



**G R E T A**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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

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CONSEIL DE L'EUROPE

Secretariat of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
(GRETA and Committee of the Parties)  
Council of Europe  
F- 67075 Strasbourg Cedex  
France

[trafficking@coe.int](mailto:trafficking@coe.int)

[www.coe.int/en/web/anti-human-trafficking](http://www.coe.int/en/web/anti-human-trafficking)

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

# I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Norway took place in 2012-2013. Following the receipt of Norway's reply to GRETA's first questionnaire on 1 September 2011, a country evaluation visit was organised from 21 to 24 May 2012. The draft report on Norway was examined at GRETA's 15<sup>th</sup> meeting (26-30 November 2012) and the final report was adopted at GRETA's 16th meeting (11-15 March 2013). Following the receipt of the Norwegian authorities' comments, GRETA's final report was published on 7 May 2013.<sup>1</sup>

2. In its first report, GRETA welcomed the steps taken by the Norwegian authorities to combat trafficking in human beings (THB), including the adoption of multi-annual national action plans and the setting up of the Inter-ministerial Working Group against Human Trafficking and the National Co-ordinating Unit for Victims of Trafficking (KOM). GRETA welcomed the increased efforts to tackle human trafficking for the purpose of labour exploitation and considered that the Norwegian authorities should pay more attention to child trafficking. GRETA was concerned about the lack of clear procedures and criteria for identifying victims of trafficking and urged the Norwegian authorities to adopt a formalised national referral mechanism defining the roles and procedures for all frontline actors. While welcoming the provision in Norwegian law of a recovery and reflection period lasting six months, GRETA urged the Norwegian authorities to ensure that all possible victims of trafficking are offered such a period. GRETA also considered that the Norwegian authorities should assess the effectiveness of the criminal law provisions concerning human trafficking, including the dissuasiveness of the penalties provided in the revised Criminal Code and the aggravating circumstances applicable to cases of human trafficking.

3. On the basis of GRETA's report, on 7 June 2013 the Committee of the Parties to the Convention adopted a recommendation to the Norwegian authorities, requesting them to report back on the measures taken to comply with this recommendation by 7 June 2015.<sup>2</sup> The report submitted by the Norwegian authorities was considered at the 16th meeting of the Committee of the Parties (15 June 2015). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 1 September 2015, GRETA launched the second round of evaluation of the Convention in respect of Norway by sending the questionnaire for this round to the Norwegian authorities and asking them to submit their reply by 1 February 2016. Norway submitted its reply on 1 February 2016.

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Norwegian authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to Norway took place from 9 to 13 May 2016 in order to hold meetings with relevant actors, collect additional information and assess the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Alexandra Malangone, member of GRETA;
- Ms Rita Theodorou Superman, member of GRETA;
- Mr Mats Lindberg, Administrator in the Secretariat of the Convention.

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway, GRETA(2013)5, available at: <http://rm.coe.int/16806321c1>

<sup>2</sup> <http://rm.coe.int/16806321be>

<sup>3</sup> <http://rm.coe.int/16806321c0>

6. During the visit, the GRETA delegation met representatives of the Ministry of Justice and Public Security, which is responsible for co-ordinating national action against trafficking in human beings, including officials from the Co-ordinating Unit for Victims (KOM), the Police Department and the newly established anti-trafficking units of the police, as well as representatives of the National Police Immigration Service and the Directorate of Immigration. Discussions were also held with representatives of the Ministry of Labour and Social Affairs, the Ministry of Foreign Affairs, the Ministry of Health and Care Services, the Ministry of Children and Equality, the Ministry of Education and Research, the Labour Inspection Authority, the Labour and Welfare Administration, the Child Welfare Service, the Office of the Director of Public Prosecutions, the Criminal Injuries Compensation Authority, and the Municipality of Oslo. Further, the GRETA delegation met the Ombudsman for Children and members of the Norwegian Parliament's Justice Committee.

7. Separate meetings were held with representatives of NGOs, the Norwegian Bar Association and officials from the local offices of the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF).

8. In the course of the visit, the GRETA delegation visited a shelter operated by the Salvation Army for male victims of trafficking, an institution of the Municipality of Oslo providing protection to presumed child victims of trafficking and a detention centre for irregular migrants and failed asylum seekers in Trandum.

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to place on record the co-operation provided by the Norwegian authorities and in particular by the contact person appointed by them to liaise with GRETA, Mr Jan Austad, Senior Advisor in the Police Department of the Ministry of Justice and Public Security.

11. The draft of the present report was approved by GRETA at its 27th meeting (28 November – 2 December 2016) and was submitted to the Norwegian authorities for comments. The comments of the Norwegian authorities were received on 21 February 2017 and have been taken into account by GRETA when considering and adopting the final report at its 28th meeting (27-31 March 2017). The final report covers the situation up to 31 March 2017; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 42-48).

## II. Main developments in the implementation of the Convention by Norway

### 1. Emerging trends in trafficking in human beings and types of exploitation

12. Norway is a country of destination for victims of trafficking in human beings (THB). According to data collated by KOM from a range of stakeholders, the number of presumed victims of THB was 136 in 2012, 124 in 2013, 157 in 2014 and 145 in 2015.<sup>4</sup> All victims were foreign citizens trafficked to Norway, the majority of whom originated from Nigeria, Romania and the Philippines. Around 70 % of the victims were women, 16% were men and the remainder were children. Some 70% of the victims were trafficked for the purpose of sexual exploitation, which concerned most of the women and girls. Further, in 2015 there were 13 female *au pairs* among the presumed victims of trafficking for the purpose of labour exploitation. Men and boys were mostly trafficked for the purpose of labour exploitation, which has been on the increase and has occurred mostly in the sectors of cleaning, domestic work and construction.

13. In the period 2012-2015, a total of 182 presumed child victims of trafficking received assistance,<sup>5</sup> of whom about one third were confirmed as victims of trafficking (the majority of them were girls). Most of the child victims originated from Nigeria, Romania and Algeria (see also paragraph 98).<sup>6</sup>

14. GRETA notes that the continued absence of a National Referral Mechanism limits the number of presumed victims of trafficking included in the statistics collected by KOM as NGOs assisting victims provide information to KOM only on a voluntary basis (see also paragraph 35). Because of under-reporting by actors involved in assisting presumed victims of trafficking, KOM considers that the actual number of victims of trafficking in Norway is higher than the above-mentioned statistics.<sup>7</sup>

### 2. Developments in the legal framework

15. The Norwegian Criminal Code (CC) was revised in 2009, including sections 257 and 258 which criminalise trafficking in human beings. The revised CC entered into force on 1 October 2015 due to delays in setting up a new police computer system. As a result of the revision of the CC, the maximum penalty for THB was increased to six years' imprisonment (10 years in case of aggravating circumstances). Slavery remains a separate offence criminalised by sections 259 and 260 of the revised CC (for further details, see paragraphs 150-157).

16. On 22 June 2016 the Norwegian Parliament adopted amendments to Norway's asylum legislation, making it possible to refuse entry to asylum seekers during a crisis situation with extraordinarily high numbers of arrivals (see paragraph 78 for more details).

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<sup>4</sup> The number of victims of THB who received assistance each year was higher as some victims received assistance for periods spanning several years.

<sup>5</sup> In 2012: 33 girls and 37 boys; in 2013: 16 girls and 18 boys; in 2014: 18 girls and 18 boys, in 2015: 27 girls and 15 boys. These numbers reflect the number of presumed child victims of THB receiving assistance in a given year, not the number of new entries per year.

<sup>6</sup> See Fafo Institute for Labour and Social Research, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneskehandel i Norge* ("Not our children – identification and follow-up of child victims of trafficking in Norway"), 2015:45, pp 41-43.

<sup>7</sup> KOM annual report 2015, p. 18.

### 3. Developments in the institutional framework

17. In December 2015 a new post of Minister of Immigration and Integration was set up. It is linked to the Ministry of Justice and Public Security, which continues to be responsible for co-ordinating national action against THB.

18. The Inter-ministerial Working Group against Human Trafficking and the National Co-ordinating Unit for Victims of Trafficking (KOM) within the National Police Directorate still pursue their functions as described in the first GRETA report on Norway, but the new National Action Plan against THB launched in December 2016 (see paragraph 20) foresees the development of a new mandate for KOM, to give it an effective role in identifying and referring to assistance victims of THB.

19. On 1 January 2016, the number of police districts in Norway was reduced from 27 to 12 with a view to improving investigations into serious offences, including THB. Parliament earmarked NOK 15 000 000 (about 1.63 million Euros) from 2015 onwards for the establishment and running of specialised anti-trafficking units in the five largest police districts. These units became operational in 2016, with six to 10 staff in each unit. They either include police prosecutors or co-operate closely with regional public prosecutors (see paragraph 173) and financial investigators. GRETA welcomes the establishment of the specialised anti-THB police units.

### 4. National Action Plans

20. A new National Action Plan against THB was published on 1 December 2016. Its drafting was ensured by the Ministry of Justice and Public Security and KOM, with the involvement of the Ministry of Labour and Social Affairs, the Ministry of Children and Equality, the Ministry of Health and Care Services, the Ministry of Foreign Affairs, the Directorate of Police, the Norwegian Directorate of Immigration and the Norwegian Directorate for Children, Youth and Family Affairs. The new plan is divided into the five chapters as follows: strengthened and targeted action against THB; co-ordinated and effective measures to protect and promote victims' rights; improved police organisation and efforts; increased knowledge on how to detect and prevent THB; and strengthened international co-operation against THB. During the evaluation visit, it was noted that extended discussions around the financial contributions of the different ministries involved in the implementation of the new National Action Plan had resulted in delays in its adoption. There is no specific budget allocated to the implementation of the plan and each ministry must use funds from its budget to implement the measures foreseen by the plan.

21. Civil society representatives reported having been insufficiently informed and consulted during the process of preparing the new National Action Plan (see paragraph 196). GRETA notes that the implementation of the previous plan, which expired in 2014, was not evaluated. GRETA was told that responsible officials considered that it was clear what was needed to develop the new National Action Plan and that an external assessment of the previous plan would be superfluous, given that GRETA had provided an evaluation report of Norway's efforts to combat THB in 2013.

22. GRETA considers that the Norwegian authorities should, especially in the absence of an independent National Rapporteur or equivalent mechanism, commission an independent evaluation of the implementation of the National Action Plan on action against trafficking in human beings upon its expiry, as a basis for the development of the next Action Plan.

## 5. Training of relevant professionals

23. In its first report, GRETA considered that there was a need for further investment in the continuous training and awareness raising on THB of relevant professionals, in particular prosecutors, judges, border police, immigration officials, labour inspectors, social workers and members of NGOs likely to come into contact with victims of trafficking.

24. KOM provides training to a variety of stakeholders by means of some 40-50 presentations and lectures each year. KOM also organises annual conferences for representatives of its two working groups.<sup>8</sup> Further, the ROSA project conducts a two-day workshop on human trafficking every year.<sup>9</sup>

25. In November 2013 KOM organised a national seminar on human trafficking focusing on victim identification and bringing perpetrators to justice, with approximately 300 participants. The audience included police officers, prosecutors, immigration officials, including those working in asylum reception centres, staff of municipal services, health-care professionals, NGOs and other relevant stakeholders from across the country. Further, in December 2016 KOM organised a national seminar with 270 participants coming from various police districts, the State and municipal child welfare services and health and social services, the immigration services, asylum and reception centres, NGOs, research institutions and the private sector. The seminar addressed the issues of co-ordination, trafficking for the purpose of sexual exploitation, trafficking for the purpose of labour exploitation, and trafficking in children. Further, in their comments on the draft GRETA report the Norwegian authorities indicated that the THB Competence Group<sup>10</sup> of the police is developing a standard training package for future training events, following the example developed in the South-Western region of Norway.

26. A national seminar for police officers and prosecutors was held in October 2014. It brought together approximately 150 police officers, investigators and prosecutors and was aimed at enhancing their capacity to improve the criminal justice response to human trafficking. The Norwegian Police University College has set up a one-day training curriculum on human trafficking and has developed a specific training programme for patrol officers, investigators and prosecutors. The police have a knowledge database known as CODE, in which human trafficking is a selected topic. This database, which is regularly updated, contains information about the legal framework relevant to THB, related terminology, investigations and judgments, as well as a list of relevant actors and contacts. Civil society interlocutors met by GRETA during the second evaluation visit were of the view that staff working in the new specialised police anti-trafficking units were well trained, but more training on THB was necessary for non-specialised police officers. GRETA refers to a report by the Fafo Institute for Labour and Social Research on child trafficking in Norway,<sup>11</sup> which found that 76% of surveyed police officers and 86% of child welfare officials considered knowledge of THB important for good work performance. The majority of the respondents (66 and 74% respectively) considered that their own knowledge about THB was average or weak. In both professional groups the percentage of surveyed staff who had undertaken a course on THB was 26%.

27. The Norwegian Court Administration, the Prosecution Service and the Bar Association have organised training sessions on the revised Criminal Code.

28. The Directorate of Immigration (UDI) has a continuous focus on improving procedures for identification of THB victims. This includes training case workers and reception centre staff, and establishing better procedures for case processing.

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<sup>8</sup> See paragraph 22 of GRETA's first report.

<sup>9</sup> The 2016 workshop took place in May, in the week of GRETA's visit to Norway.

<sup>10</sup> The group is led by the National Criminal Investigation Service and includes representatives of the specialised anti-THB police units, KOM, the Police Academy and the National Police Immigration Service. One of the main aims of the Competence Group is to enhance police capacity to prevent, detect, investigate and prosecute THB offences.

<sup>11</sup> Fafo, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneshandel i Norge*, 2015:45, p.58.

29. Staff of the Municipality of Oslo institution in which presumed child victims of trafficking can be placed against their will (see paragraphs 110) received training on THB in 2012.

30. There is very limited training on THB for Norwegian consular staff. The Directorate of Immigration (UDI) decides on work visa applications, including for seasonal work, and embassy/consular staff usually do not meet the applicants. The exception is the Norwegian embassy in Manila, which is mandated to issue visas for Filipinos who wish to work as domestic workers or *au pairs* in Norway. GRETA invites the Norwegian authorities to extend the practice of individual interviews of visa applicants by consular staff to more countries.

31. In autumn 2015, the Norwegian Labour Inspection Authority conducted training for 10 operational inspectors and lawyers with experience in working against social dumping and work-related crimes, focusing on different aspects of THB (including intelligence gathering, investigation, exploitation of foreign nationals) by a lecturer from the anti-THB Group of the Organised Crime Section of the Oslo Police District. In addition, representatives of the Organised Crime Department of the Stavanger Police District trained all 30 employees of the Stavanger Labour Inspection Office on THB.

