



# EVALUATION REPORT

## NORWAY

### Third evaluation round

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

#### **GRETA**

Group of Experts  
on Action against  
Trafficking  
in Human Beings

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## Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Norway has taken steps to further develop the relevant legislative framework, including by adopting amendments to the Criminal Code and the Immigration Regulation. Another development is the adoption of the Transparency Act imposing obligations on larger enterprises to conduct due diligence to identify, prevent and mitigate violations of fundamental human rights and ensure decent working conditions in their supply chains.

Norway remains a country of destination for victims of trafficking in human beings. The Norwegian authorities have not published official statistics on the number of presumed victims of trafficking since 2016, while awaiting the setting up of a more formal and reliable system for data collection. Available data from the Norwegian Labour and Welfare Administration and NGOs suggests a decline in the overall number of newly detected presumed victims. Sexual exploitation remains a predominant form of exploitation detected, and there are indications that trafficking for labour exploitation is on the rise, particularly in the construction, fishing, cleaning, agriculture, waste collection, hospitality and restaurant industries.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

GRETA welcomes the adoption of legislation on interpretation in public services, imposing an obligation on the public sector to use qualified interpreters, and considers that access to qualified and independent interpreters should be guaranteed to victims of trafficking when they interact with NGOs and at the time of their initial meeting with the lawyer, as well as that the costs of interpretation should be covered by the authorities.

Victims of trafficking are entitled to three hours of free legal aid, irrespective of their income and immigration status, to help them decide whether they wish to file a criminal report with the police. A victim is entitled to have a lawyer appointed *ex officio* by the court after the criminal report is filed with the police or to ask to have another, specialised, lawyer appointed. Under proposed changes to the Act on Free Legal Aid, the provision of free legal assistance would be placed within the competence of the advisory office for victims of crime or crisis centres, which may have a negative effect on the quality of legal assistance provided to victims of trafficking. GRETA considers that the authorities should take further steps to ensure victims' access to legal assistance and free legal aid. In particular, initial legal assistance should be provided to a sufficient extent and by a lawyer with experience in human trafficking cases.

The report provides examples of cases in which compensation was awarded to victims of trafficking in criminal proceedings. The current Compensation for Victims of Violent Crimes Act, providing for state compensation, is widely perceived as inaccessible, unpredictable and unfair to victims, which led to a new draft law being submitted to the Parliament for adoption in September 2021. GRETA urges the Norwegian authorities to facilitate access to state compensation in cases in which no criminal proceedings were instituted against the alleged perpetrator, even when the alleged perpetrator does not give his/her consent to have the compensation claim decided by the Compensation Authority, as would be required under the proposed amendments.

GRETA welcomes the establishment of anti-trafficking units in all 12 police districts in Norway. Nonetheless, GRETA notes with concern the low number of indictments and convictions for human trafficking due, *inter alia*, to the fact that the financial resources allocated to anti-trafficking units are often reassigned to other units. Lack of identification of victims and their quick return to other countries is another factor which impacts the authorities' ability to prosecute traffickers. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions undermines efforts to combat human trafficking and to guarantee victims' access to justice.

GRETA welcomes the amendments to the Criminal Procedure Act which allow for the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. However, GRETA notes that the non-punishment principle is not consistently applied in practice due, in part, to the failure to properly identify victims of trafficking. GRETA asks the authorities to take further measures in this regard, including by bringing the guidelines on the application of the non-punishment principle issued by the Director of Public Prosecutions fully in line with Article 26 of the Convention.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. While commending the steps taken since the second evaluation to prevent and combat trafficking for the purpose of labour exploitation, in particular the establishment of seven inter-agency centres against work related crime (A-Krim centres) and the adoption of a number of legislative and policy documents, GRETA considers that the authorities should provide further training and ensure that cases of trafficking for labour exploitation are not treated as the so-called "social dumping" cases, depriving victims of access to assistance measures and free legal aid.

Despite certain efforts on the part of the Norwegian authorities, there is still no National Referral Mechanism (NRM) in Norway. The decline in the overall number of presumed victims of trafficking detected during the relevant period has been linked, *inter alia*, to the prioritisation of rapid deportations of foreigners without screening for potential victims of trafficking among them. GRETA urges the Norwegian authorities to strengthen the identification of victims of trafficking, including by setting up a formalised NRM.

GRETA welcomes the setting up of the network of health-care professionals working with victims of trafficking and the updated guidelines for health-care personnel on victims of trafficking. However, GRETA considers that the authorities should further develop and strengthen the assistance measures offered to victims, including by guaranteeing their access to public health care and ensuring that they are provided with adequate support and assistance, according to their individual needs, for as long as required.

GRETA welcomes the setting up of the central guidance unit for child victims of trafficking, tasked with improving procedures for the identification of children who are victims of trafficking, providing guidance, training and capacity building. GRETA considers that the authorities should take further steps to improve child victims' identification and assistance, including by continuing to take actions for reducing the risk of children going missing from state care and providing training to all professionals working with child victims of trafficking.

The number of persons who have applied for a reflection period since 2017 is small and the number of approved applications is even smaller. The authorities have envisaged developing a more flexible model for the granting of the recovery and reflection period, which currently lasts six months. GRETA urges the Norwegian authorities to ensure that all possible victims of trafficking are offered a recovery and reflection period, without having to apply for it themselves, 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.

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established 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 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 of the Convention on which the evaluation procedure is based.

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

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims’ access to justice and effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA’s previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA’s findings and analysis of these topics are presented in a separate chapter.

## I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Norway on 1 May 2008. GRETA’s first evaluation report<sup>1</sup> on Norway was published on 7 May 2013, and the second evaluation report<sup>2</sup> on 21 June 2017.

2. On the basis of GRETA’s second report, on 13 October 2017 the Committee of the Parties to the Convention adopted a recommendation to the Norwegian authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Norwegian authorities was considered at the 23rd meeting of the Committee of the Parties (9 November 2018), and was made public.<sup>3</sup>

3. On 25 March 2020, GRETA launched the third round of evaluation of the Convention in respect of Norway by sending the questionnaire for this round to the Norwegian authorities. The deadline for submitting the reply to the questionnaire was 15 September 2020, date on which the authorities’ reply was received.

4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Norwegian authorities,<sup>4</sup> the above-mentioned report to the Committee of the Parties and information received from civil society. Further, an evaluation visit to Norway took place from 20 to 24 September 2021 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Antoaneta Vassileva, First Vice-President of GRETA;
- Mr Thomas Ahlstrand, member of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Convention;
- Ms Asja Zujo, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation met with relevant departments and subordinate agencies of the Ministry of Justice and Public Security, including the Department of Crime Prevention, the National Police Directorate, the Co-ordinating Unit for Victims of Trafficking (KOM), the Directorate of Immigration (UDI), the National Police Immigration Service (PU), the National Criminal Investigation Service and the Criminal Injuries Compensation Authority, as well as representatives of the Ministry of Foreign Affairs, the Ministry of Children and Families, namely the Directorate for Children, Youth and Family Affairs/National Guidance Unit for Cases of Trafficking in Children, the Ministry of Health and Care Services, the Ministry of Labour and Social Affairs, the National Labour Inspection Authority, Human Trafficking Support Oslo, the Office of the Director of Public Prosecutions, Oslo Regional Prosecution Office, and the National Court Administration. The visit was also an opportunity to meet representatives of the specialised police anti-trafficking units and the inter-agency centres against work-related crimes (A-Krim) in Oslo and Bergen, as well as to visit the Children’s House (Barnehus) in Bergen. The GRETA delegation also met with representatives of the Ombudsperson for Equality and Anti-Discrimination, the Ombudsperson for Children, and the Parliamentary Ombudsperson for Scrutiny of the Public Administration.

