<sup>71</sup> See e.g. the Amnesty report [The human cost of crushing the market: Criminalization of sex work in Norway](#). 26 May 2016.



trafficking. There is reason to ask **why** the number of tip-offs and crime reports from third parties is so low. Several police districts report that raised expertise and stronger cooperation with public and private parties may contribute to the identification of more victims of human trafficking.

The police's **cooperation** with public and private parties can also result in better safeguarding of victims and prosecution of traffickers. The reporting shows that the specialised human trafficking groups have **defined cooperating agencies and NGOs and points of contact** which facilitate interaction when victims of human trafficking are identified. Such cooperating partners are found among the NGOs and support measure providers (including the ROSA project, shelters and outreach measures), the immigration authorities, the child welfare authorities, the Labour and Welfare Administration (NAV), the co-located labour-market crime centres, the Labour Inspection Authority and police contacts for the business sector. Several of the police's human trafficking groups have cited good results from cooperation with the local police's labour-market crime groups and have conducted raids together with the Tax Administration, the Labour Inspection Authority and NAV.

### 6.7.5 Victims' willingness and ability to cooperate with the police

The reports from the police and the prosecuting authority about difficulties in getting victims to talk about their situations coincide with experiences reported by other public authorities, municipal services, support measure providers, NGOs and researchers. Based on the input received, we have prepared **summary** of factors that inhibit and encourage victims to report and testify in criminal cases.

#### Inhibiting factors:

- fear of reprisals from the traffickers in the form of threats of violence and/or financial sanctions against the victim or his or her family
- links and/or loyalty to the traffickers
- distrust of the authorities and fear of being tricked again
- fear of being punished or deported for having committed crimes as part of their human trafficking situation
- lack of knowledge about their rights as victims of human trafficking
- unclear and complicated information about what Norwegian authorities have to offer if the victim cooperates with the police
- no guarantees of permanent protection, residence permits, employment or housing
- knowledge or rumours about others who have testified and not received sufficient assistance and protection
- knowledge or rumours about the police's tendency to drop cases
- knowledge or rumours about traffickers' being acquitted or receiving low sentences
- shame and a sense of guilt over their situation
- a belief that they are better off in their human trafficking situation than they were before
- financial commitments to the family in the home country
- no perception of themselves as victims and/or a desire not to be treated as victims
- lack of belief in a better future

#### Encouraging factors:

- written information from Norwegian authorities about their rights and opportunities if they cooperate with the police
- uniform and clear information from all agencies and organisations who assist victims
- knowledge of other victims who have received compensation for non-pecuniary damage and help
- the understanding that traffickers are prosecuted and convicted
- frequent conversations with legal counsel and support measure providers about rights and opportunities for those who cooperate with the police
- meetings with police officers with human trafficking expertise who understand the victims' situations
- bilateral cooperation between the police and the support measure providers in Norway and in the home country to prevent reprisals against the family, facilitation of return and reintegration, and prosecution of the traffickers in the home country
- adapted housing and follow-up, and work-related

- activities to provide content and meaning in daily life
- predictability relating to residence permits or return
- necessary medical assistance, including mental health assistance
- wish for compensation
- wish to save others from ending up in the same situation

There is a need for more knowledge about factors that inhibit and encourage victims when they decide whether or not to cooperate with the police and the prosecuting authority in prosecuting the traffickers. In her report *Balancing protection and prosecution in anti-trafficking policies*, Anette Brunovskis discusses factors that may encourage or inhibit human trafficking victims when they decide whether or not to cooperate with the police and prosecutors.<sup>72</sup> Brunovskis' starting point is the reflection period and related residence permits in the Nordic countries, Belgium and Italy, and she discusses their dualism. On one hand, the reflection period and related residence permits are intended to safeguard the victim's need for assistance, while also contributing to the prosecution of the traffickers. In reality, Brunovskis seems to be making the point that prosecution of the traffickers takes precedence over the needs of the victims. Brunovskis also points out:

*"There is remarkably little systematic knowledge about the circumstances under which victims decide to cooperate, in spite of the high international profile of the issue. The findings of this report indicate that for the reflection period to be a useful tool for prosecuting traffickers there needs to be some form of contact between victims and police at a stage where their information is still "fresh" and thus provides leads that can be followed up and investigated."*<sup>73</sup>

<sup>72</sup> Brunovskis, Anette (2012) [Balancing protection and prosecution in anti-trafficking policies. A comparative analysis of reflection periods and related temporary residence permits for victims of trafficking in the Nordic countries, Belgium and Italy](#). Copenhagen: Nordic Council of Ministers.

<sup>73</sup> Ibid p. 71.

### 6.7.6 Investigation

The fact that investigation of human trafficking cases is often **resource intensive** is a major problem according to several public prosecutors' offices and police districts, regardless of whether they have human trafficking groups:

- There may be need for extensive investigation abroad.
- There may be extensive need for interpreters.
- The cases often involve several types of crime, in particular forced labour cases.
- There may be many perpetrators and victims.
- The cases often involve considerable assets, and it is hard to trace the money, in particular if it is transported as cash.

Furthermore, gathering sufficient **evidence**, including statements from the victims and information about the perpetrators, is difficult. The Criminal Procedure Act was amended in 2016, providing the police with extended powers to use **covert coercive measures** when investigating, averting and preventing human trafficking.<sup>74</sup> The use of such methods may make it easier for the police to identify victims, facilitators and organisers in investigations into human trafficking.