32. According to the Ministry of Health and Care Services, there is no training provided to medical students or health-care professionals as regards THB and identification of victims of THB.

33. GRETA considers that the Norwegian authorities should continue and strengthen their efforts to provide periodic training about different aspects of combating THB and the rights of victims of trafficking to all relevant professionals, including judges, police officers, labour inspectors, consular staff, health-care professionals and child welfare officials.

## 6. Data collection and research

34. In its first report on Norway, GRETA considered that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Norwegian authorities should further develop a comprehensive and coherent statistical system on THB by compiling reliable statistical information from all main actors, including prosecutors, courts and the Criminal Injuries Compensation Authority. The statistics should allow disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination) and should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

35. As noted in GRETA's first report, since 2007, KOM has been collected data on THB cases identified by the authorities and victims of trafficking assisted by service providers.<sup>12</sup> KOM publishes comprehensive annual reports on developments in the fight against trafficking and assistance provided to victims. However, KOM acknowledges that in the absence of a National Referral Mechanism, data collection is dependent on the goodwill of different stakeholders. A legal analysis carried out in 2013<sup>13</sup> concluded that while KOM cannot oblige stakeholders to provide data, professional confidentiality considerations do not prevent stakeholders from submitting to KOM the necessary data.

36. The Directorate for Children, Youth and Family Affairs (Bufdir) is in the process of setting up a system for registering information in the case handling system on possible victims of trafficking in the child welfare system. The system was meant to become operational as of 1 January 2017.

<sup>12</sup> See paragraph 75 of GRETA's first report.

<sup>13</sup> See KOM annual report 2015, p. 13.

37. In order to create an evidence base for future policy measures, GRETA urges the Norwegian authorities to, set up and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on investigations, prosecutions, convictions and compensations in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database. The introduction of a National Referral Mechanism for victims of trafficking would be conducive to improving data collection.

38. In 2015, the Fafo Institute for Labour and Social Research published a report on the identification and assistance of child victims of trafficking in Norway, which was commissioned by the Ministry of Children, Equality and Social Inclusion. The report studied the application of a provision introduced in the Child Welfare Act in 2012 (section 4-29) that allows unaccompanied children to be held for up to six months in a closed institution (see paragraph 108). The report reviewed 14 of the 50 cases in which this provision had been applied and concluded that some of the children concerned had been victims of serious exploitation and/or trafficking by organised groups.

39. Further, in 2015 the Fafo Institute for Labour and Social Research and the Rockwool Foundation jointly published a report about the situation of migrants from Romania living and working on the streets of the Scandinavian capitals.<sup>14</sup> The research found that begging was organised by extended families and while there may be some abuse, the majority of those begging travelled on their own free will and were in control of their own activities and income.

40. Moreover, the Ministry of Justice and Public Security commissioned a research project aiming to identify challenges and propose measures concerning children who go missing from care and reception centres. The resulting report by the Norwegian Institute for Urban and Regional Research was published in December 2016 (see paragraph 104).<sup>15</sup>

41. GRETA welcomes the research carried out on different aspects of THB in Norway and invites the Norwegian authorities to continue supporting such research. Areas where further research could be conducted include the provision of assistance to victims of trafficking, in particular with a view to researching why many victims of trafficking decline the assistance offered to them, trafficking for the purpose of labour exploitation, including exploitation of begging, and trafficking for the purpose of forced criminality.

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<sup>14</sup> Fafo and the Rockwool Foundation, *When poverty meets affluence. Migrants from Romania on the streets of the Scandinavian capitals*, 2015.

<sup>15</sup> <http://www.hioa.no/Om-HIOA/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Forebygging-og-oppfoelging-av-enslige-mindreareige-asyloekere-som-forsvinner-fra-mottak-og-omsorgssentre> (English summary pages 18-28).

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness (Article 5)

42. In its first report GRETA considered that the Norwegian authorities should plan future information and awareness-raising campaigns with the involvement of civil society and on the basis of previous research and impact assessment. GRETA stressed the need to raise awareness of child trafficking and trafficking for the purpose of labour exploitation, including in private households.

43. In 2015 the Norwegian Parliament established a new grant scheme of 7 000 000 NOK (about 763 000 Euros) for measures to prevent THB and provision of support to victims of trafficking (see also paragraph 89). Among the measures foreseen are information campaigns.

44. The steps taken in Norway in the area of prevention have mainly focused on reducing demand for sexual services (see paragraph 64). As regards prevention of human trafficking for the purpose of labour exploitation, see the separate section below (paragraphs 46-51).

45. GRETA considers that the Norwegian authorities should increase their efforts to raise general awareness of THB, including of new forms of trafficking, such as for the purpose of exploitation in criminal activities. Future awareness-raising measures should be designed in the light of impact assessments of previous measures and research.

##### b. Measures to prevent THB for labour exploitation (Article 5)

46. In recent years Norwegian media have contributed to raising public awareness of trafficking in human beings for the purpose of forced labour by reporting cases.<sup>16</sup>

47. In January 2015, the Norwegian Government introduced a holistic strategy to combat criminal activities related to working life.<sup>17</sup> This strategy was developed in consultation with the main employer and trade union federations and aims, *inter alia*, at preventing THB. A strengthened set of control mechanisms and improved co-operation between law enforcement agencies, labour inspectors and other relevant authorities is a vital element of this strategy. Linked to it, the government has decided to increase funding to the police, tax authorities and the labour inspection authority for the purpose of strengthening the investigation of offences, for example in the construction sector. Further, the Government launched in 2015 a National Action Plan on Business and Human Rights.<sup>18</sup> Among others, the Plan seeks to ensure greater policy coherence and expertise on corporate social responsibility in the public administration; pool the resources of several actors that currently advise companies on corporate social responsibility by establishing a single advisory centre; and include respect for internationally recognised human rights in public contracts.

<sup>16</sup> For examples of media reports, see: <http://www.vg.no/nyheter/innenriks/krim/frykter-oekt-menneskehandel-etter-flyktningstroemmen/a/23768557/>; <http://www.aftenposten.no/norge/Rekordmange-anmeldelser-for-menneskehandel-i-Norge-33149b.html>; <http://www.dagbladet.no/emne/menneskehandel>

<sup>17</sup> Available at: [https://www.regjeringen.no/contentassets/4f7ae70171bd480682b8dafddadaf311/strategy\\_for\\_combating\\_work-related\\_crime.pdf](https://www.regjeringen.no/contentassets/4f7ae70171bd480682b8dafddadaf311/strategy_for_combating_work-related_crime.pdf)

<sup>18</sup> Available at: [https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/naringsliv/ud\\_naeringsliv\\_og\\_menneske\\_uu-versjon2.pdf](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/naringsliv/ud_naeringsliv_og_menneske_uu-versjon2.pdf)

48. Labour inspectors can make inspections to ensure compliance with the Working Environment Act at any time of the day or night, except on Sundays. They can inspect any work place but when it comes to private households where work may be performed, for example by domestic staff and care providers, labour inspections are as a rule not carried out,<sup>19</sup> unless the employer provides accommodation for his/her workers, in which case inspections can be carried out to ensure the safety and suitability of the accommodation. During inspections, labour inspectors hand out a questionnaire about working conditions and contractual arrangements, which exists in 20 languages. Interpreters are used if needed.

49. Labour inspectors sometimes carry out joint inspections with the police, but these police officers belong to the ordinary police forces as opposed to the specialised anti-THB units (see paragraph 19). If labour inspectors receive information about or observe signs of THB, they notify the police, as happened in the case of an Indian restaurant in Stavanger which was investigated by the police and is currently pending prosecution.

50. The *Au Pair* Centre<sup>20</sup> run by NGO Norwegian People's Aid was opened in 2013 to provide information and advice to *au pairs* and host families. In May 2015 the centre published a handbook with advice for *au pairs* and host families.<sup>21</sup> GRETA notes that labour inspectors are not mandated to inspect the working conditions of *au pairs* as they are not considered as employed under Norwegian law. As noted in paragraph 12, 13 of the 90 cases of forced labour or services reported to KOM in 2015 concerned *au pairs*.

51. While welcoming the engagement of the Labour Inspection Authority in detecting cases of THB, GRETA stresses Norway's positive obligations under Article 4 of the European Convention of Human Rights to put in place adequate measures regulating businesses and other economic activity, such as *au pairs*, to ensure that they are not subject to abuse.<sup>22</sup> GRETA considers that the Norwegian authorities should intensify their efforts to prevent THB for the purpose of labour exploitation, in particular by:

- expanding the mandate of labour inspectors so that they can be actively engaged in the prevention of THB, including in private households;
- training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
- raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
- reviewing the regulations concerning *au pairs* to ensure that they are not subject to abuse;
- working closely with the private sector, in line with the Guiding Principles on Business and Human Rights,<sup>23</sup> to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility.

<sup>19</sup> The Working Environment Act does not apply to domestic workers employed by private employers, who are covered by an Act of July 2002 about work in a private employer's home, available at:

<http://www.arbeidstilsynet.no/binfil/download2.php?tid=96426>

<sup>20</sup> <https://www.npaid.org/Our-Work/Refugees-and-Integration/Welcome-to-Au-Pair-Center-On-Equal-Terms>

<sup>21</sup> Available at: <https://www.npaid.org/Our-Work/Refugees-and-Integration/Welcome-to-Au-Pair-Center-On-Equal-Terms/Handbook>

<sup>22</sup> See *Rantsev v. Cyprus and Russia* (application No. 25965/04, judgment of 7 January 2010) in which the European Court of Human Rights established that Article 4 of the ECHR requires States to put in place adequate measures regulating businesses often used as a cover for THB. Furthermore, a State's immigration rules must address relevant concerns relating to encouragement, facilitation or tolerance of trafficking (paragraph 284).

<sup>23</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

c. Measures to prevent trafficking in children (Article 5)

52. The national school curriculum in Norway does not address the issue of human trafficking, but GRETA was informed that Parliament had requested the Ministry of Education to ensure awareness and knowledge of “modern-day slavery” through the school curricula. GRETA was informed that the Ministry had sent a letter to the Directorate for Education and Training where this request was included. The Parliamentary request will be part of the renewal of the Norwegian school curriculum.

53. GRETA notes that unaccompanied and separated children are particularly vulnerable to falling victims of THB.<sup>24</sup> On 2 March 2016 the Secretary General of the Council of Europe addressed a letter to the Heads of State of Council of Europe member states, drawing attention to the large number of unaccompanied children currently present in Europe and the fact that many of them are likely to fall victims of trafficking, as well as stressing the importance of providing unaccompanied children with protection, including safe accommodation.<sup>25</sup>

54. In 2015, 5 297 unaccompanied children applied for asylum in Norway. GRETA refers to the 2015 annual report of KOM according to which some unaccompanied children arriving in Norway by bus did not want to register with the police and despite members of the Oslo municipal outreach services trying to convince them to register with the National Police Immigration Service, some of them disappeared before the police or child welfare services arrived. As a result, they were not registered and their identity remains unknown, making them particularly vulnerable to exploitation.<sup>26</sup> Child asylum seekers whose asylum applications have been rejected or who are unlikely to be granted asylum or permission to stay in Norway on other grounds are likely to abscond from reception centres (see paragraph 104).

55. GRETA notes that there have been hardly any cases of children identified as victims of trafficking for the purpose of the exploitation of begging. Reference has already been made in paragraph 39 to the research into the situation of Romanian migrants living and working in the streets, according to which children in street situations are routinely taken in by the child protection services.<sup>27</sup> The Norwegian authorities have stressed that the police and the Child Welfare Authorities always react to child begging and that the policy is to protect children from adverse attitudes, traditions, customs and practices, such as using them as beggars.

56. Referring to Article 5, paragraph 5, of the Convention, according to which Parties to the Convention shall take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment for them, GRETA considers that the Norwegian authorities should intensify their efforts to prevent trafficking in children, in particular by:

- raising public awareness about the risks and manifestations of child trafficking;
- ensuring the registration of unaccompanied children arriving in Norway and increasing efforts to prevent such children from disappearing from child welfare centres and asylum reception centres;
- sensitising and training child welfare professionals across the country;
- taking due account of the results of recent research on child victims of trafficking and the risks involved.<sup>28</sup>

<sup>24</sup> See GRETA’s 5th General Report, p. 37, and the Council of Europe Strategy for the Rights of the Child 2016-2021, p. 9.

<sup>25</sup> The letter is available at: <http://rm.coe.int/16805a5bfe>

<sup>26</sup> KOM annual report 2015, p. 9.

<sup>27</sup> Fafo and the Rockwool Foundation, *When poverty meets affluence. Migrants from Romania on the streets of the Scandinavian capital*, 2015, p. 86.

<sup>28</sup> See, for example, Fafo report 2015:45.

d. Measures to prevent trafficking in human beings for the purpose of organ removal (Article 5)

57. GRETA notes that while human trafficking for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>29</sup> are two distinct crimes, they bear certain similarities and share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>30</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the “donor” and ensuring that “donors” are treated as victims of trafficking in human beings.

58. According to Article 257 of the revised Norwegian CC, any person who by violence, threats, misuse of another person’s vulnerability or other improper conduct forces, exploits or induces another person to agree to the removal of the said person’s organ, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding six years.

59. A new law on the quality and safety of human organs intended for transplantation entered into force on 1 January 2016.<sup>31</sup> Pursuant to this law, the Directorate of Health is responsible for authorising organ transplants and keeps a public register of authorised institutions. There are 26 hospitals authorised to carry out organ transplants in Norway. If a deceased person is known to have agreed to donate an organ, his or her organ can be transplanted unless the next of kin refuses. Written consent is required from living adult donors. There is also a Nordic Country Register of organ donors, with a corresponding system of imports and exports of organs within the Nordic countries.

60. Norway signed the Council of Europe Convention against Trafficking in Human Organs on 25 March 2015 and is presently preparing its ratification. GRETA encourages the Norwegian authorities to ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.

61. There have been no known cases of THB for the purpose of organ removal in Norway.

62. GRETA considers that the Norwegian authorities should ensure that, as part of their training, medical professionals involved in organ transplantations and other relevant professionals are sensitised about THB for the purpose of organ removal.

e. Measures to discourage demand (Article 6)

63. In its first report, GRETA considered that the Norwegian authorities should discourage demand for the services of victims of trafficking for the purpose of sexual exploitation and strengthen their efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation in at-risk economic sectors, such as construction, agriculture, cleaning, hotels, catering, entertainment and domestic work.