6. In the course of the visit, the GRETA delegation visited a safe house for male victims of trafficking operated by the Salvation Army, as well as two safe houses for female victims operated by Church City Mission Oslo and the Marita Foundation. This provided an opportunity to have discussions with a number of victims of trafficking. GRETA also visited the Church City Mission Bergen and Pro Sentret, an organisation operated by the Municipality of Oslo which provides assistance to persons in prostitution.

<sup>1</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806321c1>.

<sup>2</sup> <https://rm.coe.int/greta-2017-18-fgr-nor-en/1680782abc>.

<sup>3</sup> <https://rm.coe.int/cp-2018-22-rr2-nor-en/16808ef28e>.

<sup>4</sup> <https://rm.coe.int/greta-2018-26-nor-rep-en/1680a10811>.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), lawyers representing victims of trafficking, trade union representatives and researchers. The GRETA delegation also met representatives of the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF).
8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.
9. 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. GRETA notes the general coherence of facts and standpoints received both from the authorities and civil society, reflecting the openness of interlocutors as well as the degree of accuracy of the information.
10. The draft version of the present report was approved by GRETA at its 42nd meeting (22-26 November 2021) and was submitted to the Norwegian authorities for comments. The authorities' comments were received on 28 February 2022 and were taken into account by GRETA when adopting the final report at its 43rd meeting (28 March – 1 April 2022). The report covers the situation up to 1 April 2022; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

## **II. Overview of the current situation and trends in the area of trafficking in human beings in Norway**

11. Norway remains a country of destination for victims of trafficking in human beings (THB). The Norwegian authorities have not published official statistics on the number of presumed victims of THB since 2016, while awaiting the setting up of a more formal and reliable system for data collection (see paragraph 143). Available data from the Norwegian Labour and Welfare Administration (NAV) and NGOs providing assistance to victims suggests a decline in the overall number of newly detected presumed victims of THB (98 in 2016, 74 in 2017, 62 in 2018, 79 in 2019, 148 in 2020).<sup>5</sup> The majority of the victims were women exploited in prostitution. The number of Nigerian victims of trafficking has decreased and there have been more female victims from Eastern Europe (Bulgaria, Romania) and South America. In 2020, there were three presumed victims of trafficking for the purpose of organ removal (see paragraph 95). The number of presumed child victims of THB brought to the attention of the Child Welfare Board was 10 in 2017, 8 in 2018 and 3 in 2019. The majority of them were from East European countries, mostly girls exploited in prostitution and some in begging. There were no cases involving child victims in 2020.

12. It should be noted that due to the continued absence of a National Referral Mechanism (NRM), the number of victims identified and assisted in a given year is not definitive, as NGOs assisting victims provide information to the National Co-ordinating Unit for Victims of Trafficking (KOM) only on a voluntary basis. Sexual exploitation remains the predominant form of exploitation detected, but there are indications that THB for labour exploitation is on the rise, affecting especially persons employed in the construction, fishing, cleaning, agriculture, waste collection, hospitality and restaurant industries. According to some civil society organisations, in the context of the COVID-19 pandemic, the authorities have prioritised the rapid deportation of foreigners engaged in prostitution, which limits the chances of identifying victims of THB (see paragraphs 162 and 195).

## **III. Developments in the legal, institutional and policy framework for action against human trafficking**

13. Section 257 of the Norwegian Criminal Code (CC) covering trafficking in human beings was amended in November 2020 in the part listing types of exploitation, to add the word "forced" in front of "labour or services, including begging." Section 196 of the CC was also amended to add the aggravated form of THB (section 258 of the CC), which includes child trafficking, among the serious criminal offences for which a duty to avert applies regardless of confidentiality (see paragraph 80).

14. Paragraph 2 of section 8-4 of the Immigration Regulation, related to the so-called witness residence permits, was amended to extend the eligibility for such a residence permit to persons who give testimony in court or to the police in any criminal case, as long as the testimony is related to the fact that the person has been a victim of THB. Paragraph 2 of section 8-4 contains a non-exhaustive list of factors to be taken into account when deciding whether the residence permit should be granted, such as the difficult social, health or humanitarian situation the person finds themselves in, as well as any threats, reprisals or abuse the person or his/her family have been exposed to as a result of the testimony. Under the instruction issued to the UDI following the amendment, persons who previously had a residence permit based on co-operation with the police will not be rejected under the Dublin Regulation (see also paragraph 194).

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<sup>5</sup> By way of comparison, during the period covered by GRETA's second report, the number of presumed victims of THB was 136 in 2012, 124 in 2013, 157 in 2014 and 145 in 2015. See KOM's annual reports for the relevant years.

15. A regulation adopted in March 2020 codified the previously established practice regarding assisted returns of foreign nationals, including victims of THB, which are financed by the Norwegian Government and carried out by the IOM. One change introduced by the regulation is that decisions on applications for assisted return are now made by the Directorate of Immigration (UDI), rather than IOM.

16. On 14 June 2021, the Norwegian Parliament adopted the Transparency Act applicable to enterprises involved in the production and sale of goods and services. The law imposes an obligation on larger Norwegian enterprises to conduct due diligence in order to identify, prevent and mitigate adverse effects on fundamental human rights and decent working conditions in the enterprise itself, their supply chains and other associated businesses. The law was based on a 2019 report of the Norwegian Ethics Information Committee and it has yet to come into force (see paragraphs 138 and 139).

17. Amendments have been proposed to the Act on Free Legal Aid, introducing certain changes relevant for victims of THB (see paragraph 49). The public debate concerning this proposal closed on 23 November 2020.

18. A draft of a new Compensation for Victims of Violent Crimes Act was forwarded to the Norwegian Parliament on 17 September 2021 and was under review in the Justice Committee until 8 March 2022. The draft law is based on the findings of two research projects on the mapping and effects of the compensation scheme for victims of violence, conducted in 2018 and 2019 respectively,<sup>6</sup> and its aim is to make it easier for victims of violent crimes, including THB victims, to obtain state compensation (see paragraph 72).

19. According to an amendment to the Criminal Procedure Act (CPA) which will enter into force in the summer of 2022, more serious offences which victims of THB may be forced to commit will be covered by the possibility to waive punishment of the perpetrator (see paragraph 100). GRETA was also informed that amendments are currently being prepared in relation to the confidentiality rules in the CPA, which would make it easier for different government actors to exchange information when identifying and assisting victims of trafficking. In this regard, the Public Administration Act was amended in June 2021 to provide that the government may enact regulations allowing the authorities covered by the duty of secrecy under the act to share information necessary for the performance of their duties with other officials, including those not covered by the Public Administration Act such as the police, tax authorities and health care providers.

20. The Inter-Ministerial Working Group against Human Trafficking, set up in 2003 to oversee the implementation of the national plans of action, and the National Co-ordinating Unit for Victims of Trafficking (KOM), which is administratively placed in the Police Directorate, continue to exercise their functions as described in GRETA's previous evaluation reports.<sup>7</sup> The mandate of KOM is to improve co-ordination between the authorities and NGOs, provide cross-disciplinary exchange of knowledge and information, build capacity and assist stakeholders. It does not deal with individual cases. KOM publishes a comprehensive annual report with statistics, as well as newsletters and overviews of court decisions updated three times per year.<sup>8</sup> It continues to employ two full-time staff and has an annual budget of approximately 120 000 Euros.

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<sup>6</sup> A previous proposal, prepared by a government-appointed committee in 2016, was met with criticism during the public hearing for failure to simplify the existing legal provisions.