The police have referred to several kinds of difficulties in **obtaining evidence**:

- The victims may change their statements or disappear during the course of the investigation, for instance due to fear of the traffickers. Exhibits obtained by the police by being present in relevant human trafficking venues when the actual trafficking takes place will therefore be of significant value.
- Crime reports, in particular in cases involving exploitation for prostitution or other forms of sexual exploitation, are often filed too late for the police to obtain any evidence. The evidence will then have become useless or impossible to reproduce and any electronic evidence has been deleted.

<sup>74</sup> See [Parliamentary proposal 68 L \(2015–2016\)](#).

- Credibility is often at stake. In some of the reported cases, immigration may be the underlying motivation.
- In addition, there are issues relating to crimes or immigration offences committed by the victims themselves. The Council of Europe Convention's article 26 requires the signatories to not unduly prosecute victims of human trafficking, see also section 6.7.7.

Several parties have stated that the **penal provision** on human trafficking is intricate and contains conditions that are hard to prove:

- The boundaries between human trafficking and people smuggling are perceived to be unclear. Cases that start as suspected people smuggling can end up as human trafficking cases. The boundaries between social dumping and exploitation for forced labour, and between controlling prostitution for gain and exploitation for prostitution are also problematic. If the police districts do not possess the necessary human trafficking expertise or sufficient resources, they may apply alternative penal provisions, e.g. controlling or facilitating prostitution, immigration violations or working-environment violations.
- The police and the prosecuting authority may hold that it is more important to stop organisers and facilitators than to apply this or that penal provision. However, which penal provision applies is crucial for the rights of presumed victims. Victims of human trafficking are, under the provisions of the Penal Code, entitled to more and stronger rights than victims of other crimes.

As the crime scenes in human trafficking are often abroad, it should be pointed out that the quality of the **international police cooperation** affects the investigation. Entry to Europe is mostly through southern Europe. The countries there discharge their duty to respond to requests from other European countries to varying degrees. This means that replies may arrive very late or not at all.

### 6.7.7 Cooperation with the prosecuting authority

It is important to involve the prosecutors at the earliest possible stage to make the investigation as relevant as possible to the court process. The specialised human trafficking groups report that cooperation with police prosecutors is crucial to achieve successful prosecution of human trafficking cases. How this cooperation is organised varies, but it seems to work well overall. In addition to being rigged for such cooperation, the involvement, knowledge and presence of the police prosecutors are highlighted as decisive.

**Tricky issues** arise when victims of human trafficking commit **crimes**. The Council of Europe Convention contains a provision in article 26 to the effect that penalties should not be imposed on victims if they were forced to commit the crime. This is known as the *non-punishment principle*. In Norway, this has been followed up by the Director of Public Prosecutions' circular no. 1/2008 relating to goals and priorities in the processing of police prosecution. When a crime has been reported, the police can close the case with the waiver of prosecution. GRETA recommends that Norway ensures that this provision is used and has previously criticised Norway for not being sufficiently sensitive to the possibility of human trafficking in connection with some immigration offences.<sup>75</sup>

## 6.8 Case law development

### 6.8.1 Human trafficking convictions

As in previous years, few human trafficking cases were brought before the courts in 2016 and in 2017 up to 1 July. During this period, 10 cases resulted in convictions. 4 of the cases were appeals from previous years. In 2016, there were 4 district court convictions that KOM knows of. 4 appeals, among them 1 conviction and 1 acquittal, were heard by the court of appeal. 1 appeal was heard by the Supreme Court, resulting in a conviction. In 2017 up to 1 July, there were 3

<sup>75</sup> See [GRETA's evaluation reports for Norway](#). See report 2013 p. 60 and report 2017 p. 82.

district court convictions that KOM knows of. 2 appeals were heard by the court of appeal, 1 conviction and 1 acquittal. 1 appeal was heard by the Supreme Court, resulting in a conviction. Several of the cases have contributed to important clarification on the interpretation of the provision and its boundaries. A new element in the report for 2016 is a brief **account of criminal cases** where a conviction was secured in 2016 and 2017 up to 1 July, see **attachment 1**.

Over the last few years, KOM has prepared an **overview of criminal proceedings in which a conviction was secured** for human trafficking since the introduction of the penal provision 2003. This overview can be found in **attachment 2**. A new element in the report for 2016 is that a **reference to the case number** in the last court to hear the case has been inserted in the overview (applies to most of the judgments). The courts have also acquitted persons **indicted** for human trafficking. These cases are not included in the attachment.

There may be more than one victim (and witnesses) in the cases heard by the courts, and several perpetrators (defendants), and a case may be heard by more than one court. With the proviso that the Lovdata database<sup>76</sup> is only complete for Supreme Court judgments, a total of **46 human trafficking cases** heard by Norwegian courts have resulted in convictions. All avenues of appeal have not been exhausted for one of these convictions.

- **14** of the **46** cases involve exploitation of **minors**.
- Of the **46** cases, **9** involve exploitation for **forced labour or forced services** (together with exploitation for sexual purposes in one the cases).