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<sup>29</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

<sup>30</sup> See Council of Europe/United Nations, *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs*, 2009, in particular pp 55-56; OSCE, *Trafficking in human beings for the purpose of organ removal in the OSCE region*, OSCE Occasional Paper No. 6, 2013.

<sup>31</sup> Available in Norwegian at: <https://lovdata.no/dokument/NL/lov/2015-05-07-25?q=transplantasjon>

64. In Norway the purchase of sexual services has been banned since 2008 which, as explained in GRETA's first report, in itself criminalises the use of services of victims of trafficking exploited in prostitution. An evaluation of this measure commissioned by the Norwegian Government and published in 2014 concluded that "the ban on purchasing sexual services has reduced demand for sex and thus contributes to reducing the extent of prostitution in Norway. The enforcement of the law, in combination with the laws against trafficking and pimping, makes Norway a less attractive country for prostitution-based trafficking than what would have been the case if the law had not been adopted".<sup>32</sup> On the other hand, GRETA notes that according to Pro Sentret, an organisation operated by the Municipality of Oslo, there is little evidence that the sex purchase ban has had a preventive effect and when the police deport foreign sex workers, they usually spend little or no time on trying to identify possible victims of THB among them.<sup>33</sup> In a report published in 2016, Amnesty International refers to human rights abuses of people selling sex in Norway and quotes persons engaged in prostitution who have reportedly experienced violations of the right to security of person, the right to health, the right to non-discrimination and the right to privacy.<sup>34</sup> Without prejudice to the wide spectrum of issues surrounding this debate, GRETA stresses the importance of keeping under review the impact of any legislative reform on the identification of victims of trafficking, their protection and assistance, and the prosecution of traffickers. A Government white paper on further policies and action on prostitution is expected to be published in 2017.

65. The NGO Reform - Resource Centre for Men through its KAST project offers support and advice to men who seek help with ending their habit of purchasing sexual services.<sup>35</sup> The project is funded by the Ministry of Justice and Public Security and has since it commenced operation in 2011 advised hundreds of men and a few women.

66. Though it does not contain many explicit references to THB, the Government strategy to combat criminal activities related to working life (see paragraph 47) is also aimed at discouraging demand for trafficked labour in various economic sectors.

67. GRETA notes that discouraging demand for services of victims of trafficking for the purpose of labour exploitation is overlooked by Norway. In this context, GRETA refers to the recommendations in paragraph 51 concerning awareness-raising among businesses, strengthening corporate social responsibility, prevention of trafficking in supply chains, and targeting sectors at risk.

68. GRETA considers that the Norwegian authorities should make further efforts to discourage demand that fosters all forms of exploitation of persons, including labour exploitation, in partnership with the private sector, civil society and trade unions.

f. Border measures (Article 7)

69. In its first report, GRETA considered that the Norwegian authorities should make further efforts to detect and prevent THB through border control measures.

<sup>32</sup> An English summary of the evaluation is available at: <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>

<sup>33</sup> Pro Sentret annual report 2014, p. 9. <http://prosentret.no/publikasjoner/pro-sentrets-publikasjoner/a%cc%8arsrapporter/>

<sup>34</sup> Amnesty International, *The human cost of 'crushing the market': Criminalization of sex work in Norway*, 2016, available at: [http://www.amnestyusa.org/sites/default/files/norway\\_report\\_-\\_sex\\_workers\\_rights\\_-\\_embargoed\\_-\\_final.pdf](http://www.amnestyusa.org/sites/default/files/norway_report_-_sex_workers_rights_-_embargoed_-_final.pdf)

<sup>35</sup> <http://reform.no/om-kast>

70. Even though victims of trafficking as a rule are difficult to identify at border-crossings, they can be identified in connection with other detected or suspected crimes. By way of example, the Norwegian authorities have referred to the case of a Dutch man who travelled by plane from the UK to Oslo with his two daughters, aged 13 and 14, and was controlled by customs officials at Oslo airport. The man and his daughters carried each a suitcase, containing a total of 56 kilos of the illegal substance khat.<sup>36</sup> The court found that the man had exploited his daughters by making them carry the suitcases and convicted him of both drug offences and human trafficking (see also paragraph 174).

71. GRETA considers that the Norwegian authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration flows. This should include introducing a checklist to identify potential victims of trafficking during visa applications and providing written information to foreign nationals planning to travel to Norway, in a language that they can understand, in order to alert them about the risks of THB and to inform them of their rights and where to turn for advice and assistance. GRETA refers in this context to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders.<sup>37</sup>

## 2. Measures to protect and promote the rights of victims, guaranteeing gender equality

### a. Identification (Article 10)

72. In its first report, GRETA urged the Norwegian authorities to set up a formalised National Referral Mechanism defining clear procedures and roles for all frontline actors who may come into contact with victims of trafficking, in order to improve clarity and legal certainty. GRETA stressed the need for providing all frontline staff with operational indicators, guidance and toolkits for the identification of victims of trafficking, for different forms of exploitation, and training them to use these identification tools in order to ensure that they adopt a proactive and harmonised approach to detecting and identifying victims of trafficking. In this context, GRETA noted the need for improving the identification of victims of trafficking among irregular migrants and asylum seekers.

73. Norway has not yet developed a National Referral Mechanism (NRM). As described in GRETA's first report,<sup>38</sup> there is no single government agency or designated non-state actor with primary responsibility for the identification of victims of trafficking. In principle, all agencies, organisations or individuals who find themselves with grounds for concern that a person may be subject to human trafficking (including social workers, police officers, medical staff, labour inspectors, child welfare officials, staff of asylum reception centres, NGOs) have the statutory duty to identify the person concerned as a possible victim and refer him/her to the relevant authorities and assistance programmes, while complying with the relevant privacy and confidentiality regulations. The new National Action Plan refers to measures to give KOM "an effective role in the identification and referral of victims".

74. Formal identification as a victim of THB is not required in order to access assistance. In other words, every person presumed to be a victim of trafficking must be treated as such, with all the corresponding rights (see paragraph 83), unless the opposite is proven. The Norwegian authorities informed GRETA that they had studied NRMs of other countries with a view to improving the Norwegian victim identification system, but in any event they wish to keep the identification threshold low.

<sup>36</sup> *Catha edulis* (khat) is a flowering plant native to the Horn of Africa and the Arabian Peninsula. In 1980, the World Health Organisation classified it as a drug of abuse that can produce mild-to-moderate psychological dependence.

<sup>37</sup> [http://www.ohchr.org/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)

<sup>38</sup> See paragraph 126 of GRETA's first report.

75. As noted in the first report, KOM has developed a "Guide to the identification of possible victims of trafficking", which contains lists of indicators of trafficking for the purpose of sexual exploitation, forced labour or services, and child trafficking.<sup>39</sup> This guide is distributed to all professionals that may encounter human trafficking in their daily work and is used in KOM's training activities. The use of the indicators is promoted through various channels, such as internal procedures, intranets and circulars.

76. The Directorate of Immigration (UDI) is the central agency co-ordinating the administration of immigration in Norway. As part of its duties, it is mandated to process applications of victims of THB for a reflection period, residence permits and asylum. The National Police Immigration Service (PU) is tasked with registering and establishing the identity of asylum seekers who arrive in Norway as well as organising the forced return of irregular migrants. PU is part of the immigration administration and co-operates closely with other agencies, in particular UDI and the Immigration Appeals Board (UNE). Officials from PU are instructed to identify possible victims of THB at all stages. Existing procedures describe how to look for indicators of THB during the registration stage and to inform other agencies about a possible victim.

77. Identification of presumed victims of THB during the procedure for asylum or subsidiary protection may occur through information given by the person him/herself or when a caseworker or an official from another agency (e.g. reception centre, the police, health worker) detects indicators of trafficking. For the immigration authorities, the duty to identify possible victims of trafficking in human beings among asylum seekers includes the obligation to provide them with information on their rights, assist in contacting relevant bodies or support schemes, and consider whether information should be given to a reception centre, child welfare services, police or other agencies,. There were 10 presumed victims of trafficking detected in asylum reception centres in 2015. Half of them were children (three girls and two boys). Nine were victims of sexual exploitation and one of forced labour.

78. On 22 June 2016 the Norwegian Parliament adopted amendments to Norway's asylum legislation,<sup>40</sup> pursuant to which it is possible to refuse entry to asylum seekers during a crisis with extraordinarily high numbers of arrivals. The deadline for lodging an appeal following the rejection of an asylum application was reduced from three weeks to one week for asylum seekers who do not meet the conditions for being granted protection or who are otherwise protected from return, and the rules for family reunification became more restrictive. GRETA is concerned that the new rules risk limiting the possibilities for identifying victims of THB among asylum seekers.

79. Since 2015 Caritas Norway has run an information office for migrant workers. Its representatives believe that a number of the workers they provide with information are possible victims of trafficking, and are training their staff to improve their ability to identify victims and refer them to assistance.

80. The ROSA project runs a telephone hotline which provides information on the various forms of help and protection to which victims of trafficking are entitled in Norway.<sup>41</sup> The hotline offers help and information to any stakeholder, including NGOs and lawyers. Private individuals may call for help and information, including anonymously.

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<sup>39</sup> The Norwegian version of the guide consists of one main document and three complementary brochures (dealing with THB for sexual exploitation, forced labour, and exploitation of children), whereas the English version consists of one single document.

<sup>40</sup> Different parts of the amended legislation entered into force on different dates, but all of them are in force as of October 2016.

<sup>41</sup> In 2016 the advice given through the ROSA hotline was extended to cover matters concerning any form of trafficking, regardless of the sex of the victim.

81. GRETA urges the Norwegian authorities to 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 detected;
- harmonising the indicators and criteria used by the authorities and civil society representatives to identify presumed victims of trafficking;
- improving the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres;
- 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.

b. Assistance measures (Article 12)

82. In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to provide assistance to victims of trafficking, including the provision of safe and suitable temporary accommodation, and should provide access to education, vocational training and the labour market for victims of trafficking who are lawfully resident in the country in order to help their reintegration into society and to avoid re-trafficking.

83. As explained in GRETA's first report,<sup>42</sup> victims of trafficking are entitled to a range of assistance measures as provided for by domestic legislation, including a recovery and reflection period which gives the right to temporary residence and work permit for six months, legal assistance and free legal aid in advance of any criminal charges, safety measures (following a risk assessment) provided by the police, a safe place to live, follow-up care provided by social services or immigration authorities, medical assistance, financial support, safe voluntary return and re-establishment in the home country (provided by the International Organisation for Migration (IOM) with which the Norwegian Government has an agreement). These rights are listed in an information leaflet developed by KOM.

84. Presumed victims of trafficking who apply for a recovery and reflection period are entitled to the above-mentioned assistance. Victims of trafficking detected among asylum seekers are also entitled to assistance, but the precise forms of assistance depend on the resources different municipalities have and are not identical to those provided to victims granted a recovery and reflection period. However, according to the Norwegian authorities, in both cases the assistance provided fulfils the requirements of Article 12 of the Convention.

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<sup>42</sup> See paragraph 142 of GRETA's first report.

85. The Norwegian Labour and Welfare Administration<sup>43</sup> (NAV) provides accommodation, other services and financial support to victims of trafficking during the recovery and reflection period (as regards other actors providing accommodation and assistance, see paragraphs 86-88 and 90). The level of financial support depends on the person's needs (there is no fixed amount), similar to the approach taken in respect of Norwegian citizens. According to a representative of NAV met during the second evaluation visit, efforts have been made in recent years to create meaningful daytime activities for victims during the recovery and reflection period and that the accommodation offer has increased, including two flats in Oslo (with two beds each) for male victims of trafficking. At the time of GRETA's visit, there were 29 victims of trafficking accommodated by NAV, of whom 24 were attending some kind of activities (including Norwegian language lessons). Two of the victims had their children with them.

86. Since 2005, the Government has funded the ROSA project with the aim of co-ordinating the provision of assistance to female victims of trafficking. In 2013, 52 women were accommodated in the country-wide network of shelters offering safe housing to women, and in 2014, 42. In 2015 only 38 out of 125 presumed victims of THB referred to the ROSA project accepted the offer of assistance and protection. These 38 women were of 10 different nationalities, but most of them were Nigerian.<sup>44</sup>

87. Another project funded by the Norwegian Government is Laura's House, established in 2009 by the Church City Mission Nadheim in Oslo, which provides safe accommodation for female victims of trafficking and their children.

88. Victims of THB can also be accommodated in crisis centres for victims of violence, run by the municipalities and regulated by the 2010 Shelter Act (*Krisesenterlova*).<sup>45</sup> The Act applies to victims of THB in need of safe accommodation, including male victims, but it appears unclear whether its provisions also cover male victims of trafficking for the purpose of labour exploitation.

89. As noted in paragraph 43, in 2015 the Norwegian Parliament established a new grant scheme of 7 000 000 NOK (about 763 000 Euros) for measures to prevent THB and support victims, managed by the Ministry of Justice and Public Security. These funds come in addition to existing funds (amounting to about 13 000 000 NOK) used for various forms of support for victims of trafficking. Applications for funding are for one year at a time. While applications can be renewed, the short-term funding makes long-term planning difficult. Among the 27 funding decisions taken by the Ministry of Justice and Public Security in 2016, the largest grants concerned accommodation for trafficking victims. Laura's House (see paragraph 87) and the Salvation Army Shelter for male victims of trafficking (see paragraph 90), were respectively granted 5 950 000 and 2 250 000 NOK in 2016. Another recipient of a large grant was the Red Cross in Oslo which received 1 100 000 NOK for its "Right to be seen" project (see paragraph 92).<sup>46</sup>

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<sup>43</sup> NAV co-operates closely with the municipal authorities and agrees with each of them a division of responsibilities in providing social services.

<sup>44</sup> ROSA annual report 2015, p. 31.

<sup>45</sup> While there is no specific reference to victims of THB in the law, the *travaux préparatoires* of the law make it clear that the shelters are also to cater for female, male and child victims of trafficking.

<sup>46</sup> These amounts are for one year, with the possibility to apply for renewed funding.

90. In May 2016 the Salvation Army opened a shelter in the Oslo area with four beds for male victims of trafficking and/or couples, which was visited by GRETA during the second evaluation visit to Norway. Initial funding for one year was provided by the Ministry of Justice and Public Security under the above-mentioned grant scheme. The shelter is staffed by up to six persons from a range of professional backgrounds, with at least one staff member present at any time. All persons accommodated at the shelter have an individual plan covering aspects of health care, housing, social network and professional qualifications. During the reflection and recovery period victims of trafficking staying at the shelter have the option of working for the Salvation Army shop. Victims are also offered Norwegian and English language classes. GRETA welcomes the opening of the Salvation Army shelter and the assistance and protection measures provided by it.