<sup>7</sup> See GRETA's second evaluation report on Norway, paragraph 18.

<sup>8</sup> [www.politiet.no/menneskehandel](http://www.politiet.no/menneskehandel)

21. The National Criminal Investigation Service (KRIPOS) took over the coordination of the Expert Group on THB from the National Police Directorate in 2016.<sup>9</sup> The Expert Group is tasked, *inter alia*, with improving the police's understanding and knowledge of human trafficking, including exchange of experiences between police officers and prosecutors, further development of methods to combat THB, and providing inputs for domestic and international reports.

22. Since GRETA's second evaluation report, THB units have been established in all 12 police districts, usually within the organised crime department. The size of the unit depends on the size of the district (see paragraph 112).

23. The Norwegian authorities have also established seven inter-agency centres against work related crime (A-Krim centres), consisting of representatives of the police, the Norwegian Tax Administration, the Directorate of Labour and Welfare (within NAV), the Norwegian Labour Inspection Authority (NLA) and, in some centres, the Norwegian Customs Service. While A-Krim centres investigate a wide range of labour violations, they collaborate with specialised THB units on detection of cases of THB for labour exploitation (see paragraph 118).

24. The National Guidance Unit for Cases of Trafficking in Children was established within the Directorate for Children, Youth and Family Affairs (Bufdir) at the end of 2019.<sup>10</sup> The unit, which consists of three staff members, does not work on individual cases, but provides guidance and support to child welfare services and other actors with regard to the identification, assistance and protection of child victims of THB. The unit has worked on improving procedures for identification of child victims of trafficking<sup>11</sup> and provides training to child welfare services. The Institute for Social Research is conducting a three-year evaluation of the Guidance Unit for Cases of Trafficking in Children, which will look, *inter alia*, at some of the decisions to temporarily place unaccompanied children who are at risk of being trafficked in closed institutions (pursuant to section 4-29 of the Child Welfare Act) and the involvement of the police therein.

25. In 2018, the Human Trafficking Support Oslo (HTSO), which was started as a pilot project in 2014, was formally established by the Oslo City Council in accordance with its action plan on combating THB. The HTSO serves as the first point of contact for the identification of and assistance to victims of THB in the Oslo municipality.<sup>12</sup> It has concluded co-operation agreements with four NGOs so far, as well as with various public services on the municipal and state level (e.g. health providers), and closely co-operates with them in THB cases. The HTSO also provides housing for victims of trafficking and has an agreement with a lawyer for legal assistance to THB victims beyond what is provided in relation to the application for the reflection period. The HTSO current staff includes three social workers and a co-ordinator.

26. The Norwegian authorities have continued to implement the 2016 National Action Plan against THB, already described in GRETA's second evaluation report.<sup>13</sup> GRETA was informed that there are currently no plans for the development and adoption of a new national action plan. GRETA recalls that the purposes of the Convention, which include designing a comprehensive framework for the protection and assistance of victims and witnesses, and the requirements of co-ordinated action (Article 29(2) of the Convention), can only be met if State Parties adopt comprehensive policies, in the form of a strategy, action plan or some other policy document, against trafficking in human beings, which addresses all aspects of the fight against human trafficking, for all forms of exploitation, while taking into account the gender dimension of trafficking and the particular vulnerability of children. Moreover, sufficient funding

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<sup>9</sup> The Expert Group on THB was established in 2006, as part of the implementation of the government's action plan on THB at the time.

<sup>10</sup> The establishment of the Guidance Unit for Cases of Trafficking in Children was requested by the Norwegian Parliament in 2017, following disappearances of unaccompanied asylum-seeking children from reception centres. It was assumed that some of these children could be victims of trafficking.

<sup>11</sup> The unit is currently revising a circular providing guidance to child welfare services in THB cases.

<sup>12</sup> HTSO has been referred to as the "National Referral Mechanism for Oslo".

<sup>13</sup> See GRETA's second evaluation report on Norway, paragraphs 20 and 21.

should be provided for the implementation of such action plans and strategies in order for them to be effective.

27. There is still no National Referral Mechanism (NRM) in Norway. The Ministry of Justice conducted a project in 2017-2018 with the aim of improving victim assistance, which included NGOs, and was carried out by a team of consultants. The project made several proposals/recommendations, including a reform of the recovery and reflection period (see paragraph 190), establishing a specialist team to decide on victim assistance, composed of representatives of relevant directorates, and setting up a more formal network of civil society organisations. The process continued in 2020 when a working group led by the National Police Directorate was tasked, *inter alia*, with developing a proposal for an NRM (see paragraph 158). Specialised civil society organisations were concerned that they had had very limited involvement in the second round of discussions on the establishment of the NRM and were not informed whether their comments were taken into account. GRETA was informed by the Norwegian authorities that the written proposals submitted by the NGOs were attached to the report of the working group.

## **IV. Access to justice and effective remedies for victims of human trafficking**

### **1. Introduction**

28. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

29. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.<sup>14</sup>

30. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,<sup>15</sup> the right to an effective remedy is considered to include restitution,<sup>16</sup> compensation,<sup>17</sup>

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<sup>14</sup> *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017.

<sup>15</sup> UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

<sup>16</sup> Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

<sup>17</sup> Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

rehabilitation,<sup>18</sup> satisfaction<sup>19</sup> and guarantees of non-repetition.<sup>20</sup> All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.<sup>21</sup>

31. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

32. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.<sup>22</sup>

33. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.<sup>23</sup> In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons<sup>24</sup> and Justice at Last - European Action for Compensation of Victims of Crime,<sup>25</sup> which aim to enhance access to compensation for trafficked persons.

34. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.<sup>26</sup> The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation

<sup>18</sup> Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

<sup>19</sup> Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

<sup>20</sup> Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

<sup>21</sup> United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: [https://www.unicef-irc.org/portfolios/documents/472\\_un-declaration-crime.htm](https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm)

<sup>22</sup> UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: [http://icat.network/sites/default/files/publications/documents/Ebook%20ENG\\_0.pdf](http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf)

<sup>23</sup> OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

<sup>24</sup> <http://www.compactproject.org/>

<sup>25</sup> <http://lastradainternational.org/about-lsi/projects/justice-at-last>

<sup>26</sup> United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.<sup>27</sup> States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

35. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

## **2. Right to information (Articles 12 and 15)**

36. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

37. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.<sup>28</sup>

38. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.<sup>29</sup>

39. In Norway, every authority or organisation which comes into contact with victims of trafficking, including children, has the obligation to inform them of their rights and assistance available to them. KOM has developed an information leaflet, available in Norwegian and English, explaining the rights of THB victims, including the reflection period, and the assistance they are entitled to (free legal aid, safe accommodation, medical assistance, living expenses, activities, help with safe return and re-establishment), as well as information on claiming asylum. Upon identification, victims are usually referred to the NGO ROSA, another specialised NGO (e.g. Salvation Army, Church City Mission) or to Human Trafficking Support Oslo, who provide them with further information on their rights and the services available and contact a lawyer to assist the victim further (see paragraphs 159 and 160). Asylum seekers who are identified as potential victims of THB are informed of their rights by the Directorate of Immigration (UDI) during the initial interview and are referred to ROSA. Children identified as victims of THB are informed of their rights by the Child Welfare Service and UDI (if they are asylum seekers) or by their legal guardian.

<sup>27</sup> UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

<sup>28</sup> See Explanatory Report on the Convention, paragraphs 160-162.

<sup>29</sup> See 8th General Report on GRETA's activities, paragraphs 168-169.