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<sup>76</sup> [Lovdata](#) is a private foundation established in 1981 by the Ministry of Justice and the Faculty of Law at the University of Oslo. The foundation's purpose is to establish and operate systems for legal information. Lovdata's website provides access to several important sources of law, free of charge. The information includes current statutes and regulations, as well as new decisions made by the Supreme Court and the court of appeal. Lovdata Pro is Lovdata's subscription service for access to court decisions and other sources of law. Most of the judgments we refer to in the overview are available in Lovdata or Lovdata Pro.

- 7 of the 9 cases involve exploitation for *forced services*. 6 of the cases involve exploitation of *minors* (together with sexual exploitation in one of the cases). The first conviction for forced labour was achieved in 2011. The forced services cases involve acquisitive crime, including drug-related crime, exploitation in begging, or a combination of these. Several of these judgments refer to both forced labour and forced services.
- 2 of the 9 cases involved exploitation for *forced labour*. All of the victims were adults. The first forced labour judgment from 2008 involved exploitation in paving work, the second involved exploitation in seasonal labour and was heard by the Supreme Court in 2017. In 2016, a district court convicted one person in a case involving forced seasonal labour, but the court of appeal acquitted the defendant upon appeal in 2017. The district court judgment has therefore not been included in the overview.
- A reason why there are so *few convictions* of exploitation for *forced labour* may be the difficulties in drawing a line between forced labour and social dumping. Social dumping is not a legal term and has no unambiguous definition. It is a catch-all covering cases where foreign employees in Norway have significantly poorer wage and working conditions than Norwegian employees. Indicators of forced labour may be that the employees live in poor conditions, lack control over their own life and employment situation, and/or are subject to an employer who violates the Working Environment Act and other important rules relating to health, environment and safety. These indicators may also be present in social dumping cases, and it may therefore be hard to separate between the two. It is also easier to prove violations against the Working Environment Act (or Immigration Act) than the Penal Code, and this may result in the police and prosecuting authority's applying other legislation than the Penal Code to stop the exploiter(s).
- Most of the cases, **38** out of **46**, involve exploitation for **prostitution or other forms of sexual exploitation** (one of the cases in combination with forced services).
  - 8 of the cases involve exploitation of *minors* (equally distributed between prostitution/other forms of sexual

exploitation, in combination with forced labour in one case).

- The majority of the cases involve exploitation of women over the age of 18 for *prostitution*. Some of these cases also involve exploitation in au pair-like relationships. These cases involve combined sexual exploitation and house work, but the courts have chosen to focus on the sexual exploitation.

A natural consequence of the Norwegian system is that there are far **more identified victims** of human trafficking than there are cases before the courts. The threshold for being identified as a presumed victim is low, while the threshold for proving human trafficking under the Penal Code is high. It also turns out that the conditions of the Penal Code for categorising something as human trafficking are difficult to meet. As this chapter explains, the police and the prosecuting authority face a number of problems.

The following statement from Hordaland Public Prosecutors' Office in its report to KOM in 2013 still serves as a good illustration of the difficulties facing the police and the prosecuting authority:

*"The vulnerable situation of the victims, their fear of the traffickers and the generally high threat level makes collecting evidence and presenting it in court difficult in these cases. In addition, a lot of the evidence must be collected through investigative steps abroad. The costs incurred by the police and prosecuting authority when investigating and prosecuting human trafficking cases are therefore high, and it often takes a long time from the crimes are uncovered until the case comes up in court. During this period, the persons charged will generally be held in custody on remand, adding to the costs. The need for efficiency means that lesser charges have to be brought in these cases. Furthermore, a full investigation will often take so much time that this in itself results in more lenient sentences."*

### 6.8.2 Evaluation of police efforts

The police's efforts to combat human trafficking in Norway will be evaluated. This work has already started and is being

performed by the research department at the Norwegian Police University College. The project is scheduled for conclusion in 2018 and will look into how the Norwegian police tackle the human trafficking phenomenon and related issues faced by police districts. The study will analyse interview data and the police's investigation and prosecution data to look at practices relating to identification and investigation, as well as at case outcomes in reported human trafficking cases. The study will also look into interagency and cross-disciplinary cooperation within the field of human trafficking and potential coordination issues arising from such cooperation.

The first article of the study has already been published: Bjelland, Heidi Fischer (2016). [Identifying human trafficking in Norway: A register-based study of cases, outcomes and police practices](#). *European Journal of Criminology*. The article looks at the link between the **identifying agency in connection with crime reporting** (victims, third parties, the police) and the **prosecution outcome**. Findings show that only one in three human trafficking cases between 2003 and 2013 was initiated by the police. In half the cases, the victim or the victim's counsel filed the crime report, while approx. 15 per cent of the cases came to the knowledge of the police via tip-offs from third parties (organisations, child welfare offices, transit centres or private citizens). The results of the study also suggest that the police are a decreasingly active initiator of new human trafficking cases. In spite of the growing number of filed human trafficking cases over the course of the examined time period, a falling number of them were launched by the police. Finally, the study shows that when the police actually do initiate a human trafficking case, the case has a far greater chance of being brought before the court than cases reported by the victim or third parties.

From KOM's point of view, it would have been interesting if such an evaluation had also looked into whether and to what extent the need to safeguard the victims affect the investigation and any resulting criminal cases.