91. While the Norwegian authorities consider that the existing shelters, flats and crisis centres are adequate as short-term accommodation for most victims of trafficking, GRETA notes that they are not suitable for victims who need long-term accommodation. GRETA was informed that there was a lack of structured programmes for victims accommodated in flats. The degree to which trafficking victims are cared for varies significantly depending on the authority or institution accommodating them. GRETA also notes the shortage of suitable accommodation facilities for victims of trafficking outside Oslo.

92. Since 2010 the Norwegian Red Cross in Oslo has been running a project entitled "Right to be Seen", which aims to build, develop and run activities that assist and empower victims of THB, as well as raising awareness of THB. The beneficiaries of this project are mostly victims of trafficking for the purpose of exploitation other than sexual exploitation, such as persons exploited as *au pairs*, domestic workers, drivers, washing cars, or persons forced to commit criminal offences. Beneficiaries receive counselling and support to contact lawyers, the police, NAV, UDI and other relevant actors. In 2015 the project had 62 adult beneficiaries of 21 nationalities, of whom 15 were men; 20 beneficiaries received individual assistance from a social counsellor.

93. Furthermore, as part of the "Right to be Seen" project, the Red Cross and the Choice Hotel chain have started a programme through which victims of trafficking can undertake a three-month period of work practice in one of the hotels belonging to the chain. In 2015 eight victims of THB took part in this programme. Four of them were offered regular contracts at the hotels after completing the three-month period of work practice. Beyond this project, the Red Cross has received further funding in order to co-operate with the Salvation Army in providing assistance to male victims of THB.

94. GRETA was informed of a change made to the general rule for free legal aid to all victims of crime considering if they should file a complaint with the police. It was decided that lawyers should receive a salary for three hours as a rule. However, since trafficking cases are more complex, lawyers providing legal aid to victims of THB are not limited to this general rule and presumed victims of THB in practice receive 6-10 hours of free legal aid before applying for a recovery and reflection period. The legal aid is paid for by the county authorities. Should a victim file a complaint with the police and a prosecution follow, a lawyer will be appointed for the victim without limits to the hours of free legal aid. If the victim does not have a preferred lawyer, one will be appointed by the court from a list of lawyers onto which interested lawyers can be added through regular calls for interest. Further, persons on low income may get granted further free legal aid for particular purposes, such as seeking compensation from the Compensation Authority for Victims of Crime. NGOs specialised in providing support to victims of THB co-operate with specialised lawyers.

95. According to information provided by the Norwegian authorities, access for victims of THB to general and specialised health services has improved as a result of an amendment to the administrative rules in 2013, pursuant to which a personal identity number is issued to a presumed victim of THB.<sup>47</sup>

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<sup>47</sup> [Report submitted by the Norwegian authorities on measures taken to comply with Committee of the Parties Recommendation CP\(2013\)6 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings](#), p. 6.

96. GRETA welcomes the increased funding for civil society organisations providing assistance to victims of trafficking, including men, and invites the Norwegian authorities to secure long-term funding for victim assistance projects, subject to their quality control and evaluation, in order to ensure the continuity of assistance. Further, GRETA considers that the Norwegian authorities should continue and strengthen their efforts to provide assistance to victims of trafficking, and in particular:

- guarantee a sufficient number of accommodation places for victims of trafficking, including outside Oslo, taking into consideration the needs of victims requiring long-term accommodation;
- offer a range of capacity-building activities to victims of trafficking, including education, vocational training and access to the labour market for victims who are lawfully resident in the country, with a view to facilitating their rehabilitation and avoiding re-trafficking.
- provide assistance measures adapted to the needs of victims of trafficking, including psychological support, regardless of whether the victim has been granted a recovery and reflection period or is an asylum seeker.

c. Identification and assistance of child victims of THB (Articles 10 and 12)

97. In its first report GRETA considered that the Norwegian authorities should adopt a proactive approach to detecting trafficking of children, for all types of exploitation. Further, GRETA considered that the Norwegian authorities should adapt the system for providing assistance to child victims of trafficking, so that it is specifically tailored to their needs and includes specially-trained staff. This would involve strengthening co-operation between child welfare services, outreach services, police and immigration authorities so that child victims of trafficking receive adequate care, taking into consideration their individual needs and best interests, and ensuring that child victims of trafficking aged 15 to 18 are placed under the care and assistance of child welfare services.

98. According to a report by the research institute Fafo, two thirds of child victims of trafficking identified in Norway since 2013 belonged to one of three categories: girls from sub-Saharan countries exploited in prostitution, boys from North Africa and the Middle East exploited in various forms of criminality, often drug-dealing, and boys and girls from Central and Eastern Europe exploited in prostitution, theft or fraud.<sup>48</sup> While most of them were identified in Oslo and Bergen, child victims were identified in 37 different municipalities. An increased use of mobile phones and the Internet for recruiting and/or controlling victims of trafficking has been reported by Save the Children.<sup>49</sup> There are no known cases of Norwegian children having fallen victim to trafficking.

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<sup>48</sup> Fafo, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneshandel i Norge* ("Not our children – identification and follow-up of child victims of trafficking in Norway"), 2015, p. 8.

<sup>49</sup> Save the Children, *De sa du må* ("They said you have to"), April 2016, p. 80.

99. The Norwegian child welfare legislation and the child welfare system implementing it apply to all children present in Norway, regardless of their status, background or citizenship. Child victims of trafficking receive the same care and treatment as every other child placed in care: health care, education, help with everyday life, judicial support, legal guardian or legal representative, and help with tracing the family. The municipal child welfare services are responsible for the daily care of children whose health and development are at risk, while at national level the responsible authority is the Office for Children, Youth and Family Affairs (Bufetat) under the Ministry of Children, Equality and Social Inclusion. Bufetat operates child welfare centres for asylum seekers under 15 years of age and runs one of the two institutions in which presumed child victims of trafficking are placed pursuant to section 4-29 of the Child Welfare Act (the other one is run by the Municipality of Oslo, see paragraph 110). In cases of trafficked children, Bufetat's specialised staff are responsible for providing advice and guidance to the municipal child welfare services. County social welfare boards (*Fylkesnemnder*) are responsible for decision-making with regard to child welfare services.<sup>50</sup>

100. According to the Fafo report referred to above, there are notable differences in the way child victims of trafficking are identified and given support depending on the individual police officers or social or case workers involved. Save the Children in its 2016 report on experiences of child victims of trafficking in Norway notes that possible child victims of trafficking often face difficulties in being believed by UDI staff and the police about their trafficking experiences.<sup>51</sup> This is partly because the exploitation mostly took place abroad and there is reluctance among the authorities to attempt to gather evidence from abroad in support of the child's statements, as such investigations are difficult and time-consuming.<sup>52</sup>

101. Unaccompanied child asylum seekers who are less than 15 years old are accommodated in care centres run by the National Child Welfare Service, and those between 15 and 18 years of age are accommodated in reception centres run by the Directorate of Immigration (UDI). GRETA has already stressed in its first evaluation report that children aged 15 to 18 should be placed under the care and assistance of National Child Welfare Services. The Norwegian authorities stress that the wellbeing of children accommodated in UDI reception centres remains the responsibility of the Child Welfare Service. GRETA is concerned that not all the children are offered child-specific protection and care, regardless of their immigration status, and that children are being separated from their siblings in situations of already traumatic separation from their parents and are treated on the basis of their immigration status, rather than by virtue of being children. According to the Norwegian authorities, two or more unaccompanied children who are siblings but belong to different age groups would usually be accommodated together in a centre run by the Child Welfare Service.

102. According to KOM's 2015 annual report, there is a more favourable staff/child ratio in the centres run by the Child Welfare Services than in those run by the immigration authorities, and the centres run by the Child Welfare Service focus more on the best interests of the child.<sup>53</sup> Among unaccompanied children placed in centres run by the Child Welfare Service, less than 10 disappear every year, whereas the number of children disappearing from UDI reception centres is much higher. By way of example, 30 unaccompanied children had absconded from UDI reception centres in the Oslo area in 2016 at the time of the visit by GRETA.

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<sup>50</sup> For more information, see: <https://www.regjeringen.no/en/dep/bld/organisation/Offices-and-agencies-associated-with-the-Ministry-of-Children-and-Equality/county-social-welfare-boards/id418110/>

<sup>51</sup> Save the Children, *De sa du må* ("They said you have to"), April 2016, p. 39.

<sup>52</sup> *Ibid.*, p. 37.

<sup>53</sup> KOM annual report 2015, p. 32.

103. Measures to prevent the disappearances of unaccompanied children are outlined in UDI circulars. The reception centres must immediately report the fact that a child has gone missing to UDI, the local police, the local child welfare service, and the child's legal representative and/or lawyer. The local child welfare service is responsible for the follow-up of the case. The police are responsible for initiating a preliminary investigation in each case to determine whether to issue a missing person alert, and whether a full investigation should be initiated.

104. In its first report, GRETA considered that the Norwegian authorities should carry out an evaluation of the impact of actions undertaken to prevent and investigate the disappearance of children from care centres and asylum reception centres. Such a review was published in December 2016 by the Norwegian Institute for Urban and Regional Research.<sup>54</sup> According to the review, about 10 times more children disappear from asylum reception centres run by UDI than from care centres. The majority of the children who disappear are so-called "Dublin" cases (i.e. subject to determination in which EU member State their asylum application should be examined). The review concluded that once an unaccompanied child asylum seeker disappears from a reception centre, there is no institution or person responsible for searching for the child. While the procedures for reporting the missing child are clear, the responsibility for actually finding the child is not. One of the main overall recommendations of the report is to mandate a specific institution to assume responsibility for following up on such children who have gone missing.

105. The procedures for detection and identification of possible child victims of trafficking during the procedure for international protection are outlined in a number of circulars. Children applying for asylum are screened for indicators of THB and the immigration authority case worker has a duty to report possible trafficking cases to the child welfare services. Upon receiving notification about a reasonable suspicion, the child welfare services have the responsibility to assess the child's risk situation and needs, and take appropriate action to safeguard the child in the best possible way, in collaboration with the police. If the child is an unaccompanied asylum seeker, the reception centre or/and special care centre for unaccompanied children where the applicant resides has daily care responsibilities. If the child's life, health or safety is considered to be at risk, the reception centre employees must immediately notify the child welfare services and the child's guardian, to secure adequate care and prevent disappearance.

106. In 2014, UDI introduced a new fast-track asylum procedure for unaccompanied children with a profile consistent with a high risk of absconding. The purpose is to rapidly secure enough information in order to carry out the age assessment and to make a decision in the asylum case. If a concern about trafficking appears, the Child Welfare Services are to be notified and the child may be referred to accommodation provided by them. The following groups of unaccompanied children are put through the fast-track procedure: those considered to have an acute need of follow-up (e.g. when there is information about trafficking or other abuses or severe health issues); those coming from North Africa; those who apply for asylum after having been apprehended by the police; those who resided irregularly in Norway before making an asylum application; and those who have previously absconded from reception centres. In 2015 there were 5 297 unaccompanied children who applied for asylum, of whom 44 were processed under the fast track procedure. According to the authorities, not many unaccompanied children meet the criteria for the fast track procedure, which explains its limited use. At the time of the GRETA visit in May 2016, only 42 unaccompanied children' arrivals in Norway had been registered in 2016. GRETA welcomes the introduction of the fast track procedure for especially vulnerable unaccompanied child asylum seekers and encourages the Norwegian authorities to use it more widely.

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<sup>54</sup> <http://www.hioa.no/Om-HIOA/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Forebygging-og-oppfoelging-av-enslige-mindreareige-asyloekere-som-forsvinner-fra-mottak-og-omsorgssentre> (English summary pages 18-28).

107. The county governor in the area where the child is placed after applying for asylum appoints a guardian whose task it is to ensure protection of the child's rights. The function is called "representative" for those children who have not yet received a decision about whether they are allowed to stay in Norway and "guardian" for those who have. There are no particular qualifications required to become a representative/guardian, but applicants are screened and given two days of training by the county authorities. Despite the function having recently been made a paid one, there is a shortage of representatives/guardians, in particular as a result of the increased inflow of child asylum seekers. Save the Children has called for better training of guardians/representatives, including access to guidance as regards THB, since the guardian/representative, as practice has shown, is in a position to build up trust with the child over a longer period of time, making the guardian/representative well placed to pick up indications of trafficking.<sup>55</sup>

108. In its first report, GRETA invited the Norwegian authorities to keep under review the new measures introduced in the Child Welfare Act 2012 (section 4-29) with a view to ensuring compliance with international standards on the rights of the child, in particular the deprivation of liberty as a measure of last resort. Section 4-29 of the Child Welfare Act allows placement of children of 12 years or above who are suspected of being victims of THB in institutions where their freedom of movement and the right to use telephone and Internet are restricted as a means of ensuring their protection while the police are investigating the case. Permission from the police is required for a child to be temporarily brought out of the institution, for any purpose. The placement is decided by the county social welfare boards, which in this context act as state tribunals<sup>56</sup> and must review the need for the placement every six weeks. No placement may last longer than six months. Children placed in an institution have access to a lawyer who can challenge the placement decision by the county social welfare board in court.

109. Until early 2015, 50 children were placed in protective care (27 girls, 22 boys, one of unknown sex). The total duration of the placements varied from two to 26 weeks, with the average length being around eight weeks. Girls have on average been placed for longer periods than boys, which is partly related to the form of exploitation to which they have been subjected (sexual).<sup>57</sup>

110. GRETA visited the institution of presumed child victims of trafficking run by the Municipality of Oslo which has capacity of eight places. In 2015 six children were placed pursuant to section 4-29, while by the time of GRETA's visit none had been placed in 2016. Most of the placed children girls and many of them pregnant. The staff consists mainly of social workers and child care professionals. As a rule, only representatives of the police, the Child Welfare Service, appointed guardians and priests are allowed to visit the institution. If the children need medical or psychological care, they are taken to private medical clinics.