40. GRETA was informed that in practice the level of information provided to victims of trafficking by the police and UDI varies greatly and the obligation to inform victims of their rights is often left to the NGO they are referred to. Many victims do not understand English or are illiterate, and thus they are not able to benefit from the information provided in the KOM leaflet. Moreover, UDI's decisions are usually issued in Norwegian, as is the case with other administrative documents, and it is up to the police or the victim's lawyer to inform them of their content. GRETA was told of a case of a foreign victim of THB who was sent a letter by the UDI informing him of the possibility to contact ROSA for assistance. Since the letter was in Norwegian, the person did not become aware of its contents until several months later, close to his deportation date. Norway is a highly digitalised society and much of the information related to services is provided in digital form and in Norwegian only, thus making it inaccessible to many victims of trafficking.

41. The lack of qualified and independent interpreters has been identified as a problem by a number of GRETA's interlocutors. This is particularly true of some languages which are not commonly spoken in Norway, such as Vietnamese and Mongolian. GRETA was informed of a case where a close friend of a trafficker was used as an interpreter in a police interview with a child victim who refused to speak in the presence of the interpreter. The Ombudsperson for Children has also raised the issue of the use of children as interpreters and has advocated to ban this practice. These problems are meant to be addressed by a recently adopted law on interpretation in public services which places an obligation on the public sector to use qualified interpreters and prohibits the use of children as interpreters, except in emergency situations or when the best interests of the child so require. The law, which came into force on 1 January 2022, also imposes a duty of confidentiality on interpreters and requires those interpreting for the police, the immigration authorities and in courts to possess a certificate issued by the police. Public sector institutions are required to have guidelines on the use of interpreters as well as rules on the processing of personal data. GRETA was also informed of a project to improve the capacity and quality of the interpretation service in the police, including through the preparation of guidelines for the use of interpreters, which is still in the planning stage due to a lack of necessary funding.

**42. GRETA considers that the Norwegian authorities should strengthen the systematic provision of information to victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. Information in oral and written form should be provided in a language the victim understands. Law enforcement officers should continue being trained and instructed on how to properly explain to victims their rights and systematically refer them to specialised NGOs which enable victims to exercise their rights.**

**43. GRETA welcomes the recent adoption of the law on interpretation in public services and considers that the Norwegian authorities should ensure its effective application in practice. GRETA further considers that access to qualified and independent interpreters should be guaranteed to victims of trafficking when they interact with NGOs and at the time of their initial meeting with the lawyer, and that the costs of interpretation should be covered by the authorities.**

### **3. Legal assistance and free legal aid (Article 15)**

44. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law<sup>30</sup> also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation

<sup>30</sup> *Airey v. Ireland* judgment, 9 October 1979.

granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

45. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.<sup>31</sup>

46. Pursuant to the Act on Free Legal Aid (1980), victims of crime, including victims of trafficking, are entitled to three hours of free legal aid, irrespective of their income and immigration status, to help them decide whether they wish to file a criminal report with the police. In practice, this initial legal aid is used to assist victims to apply for the reflection period. If needed, the lawyer can apply to the competent county governor's office for additional hours of free legal aid to be granted. The victim can freely choose a lawyer for the provision of the initial legal aid. GRETA was informed that the government provides financial support to NGOs for assistance to victims of trafficking, some of which is earmarked for free legal aid.

47. A victim of trafficking in human beings is entitled to have a lawyer appointed *ex officio* by the court after the criminal report is filed with the police, but the victim is also free to ask to have another, specialised, lawyer appointed. The lawyer is paid per hour for "reasonable and necessary work." The victim, as an aggrieved party, will be entitled to free legal assistance for the duration of the criminal proceedings and the lawyer is paid based on the length of the trial. However, if the case is dismissed or requalified as a lesser offence, such as pimping or the so-called "social dumping" offences, the right to free legal aid is, as a rule, lost.<sup>32</sup>

48. Victims of violence, including victims of trafficking, are entitled to five hours of free legal aid when applying for state compensation (see paragraph 70). Free legal aid can also be granted in civil proceedings, for example in cases involving claims for dismissal from work which are prioritised. In cases concerning unpaid wages free legal aid can be provided on an exceptional basis.

49. GRETA was informed that the Act on Free Legal Aid is currently under review, based on the recommendations of an independent committee appointed by the government, which were submitted in April 2020. The committee recommended, *inter alia*, that the free legal aid scheme should cover more areas and that legal aid for claims related to unpaid wages should be prioritised. The committee also proposed that the initial three hours of free legal aid for victims of violence be removed and that free legal assistance should instead be provided by the advisory office for victims of crime or crisis centres, whose capacities need to be further developed.<sup>33</sup> The public debate closed on 23 November 2020 and the proposed changes are currently under consideration.

50. Representatives of civil society organisations and lawyers met by GRETA expressed concern that the removal of the entitlement to the initial three hours of free legal aid and the placement of free legal aid within the competence of crisis centres would negatively impact the quality of legal assistance provided to victims of THB and would lead to fewer criminal reports being filed. According to these interlocutors, even the three hours of free legal aid currently granted are not sufficient to establish a relationship of trust with a victim who is traumatised. Since victims typically require legal assistance in a number of different areas, including immigration, whether or not additional legal assistance will be provided often depends on the lawyer's willingness to work *pro bono*.

<sup>31</sup> See 8th General report on GRETA's activities, paragraph 167.

<sup>32</sup> Section 107a of the Criminal Procedure Act (CPA) lists the criminal offences, including THB, for which the aggrieved party may be appointed a lawyer by the court. The so-called "social-dumping" cases (encompassing various violations of labour laws and regulations) are not included in this list. However, GRETA was informed that Section 107a of the CPA allows for the appointment of counsel for the aggrieved party in cases other than those listed in this article, upon decision of the court.

<sup>33</sup> GRETA was informed that two changes proposed by the independent committee were already implemented as of 1 January 2022. Namely, the income threshold for qualifying for free legal aid (where applicable) was increased, meaning that more people now qualify for free legal aid, and the hourly rate for lawyers who provide free legal aid was raised.

51. GRETA was informed that there are not many lawyers in Norway who are specialised in THB and that THB-specific training is not provided to lawyers. Whether or not a victim is referred to a lawyer with experience in THB cases often depends on the person with whom the victim first comes into contact. Civil society organisations such as ROSA and Church City Mission Bergen have a well-established relationship with specialised lawyers and routinely refer victims to them. Further, the Norwegian Organisation for Asylum Seekers (NOAS) and the Trade Union Federation (LO) provide legal assistance to specific groups, which may include victims of THB. However, representatives of the police and other authorities who first encounter the victim may not be aware that there are specialised lawyers available. GRETA was informed of a case in which the police contacted two lawyers who did not have experience in THB and, as a result, victims were not informed of their right to the reflection period and the possibility of assisted return. Other priorities of the authorities, such as the swift deportation or assisted return of foreign nationals (see paragraph 162) may also interfere with the right to effective legal assistance. Lawyers met by GRETA indicated that they sometimes come into contact with victims when representing them as defendants in criminal proceedings for offences they were forced to commit by their traffickers.

52. GRETA was also informed of the lack of qualified interpreters for certain languages, which may affect the ability of the lawyer to communicate effectively with his/her client during the initial three hours of legal assistance. There were even cases where a person close to the traffickers was used as an interpreter, due to the unavailability of interpreters for certain languages (see paragraph 41). The fact that lawyers must initially cover the cost of interpretation during the first three hours and request reimbursement later, which is not always approved, means that some otherwise qualified lawyers may be reluctant to represent trafficking victims (see the recommendation in paragraph 43). According to the authorities, interpreters can submit an invoice for services provided directly to the competent authority or as part of the lawyer's invoice, and lawyers can request an advance confirmation that the interpretation costs will be covered. However, GRETA notes that this may not always be practically possible given the need to provide immediate legal assistance to victims of THB.