### 6.8.3 The international situation

Norway is not alone in facing problems relating to prosecution of human trafficking. Reports from international organisations, including the UN, estimates that human trafficking is an extensive phenomenon. This, combined with the focus directed at the issue and the priority it is given, should have resulted in a large number of investigated and prosecuted cases. However, [Eurojust](#), the EU agency for cooperation between member states' prosecuting authorities, has seen that many European countries struggle to prosecute human trafficking cases. A survey by Eurojust shows that it is hard to uncover cases and identify victims, and that it is hard to find evidence. The difficulties are particularly due to victims' and other witnesses' being afraid or unwilling to make a statement or testify. In addition, international links and lack of resources may make prosecution difficult. In December 2015, Eurojust published the report [Prosecuting THB for the purpose of labour exploitation](#). This includes an analysis of the case law in forced labour cases, including how the different national legal systems define "forced labour". The report also contains a list of "best practice" based on the 32 judgments mentioned in the report, and will therefore also be a useful tool in the prosecution of cases involving exploitation for forced labour.

[The European Court of Human Rights](#) (ECHR) has ruled that the European Convention on Human Rights Article 4's prohibition of slavery and forced labour had been violated in 3 cases:

- Case of Rantsev v. Cyprus and Russia (EMDN-2004-25965) 7.1.2010
- Case of L.E. v. Greece (EMDN-2012-71545) 21.1.2016
- Case of Chowdury and others v. Greece (EMDN-2015-21884) 30.3.2017

The first 2 cases involved exploitation for prostitution, while the last involved exploitation for forced labour. In these 3 judgments, the ECHR devoted special attention to the signatories' **procedural duties** under article 4 to investigate potential human trafficking cases.

# Attachments

# Attachment 1

## Criminal cases in 2016 and the first half of 2017 resulting in convictions

10 human trafficking cases resulted in a conviction in 2016 and the first half of 2017. 4 of these were appeals from previous years:

- To KOM's knowledge, 4 convictions were achieved in a district court in **2016**. 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.
- To KOM's knowledge, 3 convictions were achieved in the district court in the **first half of 2017**. 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.
- **The appeal** in 2017 which resulted in an **acquittal** concerned **forced labour**. A Norwegian national was convicted by Eiker, Modum og Sigdal District Court (TEMSI-2015-105939, 15 March 2016) and sentenced to imprisonment for 5 years for having exploited a number of employees for forced labour. He acted as a middleman between **Vietnamese seasonal workers** and Norwegian farmers. The Court found that the matter qualified as aggravated human trafficking. However, Borgarting Court of Appeal (LB-2016-154917, 30 June 2017) acquitted him of forced labour, but convicted him of tax evasion and aggravated self-laundering. Due to the acquittal of human trafficking, this case has not been included in the overview in attachment 2 and has not been commented upon.
- To KOM's knowledge, another 2 **district court cases** resulted in **acquittals** of human trafficking. In one case, an indictment for **forced labour** in the cleaning sector had been filed (Bergen District Court TBERG-2015-164820-3, 7 June 2016). In the other, an indictment was filed for exploitation of a Nigerian woman for **prostitution** (Oslo District Court TOSLO-2016-163191, 10 March 2017). None of the cases were appealed. They are not commented upon below or in attachment 2.

Several of the convictions have contributed to important clarification of the interpretation of the provisions and its boundaries. KOM provides a brief account of the relevant cases below.<sup>1</sup> The Judgments are grouped thematically and listed in chronological order.

### 1. Exploitation of minors for sexual purposes, prostitution, labour or services

**Three** of the criminal cases involve exploitation of minors, in **various forms of exploitation**.

- An indictment was filed in July 2016 against a Norwegian national for violation of the Penal Code of 1902 section 224. Human trafficking was one of the six counts of the indictment. The defendant had, via the internet, instructed **Philippine children** to perform sexual acts on themselves and with other children, and ordered that the abuse be filmed. Both the organisers and the children depended on the money he provided for their livelihood. The sexual abuse of the Philippine children, both boys and girls, was **streamed live online** via web cameras (on-demand). The perpetrator also used the films to gain contact with Norwegian underage girls, and he was also indicted for several sexual offences in this connection. The indictment included being an accomplice to human trafficking, as he was the buyer of the service and also occasioned the sexual exploitation of the children. By taking advantage of someone's position of vulnerability or other improper conduct, he became an accomplice to the exploitation of several persons for **sexual purposes**. His actions were considered to constitute aggravated human trafficking, as all the victims were younger than 18. The public prosecutor from the National Authority for Prosecution of Organised and Other Serious Crime

<sup>1</sup> Most of the judgments referred to are available in the Lovdata or Lovdata Pro databases.



emphasises that the case is an example of the evolution of case law and our understanding of the phenomenon: *"We have not seen corresponding indictments in Norwegian case law, [...] where the person who places orders sexual exploitation of children is indicted for being accomplice to human trafficking."* **Bergen District Court** (TBERG-2016-61974, 7 December 2016) found that the matter was covered by the human trafficking provisions, and he was sentenced to eight years' imprisonment for **aggravated** human trafficking and other offences. The decision is **final and enforceable**.