111. GRETA refers to a report by Save the Children, according to which placement in an institution of presumed child victims of trafficking against their will may be disorienting and traumatising for the children as they are faced with adults representing a system they do not understand, who say that they are going to help them but who place them in an institution which they cannot leave and the location of which they are told they are not, for security reasons, allowed to know.<sup>58</sup> During the evaluation visit, GRETA was informed of the case of a 14-year old girl, a presumed victim of THB, who was pregnant and was initially placed in a closed institution pursuant to section 4-29 of the Child Welfare Act for about four months. She was subsequently moved to an open facility, after the police assessed that she was no longer in danger, and she disappeared from that facility two months later. The Norwegian authorities assume that the girl has left Norway and have registered her internationally as missing.

<sup>55</sup> Save the Children, *De sa du må* ("They said you have to") April 2016, p. 86.

<sup>56</sup> Decisions made by the boards are impartial and are made pursuant to the Child Welfare Act, the Act on Municipal Health and Care Services, and the Act on the Control of Communicable Diseases.

<sup>57</sup> Fafo, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneshandel i Norge* ("Not our children – identification and follow-up of child victims of trafficking in Norway"), 2015, p. 121.

<sup>58</sup> Save the Children, *De sa du må* ("They said you have to"), April 2016, p. 61.

112. UDI offers medical examinations to ascertain the age of asylum seekers who state that they are unaccompanied children if they appear to be older than stated. If the applicant consents to undergo an age assessment, UDI will send a request to the health personnel who perform the examination. The examination includes carpal X-rays, dental X-rays and dental observation. Dental and carpal X-rays are conducted by experts in paediatric radiology who provide conclusions independently. Based on the results of the physical age assessment, a paediatrician makes a final assessment about the person's age. The final decision concerning the age is made by UDI caseworkers as part of the asylum decision, taking into account other information including psychological, cognitive or behavioural aspects collected through the asylum procedure as well as any documentary evidence.

113. GRETA notes that in their 2016 joint publication "Over or Under 18?" the Red Cross and the Norwegian Association for Asylum Seekers (NOAS) criticised the age assessment practices for being insufficiently substantiated and putting too much emphasis on medical examinations as opposed to psychosocial development.<sup>59</sup> The practices are also criticised for not being in line with section 88 of the Aliens Act on age assessment and the UNHCR Guidelines on International Protection.<sup>60</sup> Available statistics suggest that UDI is more reluctant to decide that male asylum seekers are children after a medical age assessment has concluded that they are above 18. It also appears that the weight of the medical age assessment in relation to other considerations varies, victims of sexual abuse being more likely to be considered as children.<sup>61</sup>

114. The Norwegian child welfare service may provide assistance to young people over the age of 18 until the person turns 23, if the person so desires. A rejection by the child welfare service of an application by a person who has reached the age of 18 must be justified and in accordance with the young person's best interests. The person can appeal such a rejection.

115. GRETA notes that the division of responsibilities between different authorities as regards assistance to child victims of trafficking is not always clear. Fafo's report points to particular shortcomings in this respect as regards the co-operation between the staff of the transit reception centre for child victims of THB in Eidsberg and the local child welfare authorities and the police in this city.<sup>62</sup> Professional confidentiality rules may sometimes constitute a perceived obstacle against communication between authorities in the context of suspicions of THB. According to civil society representatives, there is too much fragmentation between the various public authorities responsible for providing support to children. One of the main criticisms of the Save the Children report referred to in paragraph 111 is that there are many different actors, all with their own procedures, such as the different layers of the child welfare service, UDI, different police services and others responsible for certain aspects of dealing with child victims of trafficking, but none has overall responsibility for defining the best interests of the child and co-ordinating the assistance and reintegration. GRETA is concerned that such a fragmented system does not provide optimal support for trafficked children.

116. GRETA urges the Norwegian authorities to:

- adopt as a matter of priority a National Referral Mechanism for child victims of THB 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;

<sup>59</sup> Available at: <http://www.noas.no/wp-content/uploads/2016/03/Over-eller-under-18-Aldersvurderinger-av-enslige-mindre%C3%A5rige-asylys%C3%B8kere.pdf> with a summary in English on p. 12.

<sup>60</sup> See UNHCR Guidelines on International Protection, paragraph 75, available at: <http://www.unhcr.org/en-us/publications/legal/50ae46309/guidelines-international-protection-8-child-asylum-claims-under-articles.html>

<sup>61</sup> Fafo, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneshandel i Norge* ("Not our children – identification and follow-up of child victims of trafficking in Norway"); 2015:45, pp 69-71.

<sup>62</sup> *Ibid.*, p. 9.

- ensure that child victims of THB across the country, regardless of whether they seek asylum or not, benefit from the assistance measures provided for under the Convention, including appropriate accommodation, effective access to free legal assistance and psychological support;
- take further steps to address the problem of children going missing while in the care of the state and to ensure 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;
- ensure 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;
- carry out family tracing efforts immediately when a separated child is identified as a victim of THB.

117. GRETA stresses that, in line with Article 12.7 of the Convention, the accommodation of presumed child victims of trafficking has to be appropriate in terms of their specific needs. GRETA notes that the placement of a child in an institution pursuant to section 4-29 of the Child Welfare Act in practice amounts to detention and recalls paragraph 155 of the Explanatory Memorandum to the Convention and Article 37(b) of the UN Convention on the Rights of the Child, according to which any detention of children shall be used only as a measure of last resort and for the shortest appropriate period of time.<sup>63</sup> GRETA considers that the principle of the best interest of the child should be fully respected at all times and that the Norwegian authorities should keep under review the application of section 4-29 of the Child Welfare Act.

118. Furthermore, GRETA considers that the Norwegian authorities should:

- provide more extensive training for representatives/guardians;
- review professional confidentiality rules of social workers and others who may come into contact with child victims of trafficking, with a view to ensuring that such rules do not prevent identification of, and assistance to, child victims.

119. GRETA also invites the Norwegian authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, in line with Article 10, paragraphs 3 and 4 of the Convention, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.<sup>64</sup>

d. Protection of private life (Article 11)

120. The Norwegian authorities have referred to the 1967 Public Administration Law which provides detailed rules on how public sector employees must protect the confidentiality of information concerning victims. Further, there are specific rules about confidentiality for certain professions. For example, the 1999 Law on Health Care Personnel provides data protection rules for health care professionals and the 2010 Law on Data Processed by the Police and the Prosecution Authority regulates the use of data by police and prosecution officials.

<sup>63</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>. See also the Council of Europe's Strategy for the Rights of the Child 2016-2021 and the UN Guidelines on Alternative Care for Children.

<sup>64</sup> [General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin](#), Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

e. Recovery and reflection period (Article 13)

121. In its first report, GRETA urged the Norwegian authorities to ensure that all possible victims of trafficking, including EEA nationals, are offered a recovery and reflection period, in compliance with Article 13 of the Convention. GRETA stressed that all possible victims of trafficking should be informed of the possibility to benefit from a recovery and reflection period and its implications, that the stated objective of the reflection period as aiming to facilitate the prosecution of traffickers should be removed, and that the statutory rights to assistance and protection for possible victims of trafficking should be enacted regardless of the victim's nationality or immigration status, including access to health care.

122. The legal provisions regarding the recovery and reflection period in Norway have not changed since the first evaluation. The assessment whether a person is a victim of trafficking is done by the immigration authorities (UDI) based on section 8-3 of the Immigration Regulations. The emphasis of the assessment is on whether there are grounds to believe that the person is subject to human trafficking and whether the person intends to accept help and participate in the measures offered. There is no obligation for victims to co-operate in an investigation or act as witnesses during the recovery and reflection period. The period lasts up to six months and cannot be renewed or form the basis for a permanent residence permit. It can be granted to foreign nationals without legal residence in Norway, persons who hold residence permits issued by other Schengen countries, EU/EEA nationals, asylum seekers without a decision on their case, and asylum seekers who have received a final rejection if new information emerges providing clear indications that the person is a victim of trafficking.

123. The recovery and reflection period remains incompatible with an asylum application, which is problematic as victims of trafficking who apply for asylum after they have been granted such a period lose certain entitlements, such as psychological assistance or the right to work.<sup>65</sup> UDI is trying to find *ad hoc* solutions in co-operation with the ROSA project.<sup>66</sup>

124. According to information provided by the Norwegian authorities, 62 persons applied for a recovery and reflection period in 2015, but only 22 such periods were granted, including one to a child victim. The most common grounds for rejection were that the applicants had already been granted a temporary residence permit as asylum seekers or the fact that they had been subjected to THB had already been taken into account when deciding upon their asylum application. Further, some applicants did not supply all required information, such as their addresses, or were not deemed as wishing to receive assistance. In six cases the negative decisions on the recovery and reflection period were overturned by the Immigration Appeals Board (UNE).

125. Civil society representatives continue to raise concerns about the absence of meaningful activities for victims of THB during the six-month recovery and reflection period. The Norwegian authorities have informed GRETA of discussions about shortening the recovery and reflection period to three months. The new National Action Plan foresees an evaluation of the application of the recovery and reflection period with a view to making it more attractive for victims and avoiding abuse. GRETA notes that in the introduction of specialised anti-THB police units (see paragraph 19) has the potential to bring more uniformity to the practice of granting recovery and reflection periods (in the past, significant differences between regions have been reported).

<sup>65</sup> For more details, see GRETA's first report, paragraphs 187 and 188.

<sup>66</sup> KOM annual report 2014, p. 5.

126. GRETA once again urges the Norwegian authorities, in compliance with the obligations under Article 13 of the Convention, to 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. GRETA further considers that the Norwegian authorities should explore the reasons why so few possible victims of trafficking apply for and are granted a reflection period.

f. Residence permits (Article 14)

127. In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to resolve difficulties arising from the lack of identity documents of victims of trafficking which prevent them from being issued with residence permits.

128. The legislation regarding residence permits has not changed since the first GRETA report. Following the recovery and reflection period, two types of residence permit are available to victims of trafficking: i) a limited residence permit for up to 12 months, with possible renewal, on the basis of a report filed by the police (section 8-3, paragraph 2, of the Immigration Regulations); or ii) a residence permit for witnesses in cases concerning human trafficking (section 8-4 of the Immigration Regulations). Neither permit can form the basis of a permanent residence permit. The first permit requires withdrawal from the procedure for asylum.

129. GRETA was informed that in 2015 UDI granted 41 residence permits on the basis of section 8-3, paragraph 2, of the Immigration Regulations, and 26 applications were rejected.

130. A residence permit may also be granted to a victim who has given testimony in court or to the police. This permit may form the basis for permanent residence. To grant such a permit, UDI needs a statement from the police.

131. A victim of trafficking may also be granted a residence permit on humanitarian grounds through the asylum procedure. GRETA was informed that UDI considers asylum applications in conformity with the criteria of the Convention relating to the Status of Refugees (Refugees Convention) and international human rights instruments, as well as section 28 of the Immigration Act. Risk of persecution upon return, in the form of re-trafficking and/or other threats by the exploiters, may cause the individual to be recognised as a refugee. Subsidiary to the asylum assessment, UDI assesses if the person may be granted a residence permit on grounds of strong humanitarian considerations or a special affiliation to Norway (section 38 of the Immigration Act). This also applies to former victims of trafficking in human beings. However, according to a representative of the Norwegian Bar Association, there is no evidence that vulnerability to trafficking would be taken into account in asylum decisions as called for by the UNHCR 2006 Guidelines on the application of refugee status to victims of trafficking,<sup>67</sup> and in any event, it falls on the applicant to prove the risk of re-trafficking.

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<sup>67</sup> [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006](#)

132. In 2015 UDI made asylum decisions in 23 cases in which the applicant had been identified as a possible victim of trafficking. All 23 applicants were women (21 victims of THB for forced prostitution and two victims of THB for forced labour).<sup>68</sup> Out of these, 11 applicants were granted residence permits (eight based on the need for asylum and three on strong humanitarian considerations or ties to Norway). Among the asylum seekers in 2015 who were denied asylum by UDI but appealed to the Immigration Appeal Board (UNE), three were identified as possible victims of trafficking (all of them "Dublin" cases, respectively from Afghanistan, Nigeria and Zambia). It is rare that UNE identifies possible victims of trafficking as persons appealing their asylum decisions have usually been assisted by institutions or organisations which have already screened applicants for possible trafficking victims. However, in these three cases, UNE considered that the persons concerned had not received sufficient information about their rights as possible victims of trafficking. In any event, in line with the Dublin Regulation, the Norwegian authorities have the possibility to decide not to return an asylum applicant under the Dublin procedure but to process the asylum application themselves. GRETA stresses the state's obligation to identify victims of trafficking among asylum seekers who are subject to the Dublin Regulation procedure, in order to avoid any risk of reprisals from traffickers or re-trafficking and to ensure that the State's obligations to provide a recovery and reflection period, assistance and protection to victims in accordance with Articles 12 and 13 of the Convention, are fulfilled.

133. GRETA considers that the Norwegian authorities should keep under review the practical implementation of the legislation relating to granting residence permits to victims of THB and the extent to which residence permits are granted because of the personal situation of the victim.

g. Compensation and legal redress (Article 15)

134. In its first report GRETA, considered that the Norwegian authorities should step up their efforts to facilitate and guarantee access to compensation for victims of trafficking, in particular by ensuring that victims of trafficking are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed, and enabling victims to exercise their right to compensation from the perpetrator or from the state by ensuring their effective access to legal aid and by allowing them to stay in the country for the duration of the proceedings.

135. The legislation on compensation of victims of crime has not changed since the first GRETA evaluation.<sup>69</sup> Victims of THB can claim compensation in criminal cases or take civil action against the perpetrators.

136. Victims of THB can also benefit from state compensation pursuant to the Compensation for Victims of Violent Crimes Act (No. 13/2001). For state compensation to be granted, a criminal act must have taken place within Norway and be reported to the police, but compensation may be granted even if that the criminal case has been closed for lack of evidence. Compensation may be granted for loss of income, medical expenses, long-lasting physical injuries, as well as for non-economic damages (pain and suffering). Physical injuries are not required and psychological damage also counts as injury. State compensation is subsidiary to the other forms of compensation.

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<sup>68</sup> KOM 2015 annual report, p. 42. UDI warns that the numbers must be treated with caution as they are based on manual counts.

<sup>69</sup> See paragraphs 208-211 of GRETA's first report.

137. The granting of state compensation is decided by the Norwegian Criminal Injuries Compensation Authority, which operates under the Ministry of Justice and Public Security and is based in Vardø. State compensation can be awarded in two ways: the Compensation Authority pays the victim according to a court conviction and seeks recovery from the convicted person, or, when there is no court case, the Compensation Authority can award compensation based on their assessment of the case. Victims of trafficking who have been exploited in Norway can present a claim to the Criminal Injuries Compensation Authority also after having left Norway. Decisions by the Criminal Injuries Compensation Authority may be appealed to the Compensation Board for Victims of Violent Crime.