**53. GRETA considers that the Norwegian authorities should take further steps to ensure trafficking victims' access to legal assistance and free legal aid, in particular:**

- **a lawyer should be appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, including in the case of asylum seekers and persons placed in detention prior to deportation, before the persons concerned have to decide whether to file a criminal report;**
- **initial legal assistance should be provided to a sufficient extent and by a lawyer with experience in THB cases;**
- **the Bar Association should be encouraged to offer training and specialisation of lawyers to provide legal aid to trafficking victims;**
- **trafficking victims should be systematically appointed a specialised lawyer.**

#### 4. Psychological assistance (Article 12)

54. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.<sup>34</sup> In the case of trafficked children, specialist child psychologists should be employed.

55. In Norway, victims of THB have access to general health services, which include psychological assistance, provided by the municipality. Eligibility depends on a person's residence status. In case specialised psychological support is required, a referral must be obtained from a general practitioner (GP). Such services are not necessarily covered by the health-care system.<sup>35</sup> For example, the Human Trafficking Support Oslo (HTSO) covers the cost of the psychological support for victims of THB whom they assist.<sup>36</sup> None of the shelters in Norway has a dedicated psychologist and victims must therefore go through a GP in order to access psychological support. GRETA was informed that GPs often do not have any knowledge of THB and its traumatic consequences, resulting in referrals being denied or incomplete.

56. The processing times for obtaining psychological support are long and it can easily take several months for a victim accommodated in a shelter to get an appointment with a psychologist. This is particularly concerning since many victims are facing imminent deportation. GRETA was informed of the case of one victim who attempted suicide in the summer and was only expecting to be able to see a psychologist in October, by when she may need to leave the country.

57. Civil society interlocutors met by GRETA raised the concern that many psychologists lack the knowledge and training necessary to treat victims of THB. The authorities have recognised the need to increase the understanding of the effects of trauma in the years following the terrorist attack of 2011. In 2017, the five regional resource centres on violence, traumatic stress and suicide prevention, funded by the Ministry of Health and Bufdir, were given the mandate to educate social workers and health professionals on working with victims of THB, through seminars and information campaigns. The resource centres have developed the website 'menneskertilsalgs.no' ('humans for sale') with information for professionals who may come in contact with potential victims of THB. Further, the guidelines on health services for asylum seekers, refugees and family reunifications, developed by the Norwegian Directorate of Health contain a chapter on victims of THB.

**58. GRETA considers that the Norwegian authorities should guarantee timely access of victims of trafficking to psychological assistance and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion.**

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<sup>34</sup> See OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

<sup>35</sup> Persons who have a residence permit for at least 12-month have full access to health care, while those with a shorter residence permit, including adult victims of THB who have been granted a recovery and reflection period, have access to necessary health services provided by the municipality and only certain specialised services (including mental health care when there is a serious risk for the life and health of the person or others). Children generally have access to more services, and asylum seekers have full access to health care. GRETA was informed that the Ministry of Health is currently assessing the possibility of extending health care coverage for victims of THB.

<sup>36</sup> The HTSO plans to establish co-operation with one GP for a general health screening of all victims they assist, and they are also working on establishing a system for trauma screening.

## 5. Access to work, vocational training and education (Article 12)

59. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.<sup>37</sup> GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.<sup>38</sup>

60. GRETA was informed that victims of trafficking who have been granted the reflection period have the right to work but are often unable to obtain employment due to the fact that they do not have a bank account to which salaries can be paid. Furthermore, victims are also often unable to work as volunteers since they do not have access to insurance.

61. In co-operation with specialised NGOs, the HTSO organises job training for victims of trafficking and assists them in completing educational programmes. Victims also have access to Norwegian language classes. Those accommodated in shelters can take courses at the Tone Lisa Academy, which offers training in make-up and nail design as part of the Adora Project. The Norwegian Labour and Welfare Administration (NAV) also offers individualised needs assessment and assistance in finding employment for immigrants who are legally in Norway and have registered with NAV. The Salvation Army provides support with vocational training and job placement to male victims accommodated at the Filemon safe house (see paragraph 175), including through an agreement with a recycling company, at a second-hand store and in car wash facilities. Further, classes on familiarisation with the Norwegian society are available in reception centres for asylum seekers.

62. GRETA was informed that the "Right to be seen" project run by the Red Cross in co-operation with Choice Hotels had been terminated, due to a decline in the number of requests for assistance. The programme offered victims of trafficking three months of work experience at one of the hotels in the chain and was deemed very useful by civil society organisations assisting victims of THB. GRETA was also informed that victims of trafficking still have access to other activities organised by the Red Cross aimed at vulnerable groups, in particular the volunteer 'Refugee Guide' system.

**63. While welcoming the fact that victims of trafficking who have been granted the reflection period have the right to work, GRETA considers that the Norwegian authorities should ensure that victims can benefit from this right in practice, and should further strengthen effective access to, and/or reintegration of, the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.**

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<sup>37</sup> Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

<sup>38</sup> See 8th General report on GRETA's activities, paragraph 183.

## 6. Compensation (Article 15)

64. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation either because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

65. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

66. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

67. As detailed in GRETA's second evaluation report on Norway,<sup>39</sup> victims of THB can seek pecuniary and non-pecuniary damages from the perpetrators in criminal proceedings or take civil action against them. During the investigation, the prosecution secures evidence of financial losses suffered by the victim (e.g. lost wages), as well as other negative consequences resulting from the exploitation, including pain and suffering, which could serve as a basis for compensation of non-pecuniary damages.<sup>40</sup> The compensation claims are included in the charges. In 2016 the Supreme Court (HR-2016-2491-A) established that victims of THB can seek compensation for income from prostitution, even though "the claim originates from undesirable activities harmful to society."

68. In order to secure payment of compensation claims, the prosecution should seize the assets of the defendant during the investigation (see paragraph 84). GRETA was informed that the guide on efficient compensation prepared by the Norwegian Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) details the procedure for seizure of assets in order to secure coverage of future compensation claims. The office of the Director General of Prosecutions has also issued circulars on confiscation of assets as well as priority directives to prosecutors instructing them to follow up on the confiscation of assets. Assets confiscated in criminal proceedings are transferred directly to the state treasury. However, GRETA was informed that compensation of victims of trafficking is treated as a priority and the court can decide that the confiscated assets will be used to cover victims' compensation claims.

<sup>39</sup> GRETA's second evaluation report on Norway, paras. 135-141.

<sup>40</sup> GRETA was informed that, according to the case law of the Norwegian Supreme Court, consequences suffered by the victim are particularly relevant when determining the amount of compensation. When calculating the amount of damages, the subjective experience of the harm endured and the nature and extent of the damages are taken into account. In some areas, standard compensation amounts for pain and suffering have been developed through jurisprudence.

It is not known whether confiscation of assets has been ordered in any THB cases during the period covered by this report.

69. Pursuant to the Compensation for Victims of Violent Crimes Act (No. 13/2001), victims of trafficking are also entitled to compensation from the State, awarded 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 granted regardless of the outcome of any criminal proceedings against the perpetrator, as long as it can be clearly demonstrated that a person has suffered an injury that violates their life, health or freedom. In order for state compensation to be approved, the crime must have been reported to the police, the victim must co-operate with the investigation and must seek compensation in criminal proceedings if they were instituted. The Criminal Injuries Compensation Authority awards compensation either based on a court decision, in case the amount could not be recovered from the perpetrator, or based on their own assessment of the case. Proving that a person is a victim of THB can be difficult in cases where there is no evidence other than the statement of the victim and,<sup>41</sup> although this is not a formal requirement, GRETA was informed that persons who have not been confirmed as victims of THB through criminal proceedings against the perpetrator are much less likely to receive state compensation. The decisions of the Criminal Injuries Compensation Authority may be appealed to the Compensation Board for Victims of Violent Crime. In cases where the perpetrator was convicted in criminal proceedings, the decision for compensation is forwarded to the Norwegian Collection Agency for collection.