- In **Bergen District Court** (17-017544MED-BERG/01, 31 March 2017) a man from Romania was sentenced to imprisonment for two years and eight months for exploiting an **underage girl from Romania for prostitution**. The defendant helped transport her to Norway and organise her stay here, so that he, could take the money she earned from prostitution in Bergen in October 2015. The victim was in a situation of vulnerability as she came from poverty in Romania and had previously been trafficked in her own country (one of five victims in a Romanian criminal case, resulting in a Romanian man being sentenced to imprisonment for 16 years for human trafficking of minors in 2015). She could not make herself understood and had no-one to care for her, no means of her own and no place to stay. The offence was considered aggravated by the Court, as the victim was in a situation of vulnerability and under the age of 18. The victim made no claim for compensation. The decision is **final and enforceable**.
- In 2017, **Oslo District Court** (16-195538MED-OTIR/07, 20 April 2017) sentenced a man and a woman from Croatia (mother and son) for exploitation of **two underage girls from Croatia** (daughter/sister and daughter-in-law/girlfriend) for **theft**. By exploiting the girls' situation of vulnerability, the perpetrators duped the girls into travelling from Belgium to Sweden and Norway to commit theft from persons in public places. The exploitation took place in Stockholm and Oslo in October 2015. The defendants organised and paid for flight and train tickets and hotel accommodation. The girls were equipped with mobile phones and, in the

case of one of them, a false identity and sent out on to the streets and public transport to steal. They were not allowed to keep any proceeds for themselves. Both were dependent upon the defendants, did not know the language and did not have money to go home or pay for their stay. Both had previously been subjected to serious violations from family members. Based on the girls' situation of vulnerability and their young age, the Court found that the crime should be considered **aggravated**, cf. the Penal Code of 2005 section 258. The judgment devoted particular attention to the element of coercion in the condition "work or services" where the victims are minors. The sentence was set at imprisonment for two years and four months for the woman and one year and ten months for the man. The decision is **final and enforceable**.

## 2. Exploitation of adults for prostitution

**Five** of the criminal cases involve exploitation of adults for prostitution. In these cases, the courts have discussed the phrase "taking advantage of someone's position of vulnerability" and the **legal right to compensation** for income from prostitution. In these cases, exploitation entailed considerable use of **violence and control**, mainly as part of **organised** activities.

- In **Oslo District Court** (TOSLO-2016-3024, 9 March 2016), an Albanian national was convicted of human trafficking and assault under particularly aggravating circumstances and sentenced to imprisonment for three years and five months. The victim, **an Albanian woman**, was in a girlfriend-like relationship with the defendant and travelled with him from Greece to Norway. Here, her vulnerability was taken advantage of and she was forced, through violence and threats, into prostitution from 2012 to 2015. He demanded that she prostituted herself in prostitution and give her earnings to him, decided where and how she should prostitute herself, set the prices for her sexual services, subjected her to violence on repeated occasions and threatened her. She had no affiliation to Norway or any knowledge of Norwegian social services and benefits, she spoke no Norwegian and had no money of her own. She sought to escape the defendant by

alerting a security guard in January 2015 and achieved contact with the police in this way. The victim was awarded compensation for non-pecuniary damage, but not compensation for lost earnings from prostitution. The judgment is **final and enforceable**.

- **Borgarting Court of Appeal** (LB-2015-169347, 10 May 2016) convicted three Bulgarian men and one woman of exploiting **three Bulgarian women**. The main perpetrator was sentenced to five years and six months' imprisonment, a stricter sentence than that imposed by Oslo District Court (TOSLO-2015-40246, 28 September 2015). The acts took place as part of the activities of a **organised** crime group, cf. the Penal Code of 1902 section 60a. The women were exploited for prostitution from 2012 to 2013, when they were subjected to violence and their vulnerability was taken advantage of. They were taken to Norway by the traffickers, who demanded that they prostitute themselves and give most of what they earned to them. The traffickers installed them in a flat and 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, had no money of their own and therefore no real or acceptable means of resisting. The appeal, heard by the **Supreme Court** (HR-2016-2491-A, 8 December 2016), devoted particular attention to whether the victims were entitled to repayment of the **earnings** they had from prostitution, earnings that were unlawfully taken from them. The Supreme Court concluded that the recipients had a duty to make restitution to the victims and awarded compensation for the lost prostitution earnings to the women. However, the Supreme Court's decision did not consider the general issue of whether earnings from prostitution are subject to compensation. The victims were also awarded compensation for non-pecuniary damage.
- **Glåmdal District Court** (16-059871MED-GLOM on 24 November 2016) sentenced four Bulgarian nationals to two to seven years' imprisonment for **aggravated** human trafficking and reception of proceeds of crime. The actions were perpetrated as part of the activities of an **organised** criminal group. The defendants, two men and two women, were linked by family ties and lived together. They exploited **four Bulgarian women** for prostitution in Oslo between 2011 and 2015 by taking advantage of their vulnerability, and by means of violence, threats and other improper conduct. The women came from difficult conditions at home and had been promised a financially better life for themselves and their families when they were taken to Norway. The defendants put them in prostitution and demanded that they hand over most of their earnings to them. The defendants 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. They beat the women on several occasions and threatened to make trouble for them and their families if they ran away. The women had no affiliation to Norway, no knowledge of Norwegian social services and benefits, spoke no Norwegian and very little English and had no money of their own. The investigation started after the women called the police emergency telephone in January 2015. All of the victims were given compensation for non-pecuniary damage and **compensation** for lost prostitution earnings. The highest awarded amount was set at NOK 3 million. The judgment was upheld by **Eidsivating Court of Appeal** (LE-2016-209073, 31 May 2017), although with somewhat more lenient sentences. The judgment has been **appealed** to the Supreme Court.
- **Gulating Court of Appeal** (LG-2016-87784, 2 December 2016) sentenced a Norwegian national (originally from Nigeria) to four years and six months in prison for human trafficking, threats, coercion and aggravated receiving of proceeds of crime. During the district court's hearing of the same case, a **Nigerian woman** (a previous human trafficking victim) was sentenced to three years' imprisonment (TBERG-2014-59467, 30 June 2014). She did not appeal. The defendants facilitated exploitation of a Nigerian woman for prostitution as previously arranged