138. Since 2007, about 30 victims of trafficking have been awarded compensation by the Criminal Injuries Compensation Authority. The maximum compensation amount possible since the amount was updated in 2011 is 5 404 080 NOK (about 584 000 Euros). By way of example, five victims of trafficking were awarded compensation in 2014, ranging from NOK 100 000 (around 11 000 Euros) to NOK 707 022 (some 76 000 Euros). In all cases the compensation was actually paid to the victims. In 2015 no compensation was awarded to victims of THB.

139. The Norwegian Criminal Injuries Compensation Authority sends cases to the Norwegian National Collection Agency for action against offenders when the criminal case has resulted in a verdict. GRETA was informed that the Agency collected 629 million NOK (about 6.8 million Euros) from offenders in 2015, but that is only a small share of what offenders owe the State. There is no data available regarding compensation paid by traffickers to victims of trafficking.

140. There are 14 regional offices across Norway of the Service for Victims of Crime. They provide advice to victims on how to seek compensation for injuries suffered, including from THB, and support witnesses before, during and after court proceedings. There is a brochure with information in eight languages, in addition to Norwegian, about compensation for victims of crime and the services provided by the Service for Victims of Crime (however, the webpage from which the brochure can be downloaded exists in Norwegian only). Information from the Criminal Injuries Compensation Authority can be received in English by phone. GRETA notes the importance of systematically providing victims of trafficking with information, in a language they can understand, about their right to seek compensation and the procedures to be followed.

141. GRETA welcomes the fact that compensation was paid to victims of trafficking in a number of cases and considers that the Norwegian authorities should continue their efforts to facilitate and guarantee access to compensation for victims of trafficking, either from the perpetrator or the state.

#### h. Repatriation and return of victims (Article 16)

142. In its first report, GRETA considered that the Norwegian authorities should take steps to strengthen co-operation with countries of origin of victims of trafficking in order to ensure their safe return and effective reintegration.

143. The National Police Immigration Service (PU) is responsible for executing any forced returns of irregular migrants or failed asylum seekers. Ahead of all returns, PU conducts an information gathering process, including with a view to identifying any victims of THB. If new information is found, PU transmits it to the police and/or UDI. New information about the possibility that a person is a victim of trafficking does not automatically mean that the return process is cancelled, but the person will not be returned before UDI, which makes the final decision regarding returns, has considered the information.

144. PU runs the deportation centre Trandum, located near Oslo International Airport, which was visited by the GRETA delegation. Because of the increased number of asylum seekers arriving in Norway in 2015, border controls were reinforced and identity controls became more frequent, while the deportation of migrants staying irregularly in Norway was intensified.<sup>70</sup> The ROSA Project points out that the decreased number of referrals to it compared with 2014 might partly be explained by PU having deported many possible victims of THB in 2015.<sup>71</sup> According to civil society interlocutors, many Nigerian sex workers with irregular residency status left Norway or were deported in 2015. Pro Sentret has expressed concern that sufficient time is not allowed for identifying possible victims of trafficking prior to deportation.<sup>72</sup>

145. IOM runs a voluntary return programme for vulnerable persons, including unaccompanied children and victims of trafficking. The number of victims of THB returned through this programme was as follows: 2012: seven (out of 15 applications); 2013: five (out of 14 applications); 2014: eight (out of 15 applications); 2015: 15 (out of 20 applications).<sup>73</sup> Financial support is made available to returnees for their reintegration in the countries of origin. Where it exists, it is the IOM office in the country of origin which administers the support. The total value of the support is about 4200 Euros per person and it is meant to cover costs related to accommodation, education, medical care, support for business start-ups, as well as food, transportation and clothes. Where possible, the support is given in kind and the actual cash share is kept to a minimum for the sake of the returnee's safety.

146. A UDI-financed research project on assisted voluntary return to Nigeria started in 2015 and a report on it was prepared by the University of Oslo in 2016. The report found that despite the financial support proposed, the returnees were worried about not being able to fulfil their financial obligations towards their families and/or sometimes feared their traffickers should they return. The report recommended that improved information be given to the returnees and that the assistance of Nigerian NGOs be used more often.<sup>74</sup>

147. As regards child victims of trafficking, GRETA was informed that there have been a few returns of unaccompanied children, mostly under the Dublin Regulation procedure, as well as some voluntary returns under the IOM's programme for vulnerable migrants. According to a report by Fafo, there have been cases of presumed child victims of THB having their asylum application rejected or being granted a temporary residence permit valid only until they reach the age of 18.<sup>75</sup> The same report notes that follow-up on the return of child victims of trafficking is lacking. In some cases child victims of trafficking were returned to the local child welfare authorities, but these very quickly sent the victims to their families, contrary to an explicit agreement with the Norwegian authorities not to do so because of the family environment being the one in which they were recruited in the first place, at times even with the direct involvement of their family members.<sup>76</sup>

148. GRETA considers that the Norwegian authorities should:

- step up their efforts to screen irregular migrants about to be returned for indicators of THB, especially among groups who may be considered at risk, such as Nigerians engaged in prostitution, unaccompanied children and young adults who arrived in Norway as unaccompanied children;

<sup>70</sup> KOM annual report 2015, p. 9.

<sup>71</sup> ROSA 2015 annual report, p. 27.

<sup>72</sup> KOM annual report 2015, p. 9.

<sup>73</sup> *Ibid*, p. 44.

<sup>74</sup> University of Oslo, *Assistert retur till Nigeria*, 2016.

<sup>75</sup> Fafo, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneshandel i Norge* ("Not our children – identification and follow-up of child victims of trafficking in Norway"); 2015:45, p. 352.

<sup>76</sup> *Ibid*, p. 9.

- ensure that repatriation programmes are conducted with due regard for the rights, safety and dignity of victims of trafficking, is preferably voluntary and complies with the obligation of *non-refoulement*. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people;<sup>77</sup>
- develop international co-operation in order to ensure comprehensive risk assessment and safe return, as well as effective reintegration and protection of victims of THB;
- keep under review return and repatriation policies in order to ensure compliance in law and practice with Article 16 of the Convention.

149. Furthermore, GRETA considers that the Norwegian authorities should strengthen their efforts to ensure that, in line with Article 16(7) of the Convention, the best interests of child victims of THB are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments by specialised bodies, working with relevant partners in countries of return. Such assessments should ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return, as provided for in Article 16(5) of the Convention.

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

150. Trafficking in human beings is criminalised in sections 257 and 258 of the revised Criminal Code as follows:

##### "Section 257: Human trafficking

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

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

shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding six years.

Any person who:

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

Any person who commits an act referred to in the first or second paragraph against a person who is under 18 years of age shall be liable to a penalty independently of any use of force or threats, misuse of a person's vulnerability, or other improper conduct. A person who was

<sup>77</sup> [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006](#)

ignorant of the fact that the aggrieved person was under 18 years of age shall be liable to a penalty if he in any way can be blamed for his ignorance.”

“Section 258: Aggravated human trafficking

Aggravated human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offence is aggravated, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether serious violence or coercion was used or whether the act led to considerable gain. A person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be liable to a penalty if he in any way can be blamed for his ignorance.”<sup>78</sup>

151. GRETA notes that the three elements of the definition of THB under the Convention (i.e. action, means and purpose of exploitation) still appear split in the two paragraphs of section 257 of the CC (previously section 224). As pointed out by GRETA in its first report, it is of fundamental importance to use a definition of trafficking in human beings that is in compliance with the Council of Europe Anti-Trafficking Convention.

152. The definition of THB in Section 257 of the revised CC differs from that in section 224 of the earlier version of the CC, in that the adjective “forced” has been removed from “labour or services, including begging”, and the verb “force” has been added to the list of actions. The Norwegian authorities have noted that this amendment was made with a view to making it easier to prosecute THB offences.

153. The recommendation made in GRETA’s first report that the Norwegian authorities should include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings has not been implemented. The revised CC contains slavery as a separate offence in sections 259 and 260.<sup>79</sup> According to the Norwegian authorities, this provision also covers practices similar to slavery and servitude. However, given that Article 4(a) of the Convention provides the minimum content of the types of exploitation included in the definition of THB, GRETA once again urges the Norwegian authorities to include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings.

154. As noted in paragraph 15, as a result of the revision of the CC, the maximum penalty for THB was increased to six years’ imprisonment (10 years in case of aggravating circumstances).

155. Forced criminality is not mentioned in section 257 of the CC as a form of exploitation, but according to the Norwegian authorities, there is case law demonstrating that Norwegian courts consider forced criminality to fall under “labour or services” under section 257.

<sup>78</sup> Unofficial translation.

<sup>79</sup> Section 259: “Any person who causes another person to be enslaved, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than five years and not exceeding 21 years. Any person who engages in slave-trading or the transporting of slaves or persons destined for slave-trading, or who aids and abets thereto, shall be liable to the same penalty.” Section 260: “Any person who conspires with another person for the purpose of carrying out any act referred to in this section, or aiding and abetting thereto, shall be liable to imprisonment for a term not exceeding 10 years”.

156. Forced marriage is not listed among the forms of exploitation in section 257 of the CC, but is criminalised under section 253 of the CC. There is no case law in Norway in which forced marriage was part of a THB offence and according to Fafo, it is unclear whether forced marriage would be considered as a THB offence.<sup>80</sup> However, GRETA was informed that in one judgement concerning Roma children exploited in shoplifting, begging and selling fake gold jewellery, a 13-year old girl was the victim of forced marriage and the perpetrator was convicted by the District Court of Bergen of both human trafficking and forced marriage.<sup>81</sup>

157. When it comes to begging as a form of exploitation under section 257 of the CC, in September 2013, the Larvik District Court convicted a Romanian man of having trafficked his two children, aged 15 and 17, and forcing them to beg in public places.<sup>82</sup>

b. Criminalisation of the use of services of a victim (Article 19)

158. The use of services of a victim of human trafficking, with the knowledge that the person in question has been subjected to such an offence, is punishable, but only in relation to offences of a sexual character. The relevant legislation has not changed since the first GRETA report. As noted in paragraph 231 of that report, the preparatory works of the CC refer to section 224 of the CC as including more than the obligation to criminalise THB, as it also covers the person who actually exploits the victim or uses the services of a victim of trafficking. The use of services of a victim of human trafficking, with the knowledge that the person in question has been subject to such an offence, may also be punishable according to section 192 of the CC (rape) and sections 195, 196 and 200 (sexual abuse of children). In Norway, it is legal to sell sexual services, but the purchase of sexual services was criminalised by Act No.104 of 12 December 2008, which introduced section 202(a) of the CC. The impact of this legal measure was subject to evaluation in 2014 (see paragraph 64).

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

c. Corporate liability (Article 22)

160. The legal provisions concerning corporate liability are contained in sections 27 and 28 of the revised CC. Their content has not changed since GRETA's first report. A legal person may be held liable when a criminal provision is contravened by a person who has acted on behalf of the enterprise. In assessing the penalty, particular consideration is given to the preventive effect of the penalty, the seriousness of the offence and whether the enterprise has had or could have obtained any advantage from the offence. The penalty for legal persons compliments the criminal liability of individuals and may be imposed when nobody can be held personally responsible for the offence. The penalty for criminal violations of legal persons is a fine, but the enterprise may also be deprived of the right to carry on business. There is no relevant case law in relation to human trafficking.

161. GRETA invites the Norwegian authorities to review the legal provisions and practice concerning corporate liability for THB with a view to ensuring that the sanctions or measures are effective, proportionate and dissuasive.

<sup>80</sup> Fafo, *Ikke våre barn – identifisering og oppfølging av minderårige ofre for menneshandel i Norge* ("Not our children – identification and follow-up of child victims of trafficking in Norway"), 2015, p.47.

<sup>81</sup> Bergen District Court, 5 July 2012, case number 11-194827MED-BBYR/01.

<sup>82</sup> Court decision 13-149986 MED-LARV of 25 September 2013.

d. Non-punishment of victims of trafficking in human beings (Article 26)

162. In its first report, GRETA urged the Norwegian authorities to improve the identification of victims of trafficking of all forms of exploitation in order to ensure that they are not punished for immigration-related offences. Further, GRETA considered that the Norwegian authorities should ensure that the provision allowing the non-imposition of penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, is effectively applied.

163. Since GRETA's first report, a new section 61 of the revised CC gives courts the possibility to not impose a sentence when there are special reasons for not doing so, though the CC does not mention THB cases in particular. There is no case law based on Section 61 in relation to THB cases. Further, section 69 of the Criminal Procedure Act of 1981 gives the prosecution service the possibility not to prosecute a person who is otherwise viewed by the prosecution service as having broken the law. The Director of Public Prosecutions issues annual guidelines for the prosecution authorities. Like the guidelines of earlier years, the 2015 guidelines remind prosecutors of the possibility to waive prosecution against victims of trafficking, in line with the CPC. Typical examples of offences for which prosecution may be waived include illegal entry into Norway, use of forged documents and working without a work permit. The application of section 61 of the CPC is not recorded for statistical purposes, hence there is no information available about case law.

164. GRETA considers that the Norwegian authorities should keep the application of the non-punishment provision under review and make full use of the possibilities provided by the CC and the Guidelines of the Director of Public Prosecutions not to prosecute victims of THB for offences committed in the course of being trafficked or as a consequence of having been trafficked. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.<sup>83</sup>

4. Investigation, prosecution and procedural law

a. Measures related to effective investigations (Articles 1, 27 and 29)

165. In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to ensure that crimes related to THB, for all types of exploitation, are investigated and prosecuted promptly and effectively, and improve the knowledge and sensitivity of judges, prosecutors, police investigators and lawyers about THB and the rights of victims of trafficking.

166. In the 2015 Guidelines of the Director of Public Prosecutions, it is stated that THB should be considered a priority area for the prosecution authorities and that investigations in this context need to focus more on financial investigations, including by means of strengthened co-operation with financial institutions.

<sup>83</sup>

Available at: <http://www.osce.org/secretariat/101002?download=true>

167. As noted in paragraph 19, specialised anti-trafficking units have been set up in the five largest police districts of Norway. Some of the police units specialised in fighting THB have existed longer and the new funding for the five largest police districts is used to strengthen existing units. The anti-trafficking unit in Oslo police district has nine members, including five investigators and four operational police; two prosecutors are attached to this unit. The unit includes a Romanian-speaking officer and four female police officers. Roughly 30 THB cases are investigated by the Oslo specialised anti-trafficking police unit per year. An anti-trafficking group (EXIT) has been operating in the Hordaland police district since 2009 with three investigators, one adviser and a group leader. The Sør-Trøndelag police district has investigated several cases of THB and is presently establishing a unit to combat all forms of THB. The existing specialised group of three investigators dealing with THB cases in the Rogaland police district was being expanded in 2016. The Agder police district has recently established an anti-trafficking group with two investigators, one analyst and a prosecutor.