70. The application form for state compensation is available in Norwegian and English and, although administrative proceedings are conducted in Norwegian, a summary in English is provided to those who submit the application in English.<sup>42</sup> Victims of trafficking are entitled to an initial five hours of free legal aid to assist them in filing the claim for state compensation. In case an investigation is initiated, the competent district court will appoint legal counsel for the victim for the duration of the criminal proceedings. However, in the absence of a court-appointed lawyer,<sup>43</sup> the appointment of legal counsel by the Criminal Injuries Compensation Authority is conditioned on the finding that the person is entitled to state compensation in the first place. Where compensation is subject to taxation, the amount of taxes is added to the amount of compensation to ensure that the victim is fully compensated.

71. Victims must apply for state compensation before the statute of limitations under the civil law expires, namely within three years from the moment they become aware of the damages suffered and the person(s) responsible, or within 10 years from the commission of the criminal offence, under the criminal statute of limitations. In case the victim is a child, the statute of limitations begins to run when he/she turns 18. GRETA was informed that victims who were exploited in Norway can submit a request for state compensation even after they leave the country.

72. GRETA was informed that the current Compensation for Victims of Violent Crimes Act is widely perceived as inaccessible, unpredictable and unfair to victims, which led to a new draft law being submitted to the Parliament for adoption in September 2021 (see paragraph 18). Under the new draft law compensation claims must as a rule be dealt with in the criminal proceedings. If the defendant is convicted and ordered to pay compensation but does not do so within two weeks of the verdict, the Compensation Authority will automatically compensate the victim in the amount ordered by the court and will then seek to recover the amount from the perpetrator. According to the authorities, this will widen the scope of state compensation since certain types of damages, such as loss of income, which have not been covered by state compensation in some cases involving THB<sup>44</sup> will be covered provided there is a court decision based

<sup>41</sup> Police reports represent an important source when deliberating on the claims for state compensation.

<sup>42</sup> A brochure with information on compensation was previously available in eight other languages as well (see paragraph 140 of GRETA's second evaluation report on Norway) and GRETA was informed that a new version of the brochure would be prepared in the future following the amendments to the relevant legislation.

<sup>43</sup> For example, in cases where the criminal charges are dismissed or the crime is requalified as a lesser offence, which reportedly frequently happens in cases of THB for labour exploitation which are qualified as exploitation of a foreigner's labour.

<sup>44</sup> For example, in one case (ENV-2017-1502) involving prostitution, the injured party was not granted state compensation for loss of income, even though the Supreme Court had previously awarded her NOK 500,000 on this ground. The Compensation

on the Compensatory Damages Act (No. 26/1969). In case criminal proceedings were not instituted, the alleged offender, if known, must consent to have the compensation claim decided by the Compensation Authority. If he/she objects, the victim must seek compensation in a civil court, and the cost of the civil proceedings will be covered by the Compensation Authority. According to information provided by the authorities, the calculation of compensation is based on general compensation law and has the upper limit of 60 times the national insurance minimum (627 000 Euros), although under the new draft law this amount may be exceeded in special cases.

73. There is some available data concerning the compensation awarded to victims of trafficking in criminal proceedings (see paragraphs 90-93). However, it is not known whether any victims were actually compensated by the perpetrator during the reporting period. Lawyers representing victims of THB recalled occasions on which victims of THB for sexual exploitation had been awarded compensation at the end of criminal cases, but there has been a limited number of convictions for THB in recent years. GRETA was informed that one of the victims in the so-called LIME case (see paragraph 92) has applied for state compensation and more applications are expected to be filed once the judgment becomes final. GRETA is aware of several other THB cases in which victims of THB for labour exploitation were awarded compensation in court proceedings (see paragraphs 90-92). According to information provided by the authorities, the Compensation Authority has had very few THB cases and the last time it dealt with such a case was in 2018. In that case (ENV-2018-1635), the Compensation Authority did not find sufficient evidence that the injured party had been subjected to human trafficking for the purpose of prostitution and noted the absence of medical documentation or testimony that would support the claim.

74. GRETA notes that in July 2021 the Norwegian Labour Inspection Authority (NLA) was given the competence to order post-payment of wages within the areas regulated by the general application of collective agreements.<sup>45</sup> The new regulation has not been used to date and the NLA is currently looking into what the burden of proof should be in such cases. A decision of the NLA can be appealed to the relevant directorate and it does not preclude the worker from pursuing a claim for wages in civil court. Starting in January 2022, back wages will be paid by the employer directly into the employee's bank account, unless this payment method would be impossible or burdensome for either of them.<sup>46</sup> The new provisions in the Criminal Code on salary theft (section 395)<sup>47</sup> and aggravated salary theft (section 396),<sup>48</sup> which came into force on 1 January 2020, represent another positive development.

75. While welcoming the envisaged changes to the Compensation for Victims of Violent Crimes Act and the inclusion of provisions on salary theft in the Criminal Code, GRETA notes with concern the apparently low number of victims of trafficking who have been awarded state compensation. **GRETA urges the Norwegian authorities to facilitate access to state compensation in cases in which no criminal proceedings were instituted against the alleged perpetrator, even when the perpetrator does not give his/her consent to have the compensation claim decided by the Compensation Authority.**

76. **Further, GRETA considers that the Norwegian authorities should make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:**

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Board concluded that there was no causal link between the loss of income and personal injury suffered, as is required under the current Compensation for Victims of Violent Crimes Act.

<sup>45</sup> Act No. 58 of 4 June 1993 on the generalisation of collective agreements, section 11, paragraph 2.

<sup>46</sup> Working Environment Act, section 14-15, paragraph 2.

<sup>47</sup> The provision foresees punishment by a fine or imprisonment not exceeding two years for anyone who unduly and with the intent to obtain an illicit gain for himself/herself or others breaches the obligation to provide a salary, holiday pay, or other remuneration to which the employee is entitled under an agreement or a provision in the relevant law/regulation. Breaches covered by this provision include failure to pay a minimum salary under a collective agreement or compensation for overtime work.

<sup>48</sup> When determining whether the offence is aggravated, particular weight shall be given to whether the offence concerned a significant value, has a systematic or organised character or is particularly offensive or harmful to society for other reasons. The prescribed punishment is up to six years of imprisonment.

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;**
- **prosecutors systematically requesting compensation and judges using all the possibilities the law offers them to uphold compensation claims;**
- **making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB;**
- **providing training to prosecutors and judges on the issue of compensation.**

## **7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)**

77. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

78. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

79. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

80. As mentioned in paragraph 13, section 257, item (b), of the CC, listing types of exploitation, was amended in November 2020, to add the term "forced" in front of "labour or services, including begging."<sup>49</sup> GRETA was informed that this amendment is not expected to have a significant impact in practice as the Supreme Court had already interpreted that the use of force is required in order to establish THB for the purpose of labour exploitation (see paragraph 91). GRETA notes that slavery, practices similar to slavery and servitude are still not included among the types of exploitation listed in section 257.<sup>50</sup> The maximum punishment for THB is six years' imprisonment, while the aggravated forms of the offence carry the maximum punishment of 10 years' imprisonment. Section 258 of the CC provides that the offence is

<sup>49</sup> As noted in paragraph 152 of GRETA's second evaluation report on Norway, the word "forced" had previously been removed from the section, with a view to making it easier to prosecute THB offences.