with multiple persons in Nigeria and/or Norway. The woman came from poverty in Nigeria, had no work and was duped into travelling to Europe for work in autumn 2011. Prior to her journey to Norway, she was forced to participate in a Voodoo-like ritual, in which she was bathed in animal blood and sworn to obey. She was raped in Nigeria, kept locked up in a hotel room in Spain and told that she would have to work as a prostitute, and she was subjected to threats of reprisals against close family members in Nigeria unless she did as she was told. Upon her arrival in Norway, she had no return ticket and no money at all. She sought help from the police when she arrived, applied for asylum and moved into an asylum centre. While at the asylum centre, she was repeatedly contacted and told that her mother in Nigeria had been kidnapped and would be held unless she herself went to work as a prostitute in Bergen and repaid a EUR 65,000 debt to the traffickers. She was exploited for prostitution in 2011 and 2012. These acts were committed as part of the activities of an **organised** crime group, and the Court commented that an entire network of people in Nigeria, southern Europe and Norway had been established to engage in human trafficking. The victim was awarded compensation for non-pecuniary damage. The judgment did not discuss the matter of compensation for lost prostitution earnings. The judgment is **final and enforceable**; the defendants' appeal of the sentencing was not allowed by the Supreme Court (HR-2017-228-U, 31 January 2017).

- In 2017, a Norwegian man was convicted by **Bergen District Court** of having exploited his wife. She was forced into prostitution. He used threats and violence and took advantage of her vulnerability. The judgment was made on 10 March 2017 and has been exempted from public disclosure in its entirety, cf. the Courts of Justice Act section 130 subs. 1. The decision is **final and enforceable**.

### 3. Exploitation of adults for labour or service

Two of the criminal cases involve exploitation of adults for labour or services. In these cases, the courts paid particular attention to the term "**taking advantage of someone's vulnerability**" and **the coercion aspect** of exploitation for labour or service, including the meaning of the expression "regime of control".

- In **Borgarting Court of Appeal** (LB-2015-64887, 6 April 2016), a Romanian man was convicted of having exploited **eight persons from Romania** (two women and six men) for forced labour. Another Romanian man was convicted during the district court's hearing of the same case (TOSLO-2014-46545, 19 January 2015). He did not appeal. The Court of Appeal found that the victims were in a situation of vulnerability, and that they were exploited for forced labour that took the form of **stealing, begging and bottle refund collection**. The case also included two instances of deprivation of liberty. In July 2012, the traffickers exploited the victims by making them steal or beg for them, taking advantage of their vulnerability and by means of threats and violence. The victims were told they could get jobs in Norway, and were taken by minibus from Romania to Oslo. Their journey was paid for by the defendants. Prior to arrival in Oslo, the defendants appropriated the victims' ID documents. The victims were dumped in the street without work or anywhere to stay, or offered lodgings in a flat in Oslo on credit, and told to pay back the cost of their travel, EUR 200. The defendants threatened the victims into begging and stealing diesel, copper and mobile phones, and may also have threatened the women into prostitution. The threats included statements to the effect that they would get more people to beat them up, kill them or similar if they did not pay. They subjected the victims to violence upon several occasions. The defendants were sentenced to imprisonment for two years and six months. The victims were awarded compensation for non-pecuniary damage. The decision is **final and enforceable**.

- **Borgarting Court of Appeal** (LB-2015-137689, 25 November 2016) found two defendants guilty of aggravated human trafficking. The two had brought **Indians** to Norway to work as **seasonal labour** at their greenhouse facilities (the "Planteland" case). The victims worked long days at very low wages, and the Court found that the defendants had exploited their vulnerability for forced labour. One of the defendants, who was also found guilty of social security fraud and violations of the Working Environment Act, was sentenced to three years and ten months in prison. The other was sentenced to five years and three months in prison for human trafficking, social security fraud and violations of the Working Environment Act, the Bookkeeping Act and the VAT Act. The former spouse of one of the defendants was acquitted of human trafficking, but found guilty of aggravated breach of trust against the bank in which she worked, and sentenced to one year in prison (see the judgment from Drammen District Court TDRAM-2014-182097 2 July 2015). The judgment was upheld by the **Supreme Court** (HR-2017-1124-A, 7 June 2017), with somewhat lower sentences. This was the first time the Supreme Court considered a forced labour case, and **the judgment provides a discussion of the principles underlying the term "forced labour"**. An [English translation](#) of the judgment is available at the website of the Norwegian Supreme Court.