168. Following amendments to the Code of Criminal Procedure in June 2016, the list of special investigation techniques was expanded to include, in addition to telephone surveillance which was one of the main methods used in THB investigations, audio surveillance, secret searches, and the introduction of data interception devices in computer systems provided that the conditions for their use (e.g. proportionality) are met. The majority of the amendments entered into force on 17 June 2016 and the remainder on 9 September 2016.

169. The number of reports filed by the police regarding THB for the purpose of labour exploitation has increased since GRETA's first evaluation. From 2013 to 2014, there was an increase of 51% and the number of such reports was for the first time higher than the number of reports concerning THB for the purpose of sexual exploitation. GRETA welcomes this development to the extent that it reflects an improved capability of the police to detect cases of THB for the purpose of labour exploitation. About two thirds of all reports filed on THB in 2015 were submitted by the police in just two out of Norway's police districts (Oslo and Hordaland).<sup>84</sup>

170. GRETA was informed of difficulties in investigating THB offences, in particular because of victims fearing the traffickers or having close relations with them.<sup>85</sup> Moreover, THB cases are often detected or registered with the police too late for the police to secure evidence.<sup>86</sup> An evaluation of the police's work against THB is being carried out by the Norwegian Police University College and is expected to be ready in 2018. It is meant to review amongst others which elements are essential for a police investigation to result in a THB verdict.<sup>87</sup> GRETA would like to be kept informed of the outcome of this evaluation.

171. GRETA was also informed of difficulties in distinguishing between THB and related offences, such as pimping. The revised CC is expected to make it easier to prosecute THB cases. However, it would appear that in police districts without specialised anti-trafficking units, there is a tendency to investigate and prosecute THB cases under other crime headings on the basis of the Working Environment Act and the Immigration Act. While this might be sufficient to stop the exploitation, for the rights of victims of THB it makes a difference under which law that offence is prosecuted.<sup>88</sup>

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<sup>84</sup> KOM annual report 2015, p. 51.

<sup>85</sup> By way of example, only 16 out of the 38 women receiving assistance as part of the ROSA Project in 2015 chose to denounce their traffickers to the police (ROSA annual report, p. 37).

<sup>86</sup> Telephone records are kept by operators for three months. They can be kept longer at the request of the police, but the request must be made before they are deleted.

<sup>87</sup> KOM annual report 2015, p. 62

<sup>88</sup> *Ibid*, p. 55.

172. According to police officers met during GRETA's visit to Norway, co-operation with certain countries of origin of victims of THB poses challenges when it comes to obtaining information and collecting evidence (see paragraph 177). These challenges are linked to the interpretation of "forced labour" as well as corruption in some countries of origin.

173. In Norway there are three levels of prosecution authorities. The Director of Public Prosecutions leads the prosecution service in Norway. On the next level there are close to 100 public prosecutors (*statsadvokater*), spread over 10 regional offices. On average, the regional offices have six prosecutors, while the one in Oslo has 35. On the third level, there is the Prosecuting Authority of the Police. All criminal offences are investigated by the police and the most serious cases are sent to the Public Prosecutors who make a formal indictment and prosecute the cases in court themselves. The other cases are sent for an indictment, but are returned to the Prosecuting Authority in the Police. In complex cases, as many trafficking cases are, the Public Prosecutor is assisted in court by a police prosecutor. KOM, in co-operation with the Norwegian Higher Prosecution Authorities has tried to map the extent of THB cases prosecuted in the regional prosecution offices, but only eight out of 10 regional offices replied to the request and therefore complete data is not available at the time of writing. Based on the data available, there were 15 verdicts reached in the period 2012-2015, three of which were not yet final. Six involved child victims of trafficking. Five of the 15 cases involved a final decision by the Supreme Court.

174. Following the criminalisation of THB in Norway in 2003, until June 2016, there have been 41 convictions of THB, of which only two concerned trafficking for the purpose of forced labour,<sup>89</sup> five concerned trafficking for the purpose of forced services (in three of which the victims were children), and one concerned trafficking for the purpose of exploitation of begging of children. Reference is made to a case in which Eidsivating Court of Appeal convicted a Dutch man in a judgment of 24 January 2014. As noted in paragraph 70, the man had travelled by plane from the UK to Norway with his two teenaged daughters, each of them carrying in their suitcases the illegal substance khat. The defendant was convicted of both drug offences and human trafficking and an appeal from the convicted person to the Supreme Court was denied. Further, the Supreme Court in 2013 upheld the 2012 convictions of the Gulating Court of Appeal<sup>90</sup> concerning the exploitation of children by making them steal.

175. In 2016 (by June) there were three final court verdicts in THB cases. In one of them, which involved the exploitation of an Albanian woman, the police seized assets worth about 102 000 Euros and the victim received a compensation equivalent to 30 000 Euros. Moreover, in a decision of the Bergen District Court of 7 December 2016,<sup>91</sup> a Norwegian man was convicted of THB in the form of on-line abuse of children. The man had used recruiters in the Philippines to find vulnerable children who were then instructed to engage in sexual acts/abuse with other children, which the offender watched in live-streaming.

176. A THB case before the courts at the time of writing was the so-called LIME case, named after the chain of grocery stores run by a Pakistani family accused of bringing people from Pakistan and forcing them to work seven days per week for little or no pay. There are 12 victims of trafficking in this case. The 13 defendants face charges of human trafficking, migration offences, insurance fraud, benefit and credit fraud, and tax evasion. The authorities have dedicated substantial human resources to investigating and pursuing the case in court and a special group consisting of various police services, tax and customs authorities and welfare service officials was set up to pursue the case.

<sup>89</sup> One of which is still under appeal (KOM report 2015, p. 3).

<sup>90</sup> See GRETA's first report, paragraph 258.

<sup>91</sup> Case reference 16-061974MED-BBYR/01.

177. Wire-tapping by the police was decisive for collecting evidence in the LIME case, which police initially started investigating as a suspected drug offence. About 100 000 000 NOK (the equivalent of approximately 10.7 million Euros) have been seized in the form of apartments and cars. The 12 victims of trafficking in this case have all been granted temporary residence permits beyond the recovery and reflection period, for the purpose of co-operating with the investigation. The victims were placed in flats outside Oslo. Police were instrumental in helping the victims get jobs in grocery stores and/or enrolling them in Norwegian language courses, which was meant to encourage the victims to remain in Norway, help in the investigations and testify in court. Norwegian police also brought 12 witnesses back from Pakistan, including in cases in which the witnesses appeared to face serious security concerns in Pakistan. However, co-operation with the Pakistani police was reported to be difficult. The investigation of the LIME case has exposed several weaknesses and loopholes in public sector routines and regulations. The hearings in this case continued in the Oslo District Court until December 2016 and the prosecution service demanded prison sentences of up to 13 years. A verdict is not expected before late summer 2017.

178. The measures available for blocking, filtering and take-down of illegal Internet content in Norway are not governed by legislation or rules specific to the Internet. Instead, such measures may be taken in accordance with provisions laid down in general or sector specific legislation such as the CC and the Copyright Act. The general CC provisions on confiscation and seizure also apply to illegal Internet content and domain names. Thus, illegal Internet content may be confiscated following a court decision in accordance with section 69 and 76 of the CC. Section 76 of the CC specifically addresses the confiscation of electronic data. Seizure of illegal Internet content may be carried out under section 203 in the Criminal Procedure Act.

179. Websites containing child abuse material which is illegal under the CC may be blocked by an access Internet Service Provider (ISP) through the use of the Child Sexual Abuse Anti-Distribution Filter (CSAADF). This body is based on voluntary co-operation between the major internet service providers and the police and the filter and blocking procedure do not stem from any law. The legal tools available for take down/removal of Internet content are confiscation and seizure and, as regards data protection, the Data Protection Authority's order of removal.<sup>92</sup>

180. GRETA welcomes the investment made in setting up specialised police units to investigate THB offences and the multi-agency co-operation in investigating the LIME case. Nevertheless, GRETA considers that there is a need to further improve the knowledge of police investigators, prosecutors and judges across Norway regarding THB and the rights of victims of trafficking (see also paragraph 33). Enhanced co-operation between the police and NGOs providing support to victims of THB would be conducive to increasing victims' trust in the criminal proceedings and thereby securing their participation in the latter.

181. GRETA also considers that the Norwegian authorities should strengthen their efforts to ensure that crimes related to THB for all types of exploitation are investigated, prosecuted and adjudicated promptly and effectively, using all the possibilities offered by the revised wording of the Criminal Code to prosecute under anti-trafficking legislation, which will also ensure more rights for victims of THB.

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<sup>92</sup> The information in paragraphs 183 and 184 is based on information from a study on blocking, filtering and take-down of illegal Internet content in the 47 member States of the Council of Europe which was commissioned by the Secretary General of the Council of Europe and prepared by the Swiss Institute of Comparative Law in 2016. The full study is available at: <http://www.coe.int/en/web/freedom-expression/study-filtering-blocking-and-take-down-of-illegal-content-on-the-internet>.

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

182. In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to ensure that victims of trafficking are adequately informed of their rights to support and protection, protected and assisted during the pre-trial and court proceedings.

183. The legislation in this respect remains unchanged since the first GRETA report. Protective measures for witnesses and victims include physical protection, relocating the victim and change of identity (section 14a of the 1995 Police Act). During legal proceedings the privacy of victims/witnesses is protected pursuant to section 134 of the Criminal Procedure Act, which outlines certain restrictions regarding the questioning of witnesses. According to section 136 of the same Act, the court must ensure that the examination is conducted with reasonable consideration for the witness. Pursuant to section 284, the court may decide that the defendant or other persons leave the courtroom during the examination of the victim. Furthermore, in cases of THB involving rape, death or serious injury, the court may decide to hear the evidence of an anonymous witness, if knowledge of his or her identity may entail certain risks. Moreover, criminal proceedings may be held behind closed doors, pursuant to section 125 of the 1915 Act relating to the Courts of Justice. Photographing and filming court proceedings is prohibited (section 131).

184. GRETA was informed that in the previously mentioned LIME case the victims/ witnesses were placed in flats at secret addresses as a protection measure.

185. For examination of child victims under 16 years of age, section 239 of the Criminal Procedure Act allows the taking of statements separately from the proceedings in court. Interviews of child victims of violence and sexual crimes, including in THB cases, as a rule take place in a children's house (*barnehus*). There are 11 such children's houses in Norway which co-ordinate and facilitate police interviews with child victims of violence and/or sexual abuse, combined with evaluations of children's psycho-social assistance needs and short-term treatment. Children's houses have dedicated interviewing rooms, with audio and video links to a viewing room for those entitled to observe the proceedings. GRETA welcomes the use of children's houses to protect victims of trafficking and invites the Norwegian authorities to make full use of the provisions for the protection of victims and witnesses of THB.

c. Jurisdiction (Article 31)

186. According to section 4 of the revised CC, Norwegian criminal law applies to offences committed in Norway or on Norwegian vessels or aircraft. In accordance with section 5 of the CC, Norwegian criminal law applies to human trafficking committed abroad by a Norwegian national or a person domiciled in Norway. If human trafficking is punishable according to the law of the country in which it is committed (dual criminality), Norwegian jurisdiction also applies to offences committed by foreigners abroad, provided the foreigner is present in Norway at the time criminal proceedings are initiated. Moreover, pursuant to section 6 of the CC, jurisdiction under Norwegian criminal law also applies outside the scope of sections 4 and 5 of the CC when Norway, in accordance with an agreement with foreign states or international law in general, is entitled or obliged to prosecute an offence.

5. International co-operation and co-operation with civil society

a. International co-operation (Article 32 and 33)

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

188. Norway has participated since 2013 in two Joint Investigation Teams (JITs) concerning THB cases, one opened in July 2016 between Norway and Romania concerning a Romanian girl exploited in prostitution in Norway and one between Norway and Lithuania opened in January 2017, regarding children exploited for forced criminality (shoplifting) in Norway.

189. The Norwegian authorities regularly take part in the planning and implementation of international training events in the field of anti-trafficking, such as for example, training seminars conducted by the Council of the Baltic Sea States (CBSS) expert groups on THB and on children at risk.

190. The Norwegian Ministry of Foreign Affairs continues to support international action against organised crime, including THB, in particular in co-operation with UNODC and on a bilateral basis, through projects funded under the Norway Grants. For example, within the framework of the Norway Grants Programme Area 30 "Schengen Co-operation and Combatting Cross-border and Organised Crime, including Trafficking and Itinerant Criminal Groups", a project was carried out on strengthening police co-operation between Romania and Norway to fight criminal itinerant groups and trafficking in human beings. Through this project, co-operation between the Norwegian and the Romanian police has been facilitated through study visits and the secondment of Romanian police officers to the specialised group against human trafficking in the Oslo police district. Norway has also supported projects on combating THB in Romania and Poland through the Norway Grants.<sup>93</sup>

191. GRETA welcomes Norway's contribution to international co-operation through funding projects in countries of origin, as well as the co-operation with law enforcement agencies of other countries, and encourages the Norwegian authorities to further develop bilateral co-operation, including with the authorities of the Philippines with regard to preventing THB of *au pairs*.

192. Norway is not linked to the European telephone number for missing children. The police has the responsibility to use law enforcement channels to exchange information about missing children with other countries (see also paragraph 103). GRETA invites the Norwegian authorities to reinforce co-operation in the search for missing children.

b. Co-operation with civil society (Article 35)

193. KOM is co-operating with civil society through a working group for operational co-operation. The following civil society organisations are represented in this group: the Church City Mission v/Nadheim, Pro Sentret, the ROSA project, PION – Prostitutes' Interest Organisation in Norway, the Salvation Army, the Red Cross (Oslo and Bergen), the Norwegian Bar Association and Save the Children.

194. Civil society representatives met by GRETA were of the view that co-operation with the public authorities on combating THB and assisting victims is overall good. However, as noted in paragraph 21, civil society was insufficiently consulted regarding the preparation of the new National Action Plan.

195. As noted previously, in 2015 Parliament established a new grant scheme for measures to prevent THB and for support to its victims, managed by the Ministry of Justice and Public Security. Civil society organisations are the main beneficiaries of these funds (see paragraph 89).