<sup>50</sup> See paragraph 153 of GRETA's second report.

considered aggravated if the person exposed to the act was under the age of 18, serious violence or coercion was used, or the act led to considerable gain. GRETA was informed that the aggravated form of THB was added to section 196 of the CC providing for a duty to avert certain serious criminal offences, which applies regardless of any confidentiality. The basic form of THB was not included in section 196 out of concern that the lifting of confidentiality may have an adverse effect on the victims' willingness to confide in doctors or other professionals.

81. Plea bargaining is not available in Norway. However, defendants who plead guilty to an offence before the court are convicted in summary proceedings and may be given a reduced sentence, in accordance with section 78(f) of the CC. Whether or not the sentence is reduced is decided on a case-by-case basis. GRETA was informed that this provision has not been used in any THB cases to date.

82. Legal persons may be held liable for criminal offences committed by persons acting on their behalf, pursuant to sections 27 and 28 of the CC. The liability can exist even if no single person meets the culpability or accountability requirement. A penalty of a fine or a loss of right to conduct business may be imposed on the legal entity. In assessing the penalty, the court will take into account, *inter alia*, 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, as well as whether the enterprise could have prevented the offence by use of guidelines, instruction, training, checks or other measures. There have been no THB cases involving corporate liability during the period covered by this report.

83. Special investigative measures, such as telephone surveillance, audio surveillance, secret searches and the introduction of data interception devices in computer systems can be used during the investigation into THB cases.<sup>51</sup> GRETA was informed of several cases investigated by the Bergen police and involving online sexual abuse of children, in which the police used surveillance of the perpetrators' IP addresses in order to track their online behaviour and collect evidence for the criminal cases. Illegal internet content can be blocked and taken down in accordance with the CC provisions on seizure and confiscation.<sup>52</sup> GRETA is not aware of any THB cases in which special investigative measures were used during the reporting period. GRETA notes that special investigative measures can only be used in the investigation of serious crimes and, therefore, if a THB case is requalified as a lesser offence (see paragraph 87) these techniques will no longer be available to the police.

84. Sections 203 and 217 of the CPA (seizure) and section 67 of the CC (confiscation) provide for the seizure and confiscation of objects used in the commission of a criminal offence, as well as of the proceeds of that criminal offence or a value equivalent to all or part of the proceeds. The prosecution must prove beyond reasonable doubt that the assets in question represent proceeds of the criminal offence of which the defendant was convicted. Confiscation of proceeds of crime is mandatory. The CC also allows for extended confiscation of assets, namely confiscation of assets of unexplained origin belonging to a person who has been convicted of a criminal offence which by its nature may yield substantial profits.<sup>53</sup> In order for extended confiscation to be applied, the defendant must have been convicted of one or more criminal offences which collectively carry the maximum penalty of six years' imprisonment or more (this includes THB), or at least one criminal offence which is punishable by imprisonment of two years or more provided that within the five years prior to the commission of the offence he/she was convicted of an offence of such nature that the proceeds thereof may be considerable. If the requirements for extended confiscation have been met, there is a presumption that all assets owned by the defendant have been acquired illegally and in order to prevent confiscation he/she must prove, on the balance of probabilities, that they were acquired legally. Extended confiscation can be applied to assets which have been transferred by the defendant to third parties.

<sup>51</sup> See paragraph 168 of GRETA's second evaluation report on Norway.

<sup>52</sup> As mentioned in paragraph 179 of GRETA's second evaluation report on Norway, websites containing child abuse material may be blocked by an access Internet Service Provider, a body based on voluntary co-operation between the major internet service providers and the police.

<sup>53</sup> Section 68 of the CC.

85. According to the information provided by the authorities, the number of criminal reports for THB<sup>54</sup> filed during the reporting period was 46 in 2017, 45 in 2018, 36 in 2019 and 39 in 2020. The number of prosecution decisions was 41 in 2017, 35 in 2018, 44 in 2019, 28 in 2020 and 36 in 2021. Most of the cases concerned sexual exploitation, although GRETA was informed that the number of cases involving labour exploitation is on the rise.

86. The number of cases adjudicated by the courts is significantly smaller, indicating that the prosecution did not file an indictment in most of the investigated cases. GRETA was informed that there had been 11 convictions for THB in 2017,<sup>55</sup> two in 2018,<sup>56</sup> four in 2019,<sup>57</sup> and one in 2020. Some of the convictions are not yet final. The sentences imposed ranged from one and a half years to nine years' imprisonment.

87. GRETA was informed that one reason for the low number of convictions for THB is the fact that many cases are either dismissed or (re)qualified as lesser offences, such as pimping or labour-related offences (so-called "social dumping" cases). According to GRETA's interlocutors, this could be due to insufficient knowledge among some police prosecutors and judges of the elements of THB, especially with regard to labour exploitation. There is reportedly a reluctance on the part of police prosecutors to proceed with cases in which the evidence consists only of the testimony of the victim. GRETA was informed that the judges are not bound by the legal qualification presented by the prosecutor. GRETA is concerned by the serious consequences which the (re)qualification of a THB case as another criminal offence has on the victims' access to assistance, namely the loss of the right to free legal assistance and access to compensation. GRETA was also informed of cases involving labour exploitation in which the police would not confirm that the person was a victim of THB and he/she was not granted the reflection period by the UDI.<sup>58</sup> While the victim can appeal the dismissal of the case, there is no recourse available when the case is requalified. Moreover, as mentioned in paragraph 83 above, certain investigative measures will no longer be available to the police as a result of the requalification of a THB case.

88. Various interlocutors indicated to GRETA that THB has not been treated as a priority by law enforcement, unlike the arrest and return of foreigners without the right to stay in Norway. Since 2018, the specialised police THB units have been allocated earmarked funds. However, the chiefs of police districts are free to reassign financial resources to other units, depending on prioritisation. As a result, earmarked funding for the investigation of THB offences has reportedly not been used for the purpose.

89. GRETA was informed that in a recent report of the Oslo Regional Prosecution Office, which looked into how the Oslo Police District responded to THB cases, the Oslo police prosecutors were criticised for the lack of investigations and prosecutions of trafficking cases.<sup>59</sup> The report found that this was partly due to the organisational structure, namely the fact that the prosecution does not have its own analysis and intelligence teams and has to rely on different police stations to bring them cases. According to some of GRETA's interlocutors, the latter may not have an incentive to bring cases to the THB team and the Oslo police prosecutors because they do not see them as being their own. Moreover, they may lack the

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<sup>54</sup> Pursuant to section 257 of the CC (human trafficking) and section 258 of the CC (aggravated human trafficking).

<sup>55</sup> The convictions concerned six cases: four in district courts for THB for sexual exploitation and two by the Court of Appeal and the Supreme Court for THB for forced labour and forced services. There were two judgments of acquittal, one concerning the exploitation of 26 persons from Vietnam in farming/agriculture, and the other one for sexual exploitation of women from Nigeria.

<sup>56</sup> The two cases involved 13 defendants. The judgments are not final yet. One of the convictions was confirmed by the Court of Appeal in January 2019.

<sup>57</sup> Three convictions in district courts, one of which is final, and one in the Court of Appeal. All four cases concerned THB for sexual exploitation of a total of eight victims (six women and two men). In addition to these cases, the Court of Appeal overturned one conviction concerning labour exploitation.

<sup>58</sup> Civil society interlocutors have raised the issue that UDI requires police confirmation that someone is a victim of THB for labour exploitation in order to grant the reflection period, while such confirmation is not required for other types of exploitation. According to the authorities, confirmation by the police that a person is a victim of THB is not a prerequisite for the granting of the reflection period.