## Attachment 2

# Overview of criminal cases resulting in convictions

The table provides an overview of all criminal cases where a conviction was secured since the prohibition against human trafficking was introduced in 2003 (the Penal Code of 1902 section 224 and the Penal Code of 2005 sections 257 and 258). Up to date as of 1 July 2017.

	Year Authority (case no. final court of law, if applicable) <sup>1</sup>	Police district/ specialist agency	Victims (number, sex <sup>2</sup> and nationality)	Defendant (number, sex and nationality)	Form of exploitation	Final and enforceable
1	2005 Trondheim District Court	Sør-Trøndelag	9 women Estonia 2 girls Estonia	1 man Estonia	Prostitution	Yes
2	2006 Trondheim District Court TTRON-2006-135487	Sør-Trøndelag	1 woman Albania	1 man Albania	Prostitution	Yes
3	2005 Trondheim District Court 2005 Frostating Court of Appeal LF-2005-71379-2 2006 <i>The Supreme Court</i> HR-2006-222-A	Sør-Trøndelag	5 women Estonia 1 girl Estonia	1 man Estonia 1 man Norway	Prostitution	Yes
4	2006 Bergen District Court 06-122732MED-BBYR/03	Hordaland	1 woman Nigeria	1 man Norway	Prostitution	Yes
5	2007 Bergen District Court	Hordaland	1 woman Thailand	2 women Thailand	Prostitution	Yes
6	2008 Bergen District Court TBERG-2007-110891	Hordaland	5 women Romania	1 woman Romania 3 men Romania	Prostitution	Yes
7	2008 Jæren District Court <sup>3</sup> TJARE-2008-69332	Rogaland	2 men the UK	1 man the UK	Forced labour	Yes

1 A new element in the 2016 report is the inclusion in the overview of the **case file number** for the most recent court of law. However, KOM has not been able to find the case file number for all the judgments. In cases where the most recent instance *dismissed* the appeal or only considered the civil-law claims or the *sentencing*, the reference is entered in **italics**, and the case file number from the previous instance has also been included. We have only listed such decisions when the court has considered relevant aspects.

2 When specifying the **sex**, we use girls and boy about presumed minors (under the age of 18), and woman and man about adults (over the age of 18).

3 First conviction for forced labour

8	2007 Oslo District Court <sup>4</sup> 2008 Borgarting Court of Appeal LB-2007-124738 2008 <i>The Supreme Court</i> HR-2008-1856-A	NCIS	1 boy Thailand	1 man Norway	Sexual purposes	Yes
9	2008 Oslo District Court	Oslo	--	1 man Lithuania	Prostitution	Yes
10	2008 Oslo District Court 2008 Borgarting Court of Appeal LB-2008-121543-2	Oslo	1 woman Bulgaria	1 man Turkey	Prostitution	Yes
11	2008 Oslo District Court 2009 Borgarting Court of Appeal LB-2008-179726 2009 <i>the Supreme Court</i> HR-2009-1368-A	Oslo	3 women Brazil	1 man Nigeria	Prostitution	Yes
12	2009 Bergen District Court	Hordaland	1 woman Nigeria	1 man Nigeria	Prostitution	Yes
13	2008 Bergen District Court 2009 Gulating Court of Appeal LG-2009-9070-2	Hordaland	1 woman Nigeria	1 woman Nigeria	Prostitution	Yes
14	2009 Bergen District Court 2009 Gulating Court of Appeal LG-2009-112226 2010 <i>The Supreme Court</i> HR-2010-982-A	Hordaland	1 girl Albania	3 men Albania	Prostitution	Yes
15	2010 Stavanger District Court 2011 Gulating Court of Appeal LG-2010-111760	Rogaland	2 women Slovakia	1 man Slovakia	Prostitution	Yes

4 First conviction for exploitation abroad

16	2010 Oslo District Court 2011 Borgarting Court of Appeal LB-2010-136899	Oslo	2 women Kenya	1 man Norway <sup>5</sup>	Sexual purposes	Yes
17	2010 Bergen District Court	Hordaland	1 woman Nigeria	1 man Nigeria	Prostitution	Yes
18	2010 Bergen District Court 2010 Gulating Court of Appeal LG-2010-24938 2010 <i>The Supreme Court</i> HR-2010-2083-U	Hordaland	12 boys Brazil, Norway, Romania, Sri Lanka, the Czech Republic	1 man Norway	Sexual purposes	Yes
19	2010 Bergen District Court 10-126549MED-BBYR/4	Hordaland	1 woman Nigeria	1 man Norway 1 woman Nigeria	Prostitution	Yes
20	2010 Bergen District Court 10-065318MED-BBYR/02	Hordaland	1 woman Nigeria	1 man Nigeria	Prostitution	Yes
21	2010 Oslo District Court 2011 Borgarting Court of Appeal LB-2011-8761	Oslo	2 women Litauen	1 man Lithuania	Prostitution	Yes
22	2010 Oslo District Court	Oslo	1 woman Nigeria	1 woman Nigeria	Prostitution	Yes
23	2011 Oslo District Court	Oslo	--	1 man Nigeria	Prostitution	Yes
24	2011 <sup>6</sup> Bergen District Court 2012 Gulating Court of Appeal LG-2011-183102 2013 <i>The Supreme Court</i> HR-2013-104-A	Hordaland	1 boy Lithuania 3 girls Lithuania	2 men Lithuania	Forced services (acquisitive crime)	Yes

5 The man was convicted of having "lent" the women to friends, but was not convicted of the exploitation he himself committed.