196. Taking into account the important role played by civil society in implementing anti-trafficking activities and supporting victims of THB, GRETA considers that civil society should be adequately consulted when any new anti-trafficking policies, including national action plans, are prepared. GRETA invites the Norwegian authorities to strengthen strategic partnerships with specialised NGOs by concluding Memoranda of Understanding.

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<sup>93</sup> For example, "Improving Poland's capacity to prevent trafficking in human beings" (October 2014 - April 2016); "Best practice model on assistance for victims of trafficking in human beings in Romania" (April 2015 - April 2016); "National approach to compensation of victims of human trafficking", also in Romania (April 2014 - January 2016).

## IV. Conclusions

197. Since the adoption of GRETA's first report on Norway in March 2013, progress has been made in a number of areas.

198. The Norwegian authorities have further developed the legal and institutional framework for combating trafficking in human beings by amending the definition of trafficking in human beings, increasing the maximum penalty for this offence and setting up specialised anti-trafficking units in the five largest police districts. Further, the adoption in December 2016 of a new National Action Plan against Trafficking in Human Beings, which is comprehensive in nature, has the potential of reinvigorating action against this phenomenon.

199. Efforts have been made to provide training concerning different forms of human trafficking to relevant professionals and to expand the categories of staff trained.

200. GRETA welcomes the research commissioned by the Norwegian authorities on different aspects of human trafficking, including on the identification and assistance of child victims of trafficking, and the disappearance of children from care centres and asylum reception centres.

201. Another positive development is the setting up by the Norwegian Parliament in 2015 of a new grant scheme to cover measures to prevent human trafficking and support trafficking victims, which has enabled civil society organisations to start new projects, such as the opening of a shelter for male victims of trafficking by the Salvation Army.

202. Moreover, steps have been taken to prevent and combat human trafficking for the purpose of labour exploitation, including through strengthening of control mechanisms and improved co-operation between law enforcement agencies and labour inspectors. The number of police reports concerning trafficking for the purpose of labour exploitation has increased, which suggests an improved capacity by the police to identify such cases.

203. GRETA commends the introduction of the fast track procedure for especially vulnerable unaccompanied child asylum seekers, which includes possible victims of trafficking, and encourages the Norwegian authorities to use it more widely.

204. Furthermore, GRETA welcomes the fact that the Criminal Injuries Compensation Authority has granted compensation to victims of trafficking in a number of cases.

205. Another welcome development is the use of children's houses (*barnehus*) to interview child victims of violence and sexual crimes, including human trafficking, which at the same time allows evaluations of the children's psycho-social assistance needs.

206. Moreover, GRETA commends Norway's contribution to international co-operation through funding projects in countries on origin, as well as the co-operation with law enforcement agencies of other countries.

207. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Norwegian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

### Issues for immediate action

- In order to create an evidence base for future policy measures, GRETA urges the Norwegian authorities to, set up and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on investigations, prosecutions, convictions and compensations in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database. The introduction of a National Referral Mechanism for victims of trafficking would be conducive to improving data collection (paragraph 37).
- GRETA urges the Norwegian authorities to 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 detected;
  - harmonising the indicators and criteria used by the authorities and civil society representatives to identify presumed victims of trafficking;
  - improving the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres;
  - 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 (paragraph 81).
- GRETA urges the Norwegian authorities to:
  - adopt as a matter of priority a National Referral Mechanism for child victims of THB 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;
  - ensure that child victims of THB across the country, regardless of whether they seek asylum or not, benefit from the assistance measures provided for under the Convention, including appropriate accommodation, effective access to free legal assistance and psychological support;
  - take further steps to address the problem of children going missing while in the care of the state and to ensure 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;
  - ensure 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;
  - carry out family tracing efforts immediately when a separated child is identified as a victim of THB (paragraph 116).

- GRETA once again urges the Norwegian authorities, in compliance with the obligations under Article 13 of the Convention, to 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. GRETA further considers that the Norwegian authorities should explore the reasons why so few possible victims of trafficking apply for and are granted a reflection period (paragraph 126).
- Given that Article 4(a) of the Convention provides the minimum content of the types of exploitation included in the definition of THB, GRETA once again urges the Norwegian authorities to include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings (paragraph 153).

#### Further conclusions

- GRETA considers that the Norwegian authorities should, especially in the absence of an independent National Rapporteur or equivalent mechanism, commission an independent evaluation of the implementation of the National Action Plan on action against trafficking in human beings upon its expiry, as a basis for the development of the next Action Plan (paragraph 22).
- GRETA invites the Norwegian authorities to extend the practice of individual interviews of visa applicants by consular staff to more countries (paragraph 30).
- GRETA considers that the Norwegian authorities should continue and strengthen their efforts to provide periodic training about different aspects of combating THB and the rights of victims of trafficking to all relevant professionals, including judges, police officers, labour inspectors, consular staff, health-care professionals and child welfare officials (paragraph 33).
- GRETA welcomes the research carried out on different aspects of THB in Norway and invites the Norwegian authorities to continue supporting such research. Areas where further research could be conducted include the provision of assistance to victims of trafficking, in particular with a view to researching why many victims of trafficking decline the assistance offered to them, trafficking for the purpose of labour exploitation, including exploitation of begging, and trafficking for the purpose of forced criminality (paragraph 41).
- GRETA considers that the Norwegian authorities should increase their efforts to raise general awareness of THB, including of new forms of trafficking, such as for the purpose of exploitation in criminal activities. Future awareness-raising measures should be designed in the light of impact assessments of previous measures and research (paragraph 45).
- GRETA considers that the Norwegian authorities should intensify their efforts to prevent THB for the purpose of labour exploitation, in particular by:
  - expanding the mandate of labour inspectors so that they can be actively engaged in the prevention of THB, including in private households;
  - training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
  - raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
  - reviewing the regulations concerning *au pairs* to ensure that they are not subject to abuse;

- working closely with the private sector, in line with the Guiding Principles on Business and Human Rights, to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility (paragraph 51).
- Referring to Article 5, paragraph 5, of the Convention, according to which Parties to the Convention shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them, GRETA considers that the Norwegian authorities should intensify their efforts to prevent trafficking in children, in particular by:
  - raising public awareness about the risks and manifestations of child trafficking;
  - ensuring the registration of unaccompanied children arriving in Norway and increasing efforts to prevent such children from disappearing from child welfare centres and asylum reception centres;
  - sensitising and training child welfare professionals across the country;
  - taking due account of the results of recent research on child victims of trafficking and the risks involved (paragraph 56).
- GRETA encourages the Norwegian authorities to ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 60).
- GRETA considers that the Norwegian authorities should ensure that, as part of their training, medical professionals involved in organ transplantations and other relevant professionals are sensitised about THB for the purpose of organ removal (paragraph 62).
- GRETA considers that the Norwegian authorities should make further efforts to discourage demand that fosters all forms of exploitation of persons, including labour exploitation, in partnership with the private sector, civil society and trade unions (paragraph 68).
- GRETA considers that the Norwegian authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration flows. This should include introducing a checklist to identify potential victims of trafficking during visa applications and providing written information to foreign nationals planning to travel to Norway, in a language that they can understand, in order to alert them about the risks of THB and to inform them of their rights and where to turn for advice and assistance. GRETA refers in this context to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders (paragraph 71).
- GRETA invites the Norwegian authorities to secure long-term funding for victim assistance projects, subject to their quality control and evaluation, in order to ensure the continuity of assistance. Further, GRETA considers that the Norwegian authorities should continue and strengthen their efforts to provide assistance to victims of trafficking, and in particular:
  - guarantee a sufficient number of accommodation places for victims of trafficking, including outside Oslo, taking into consideration the needs of victims requiring long-term accommodation;
  - offer a range of capacity-building activities to victims of trafficking, including education, vocational training and access to the labour market for victims who are lawfully resident in the country, with a view to facilitating their rehabilitation and avoiding re-trafficking.
  - provide assistance measures adapted to the needs of victims of trafficking, including psychological support, regardless of whether the victim has been granted a recovery and reflection period or is an asylum seeker (paragraph 96).

- GRETA considers that the principle of the best interest of the child should be fully respected at all times and that the Norwegian authorities should keep under review the application of section 4-29 of the Child Welfare Act (paragraph 117).
- GRETA considers that the Norwegian authorities should:
  - provide more extensive training for representatives/guardians;
  - review professional confidentiality rules of social workers and others who may come into contact with child victims of trafficking, with a view to ensuring that such rules do not prevent identification of, and assistance to, child victims (paragraph 118).
- GRETA invites the Norwegian authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, in line with Article 10, paragraphs 3 and 4 of the Convention, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 119).
- GRETA considers that the Norwegian authorities should keep under review the practical implementation of the legislation relating to granting residence permits to victims of THB and the extent to which residence permits are granted because of the personal situation of the victim (paragraph 133).
- GRETA considers that the Norwegian authorities should continue their efforts to facilitate and guarantee access to compensation for victims of trafficking, either from the perpetrator or the state (paragraph 141).
- GRETA considers that the Norwegian authorities should:
  - step up their efforts to screen irregular migrants about to be returned for indicators of THB, especially among groups who may be considered at risk, such as Nigerians engaged in prostitution, unaccompanied children and young adults who arrived in Norway as unaccompanied children;
  - ensure that repatriation programmes are conducted with due regard for the rights, safety and dignity of victims of trafficking, is preferably voluntary and complies with the obligation of *non-refoulement*. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people;
  - develop international co-operation in order to ensure comprehensive risk assessment and safe return, as well as effective reintegration and protection of victims of THB;
  - keep under review return and repatriation policies in order to ensure compliance in law and practice with Article 16 of the Convention (paragraph 148).
- GRETA considers that the Norwegian authorities should strengthen their efforts to ensure that, in line with Article 16(7) of the Convention, the best interests of child victims of THB are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments by specialised bodies, working with relevant partners in countries of return. Such assessments should ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return, as provided for in Article 16(5) of the Convention (paragraph 149).
- GRETA once again invites the Norwegian authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings (paragraph 159).
- GRETA invites the Norwegian authorities to review the legal provisions and practice concerning corporate liability for THB with a view to ensuring that the sanctions or measures are effective, proportionate and dissuasive (paragraph 161).

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- GRETA considers that the Norwegian authorities should keep the application of the non-punishment provision under review and make full use of the possibilities provided by the CC and the Guidelines of the Director of Public Prosecutions not to prosecute victims of THB for offences committed in the course of being trafficked or as a consequence of having been trafficked (paragraph 164).
  - GRETA considers that there is a need to further improve the knowledge of police investigators, prosecutors and judges across Norway regarding THB and the rights of victims of trafficking (see also paragraph 33). Enhanced co-operation between the police and NGOs providing support to victims of THB would be conducive to increasing victims' trust in the criminal proceedings and thereby securing their participation in the latter (paragraph 180).
  - GRETA also considers that the Norwegian authorities should strengthen their efforts to ensure that crimes related to THB for all types of exploitation are investigated, prosecuted and adjudicated promptly and effectively, using all the possibilities offered by the revised wording of the Criminal Code to prosecute under anti-trafficking legislation, which will also ensure more rights for victims of THB (paragraph 181).
  - GRETA invites the Norwegian authorities to make full use of the provisions for the protection of victims and witnesses of THB (paragraph 185).
  - GRETA encourages the Norwegian authorities to further developed bilateral co-operation, including with the authorities of the Philippines with regard to preventing THB of *au pairs* (paragraph 191).
  - GRETA invites the Norwegian authorities to reinforce co-operation in the search for missing children (paragraph 192).
  - Taking into account the important role played by civil society in implementing anti-trafficking activities and supporting victims of THB, GRETA considers that civil society should be adequately consulted when any new anti-trafficking policies, including national action plans, are prepared. GRETA invites the Norwegian authorities to strengthen strategic partnerships with specialised NGOs by concluding Memoranda of Understanding (paragraph 196).

## Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

### Public bodies

- Ministry of Justice and Public Security, including:
  - Co-ordination Unit for Victims of Trafficking (KOM)
  - Police Department and specialised anti-trafficking police units of Oslo and the South-West police districts and the National Police Immigration Service (PU)
  - Legislation Department
  - Directorate of Immigration and Migration Department
- Ministry of Labour and Social Affairs (Directorate of Labour and Welfare Administration, Labour Inspection Authority)
- Ministry of Health and Care Services
- Ministry of Children and Equality (including Norwegian Child Welfare Service)
- Ministry of Education and Research
- Ministry of Foreign Affairs
- Director of Public Prosecutions
- Criminal Injuries Compensation Authority
- Ombudsman for Children

### Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations Children's Fund (UNICEF)

### NGOs and other civil society organisations

- LO (Trade union federation)
- Norwegian Association for Asylum Seekers (NOAS)
- Norwegian Bar Association
- Pro Sentret
- Red Cross
- Reform – Resource centre for men
- ROSA
- Salvation Army
- Save the Children
- The Church City Mission
- The Christian Council of Norway

## Government's comments

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

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Norwegian authorities on 9 May 2017 and invited them to submit any final comments. By letter of 9 June 2017 (reproduced hereafter), the Norwegian authorities indicated that they do not see the need to submit any comments to the final GRETA report.



ROYAL NORWEGIAN  
MINISTRY OF JUSTICE AND PUBLIC SECURITY

Petya Nestorova  
Directorate General of Democracy

Council of Europe

Your ref.

Our ref.  
15/12

Date  
03/03/2017

**FINAL REPORT FROM GRETA**

Dear Ms Nestorova,

We acknowledge receipt of the report from GRETA concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway.

We would like to express our strong appreciation of the work carried out by GRETA in the process leading up to the final report. The evaluation process has been a positive force in our efforts to improve our response to the challenges we meet from trafficking.

Discussions with GRETA have influenced the contents of our Plan of Action against Trafficking finalized in December 2016.

We would like to inform you that a new project to improve the assistance given to victims has recently started. Our aim is that the result will be a system that can meet the demands from GRETA for Norway to set up a formalised National Referral Mechanism.

We see no need to give any further comments to the report.

Yours sincerely

Jan Aunstad  
Contact person

Postal address  
PO Box 8005 Dep  
0010 Oslo  
N-0030 Oslo

Office address  
Gullhaug Torg 4a  
0484 Oslo

Telephone  
+47 22 24 90 90  
Org.no.: 972 417 831

Police Department  
Telcat  
+47 22 24 95 80

Reference  
Jan Aunstad  
+47 22245445  
jan.aunstad@jst.dep.no