6 First conviction for forced services, exploitation in acquisitive crime.

25	2012 Oslo District Court 2013 Borgarting Court of Appeal LB-2012-63028 2013 The Supreme Court HR-2013-2115-A	Oslo	2 women the Philippines	1 man USA	Sexual purposes	Yes
26	2012 Bergen District Court TBERG-2011-194827	Hordaland	4 girls Romania	3 men Romania 3 women Romania	Forced services and begging	Yes
27	2012 Bergen District Court <sup>7</sup> 2013 Gulating Court of Appeal LG-2012-173499	Hordaland	1 man Brazil	1 man Norway	Prostitution and sexual purposes	Yes
28	2013 Oslo District Court	Oslo	1 woman Nigeria	1 woman Nigeria	Prostitution	Yes
29	2013 Larvik District Court 13-149986MED-LARV	Vestfold	1 girl Romania 1 boy Romania	1 man Romania	Begging	Yes
30	2013 Øvre Romerike District Court 2014 Eidsivating Court of Appeal LE-2013-190528	Romerike	2 girls the Netherlands	1 man the Netherlands	Forced services (khat smuggling)	Yes
31	2013 Stavanger District Court 2014 Gulating Court of Appeal	Rogaland	1 woman the Philippines	1 man Norway	Sexual purposes	Yes
32	2013 Jæren District Court 2014 Gulating Court of Appeal LG-2013-186438	Rogaland	1 boy the Philippines	1 man Norway	Sexual purposes	Yes
33	2013 Bergen District Court <sup>8</sup>	Hordaland	1 woman Romania	1 man Romania	Prostitution	Yes

7 First conviction where the victim was an adult man

8 First conviction for human trafficking rendered on a plea of guilty in summary proceedings



34	2014 Sør-Trøndelag District Court 2014 Frostatting Court of Appeal LF-2014-39428 2015 <i>The Supreme Court</i> HR-2015-1355-A	Sør-Trøndelag	1 woman Norway	1 man Norway	Prostitution	Yes
35	2014 <sup>9</sup> Bergen District Court 2016 Gulating Court of Appeal LG-2016-87784 2017 <i>The Supreme Court</i> HR-2017-228-U	Hordaland	1 woman Nigeria	1 woman Nigeria 1 man Nigeria	Prostitution	Yes
36	2014 Bergen District Court 2015 Gulating Court of Appeal LG-2015-65106	Hordaland	1 girl Romania	1 man Romania	Forced services, begging, sexual purposes	Yes
37	2014 Drammen District Court 2015 Borgarting Court of Appeal LB-2014-204146	Søndre Buskerud	1 woman Nigeria	1 man Norway	Prostitution	Yes
38	2015 Oslo District Court <sup>10</sup> 2016 Borgarting Court of Appeal LB-2015-64887	Oslo	2 women Romania 6 men Romania	2 men Romania	Forced labour/ services (stealing, begging, bottle deposit collection)	Yes
39	2015 Drammen District Court 2016 Borgarting Court of Appeal 2017 <i>The Supreme Court</i> <sup>11</sup> HR-2017-1124-A	Søndre Buskerud	3 men India	2 men India 1 woman India  Appeal hearing: 2 men India <sup>12</sup>	Forced labour	Yes

9 First conviction pursuant to the Penal Code sections 224 and 60a. The application of Section 60a, the so-called "**mafia provision**" is considered aggravating. The provision has been revised and included in the Penal Code of 2005 as section 79 letter c.

10 Conviction for seven counts of human trafficking and one attempt at human trafficking.

11 The first time a forced labour case was heard by the Supreme Court.

12 The woman from India convicted of human trafficking in the district court was acquitted in the court of appeal.

40	2015 Oslo District Court 2016 Borgarting Court of Appeal LB-2015-169347 2016 <i>The Supreme Court</i> HR-2016-2491-A	Oslo	3 women Bulgaria	3 men Bulgaria 1 woman Bulgaria	Prostitution	Yes
41	2016 Oslo District Court TOSLO-2016-3024	Oslo	1 woman Albania	1 man Albania	Prostitution	Yes
42	2016 Glåmdal District Court 2017 Eidsivating Court of Appeal LE-2016-209073	Innlandet	4 women Bulgaria	2 women Bulgaria 2 men Bulgaria	Prostitution	No
43	2016 Bergen District Court <sup>13</sup> TBERG-2016-61974	Vest	4 girls the Philippines 3 boys the Philippines	1 man Norway	Sexual purposes	Yes
44	2017 Bergen District Court Exempt from public disclosure	Vest	1 woman	1 man Norway	Prostitution	Yes
45	2017 Bergen District Court 17-017544MED-BERG/01	Vest	1 girl Romania	1 man Romania	Prostitution	Yes
46	2017 Oslo District Court 16-195538MED-OTIR/07	Oslo	2 girls Croatia	1 woman Croatia 1 man Croatia	Forced labour/ service (theft)	Yes

<sup>13</sup> Convicted of complicity in human trafficking by ordering children for sexual exploitation via the internet.







Koordineringsenheden for Ofre for Menneskehandel