<sup>59</sup> The report also recommended greater sharing of information and experience related to THB cases between relevant units.

necessary knowledge to recognise indicators of THB. The specialised THB unit in the Oslo police has sent experienced police officers to local police stations to provide training on THB. It has also been pointed out to GRETA that the reallocation of funds from THB units to other police components has seriously affected the ability of the THB units to effectively investigate and prosecute THB cases (see also paragraph 165).

90. GRETA was informed that the THB unit in Bergen investigated in 2019 a case involving a Thai woman who worked for a couple in a small village as kitchen help in a Thai food truck. Although her paperwork was in order, she worked in very difficult conditions for low pay, and the defendants had confiscated her passport and threatened to call the police if she complained. Because the victim chose to return home right after the case was discovered, the authorities have informed GRETA that it will be difficult to continue with the investigation. In another case investigated in 2019, the police rescued a 44-year-old woman from Latvia who worked long hours at a fishing rental site and was given expired food to eat. She was only paid 1,000 NOK (approximately 100 euros) a month. When she was rescued, the woman had sun burns on her arms from cleaning the boat and was sent to a hospital for assessment. The case was not qualified as THB and the defendant was sentenced to 60 days of imprisonment for violation of labour laws.<sup>60</sup> The victim received 300,000 NOK (approximately 30,000 euros) in compensation for lost wages. GRETA was informed that the court did not find a sufficient level of coercion to establish THB, relying on the Supreme Court judgment in the case HR-2017-1124-A, described below. GRETA was also informed of several other cases adjudicated by Norwegian courts during the reporting period, involving THB for labour exploitation in relation to victims from Colombia,<sup>61</sup> Croatia<sup>62</sup> and Vietnam.<sup>63</sup>

91. In a judgment issued in June 2017 (HR-2017-1124-A), the Supreme Court confirmed the conviction against the managers of two garden centres who had been found guilty of aggravated THB in relation to the exploitation of three seasonal workers from India. The workers had been grossly underpaid, worked very long hours, and lived in austere conditions. Their passports had been taken away and they had limited freedom of movement. The two defendants were sentenced to four years and six months and three years and two months of imprisonment.<sup>64</sup> The victims were awarded compensation for non-pecuniary damages in the amounts ranging between NOK 30 000 and 35 000 (approximately 3 000-3 500 euros). The judgment includes an extensive analysis of the relevant international standards related to THB, as well as an explanation of what constitutes THB for labour exploitation under Norwegian law. The Court ruled in paragraph 35 of the judgment:

“When national and international sources are considered in context, there is reason to state that the question whether forced labour within the meaning of the Criminal Code has occurred must be based on an overall assessment of the specific situation. Forced labour may have occurred even if the person in question would have been able to exit it, if the situation, from a realistic point of view, gave little choice. The working and salary conditions, the accommodation and the sanitary

<sup>60</sup> Section 15 of the Generalisation act for the regulation of collective agreements for accommodation, catering and catering business, and section 9 of the Working environment act.

<sup>61</sup> A Norwegian man was sentenced to five years of imprisonment for THB for labour exploitation of a woman from Colombia whom he had enticed to come to Norway using the loverboy method, and whom he forced to work 12-hour shifts in his restaurant without an employment contract and a salary. The victim was awarded NOK 175 000 in restitution and NOK 25 000 for lost earnings. The judgment is not final yet (East Finnmark District Court, 19-133103MED-OSFI, 2020-02-13). See KOM Report on Court Decisions Related to THB, p. 23.

<sup>62</sup> A woman and a man from Croatia were sentenced to, respectively, two years and four months' imprisonment and one year and 10 months' imprisonment, for aggravated THB for the purpose of labour exploitation (section 258 of the CC). The court found that the defendants exploited the vulnerable situation of two underage sisters from Croatia to bring them to Norway where they were forced to pickpocket (Oslo District Court, TOSLO-2016-195538, 2017-04-20). See KOM Report on Court Decisions Related to THB, p. 27.

<sup>63</sup> A defendant was sentenced to five years of imprisonment by the Borgarting Court of Appeal for aggravated human trafficking, in relation to the exploitation of two seasonal workers from Vietnam (a man and a woman). The court found that the defendant acted as an intermediary between the workers and Norwegian farm owners (Borgarting Court of Appeal, LB-2016-154917, 2017-06-03). See KOM Report on Court Decisions Related to THB, p. 37.

<sup>64</sup> In addition to THB, the sentence for one of the defendants included violations of the Accounting Act and the VAT Act of which he was also found guilty.

conditions are relevant, as are the level of freedom of movement and isolation, abuse of power and various forms of subordination or dependency relationships. It is of relevance whether the aggrieved party is a minor or an adult. The means of coercion that bind him or her may be physical or psychological, express or implicit. And they may have the characteristics of extortion, for instance by the aggrieved party having to sustain miserable working and salary conditions to avoid that the employer notifies the police or the immigration authorities of illegal residency or other conditions that will cause problems for the worker. In addition, the retaining of salary may also place the worker in a deadlock situation, as he or she would not be able to buy a ticket home or leave the workplace without risking losing salary already earned."<sup>65</sup>

92. Another judgment issued during the reporting period concerned the so-called LIME case, described in detail in GRETA's second report.<sup>66</sup> In the judgment issued in September 2021, the Court of Appeal sentenced the main defendant to eight years of imprisonment and confiscated his assets in the amount of NOK 26 million (approximately 2.6 million euros). The other six defendants (three men and three women) who were also found guilty of THB for the purpose of labour exploitation were sentenced to between one year and two years and nine months of imprisonment. The original investigation concerned 45 persons suspected of involvement in the exploitation of Pakistani workers in a chain of grocery stores. Eleven defendants were convicted by the first instance court in 2018 and sentenced to between one and eight years of imprisonment. The case required complex financial investigations and significant human resources, and it placed a strain on the victims who underwent lengthy examination. GRETA was informed that the judgment is over one thousand pages long and that the investigation and the prosecution of the case was extremely lengthy and costly.

93. Prosecuted cases of THB for the purpose of sexual exploitation continue to be prevalent in Norway. Whereas the majority of the victims previously came from African countries, in particular Nigeria, an increasing number of cases investigated during the reporting period involved victims from Eastern European countries, particularly Romania and Bulgaria. By way of example, in September 2020 the THB unit in Bergen began investigating a case of two Romanian women who had been promised cleaning jobs in Norway by the three suspects (two men and one woman also from Romania), but were forced to engage in prostitution instead. GRETA was informed that the investigation was still ongoing and that a request was sent to the Romanian authorities for statements to be taken from the victim, one witness and two suspects who were in Romania. The THB unit in Oslo has also investigated a case involving a number of young girls from Romania who had been lured to come to Norway using the lover-boy method and were forced into prostitution. In a first instance judgment issued in December 2021, the District Court of Oslo convicted four members of a family (two men and two women) of THB for the purpose of sexual exploitation of two young Romanian women who had been forced to engage in prostitution in Norway. The defendants received imprisonment sentences ranging from three years to four years and six months of imprisonment. A number of other convictions were issued or confirmed during the reporting period for THB for the purpose of sexual exploitation, involving victims from Bulgaria,<sup>67</sup> Romania,<sup>68</sup> Thailand,<sup>69</sup>

<sup>65</sup> Judgment of the Supreme Court of Norway (HR-2017-1124-A) dated 7 June 2017, para. 35.

<sup>66</sup> See GRETA's second evaluation report on Norway, paragraphs 176 and 177.

<sup>67</sup> A Bulgarian man was sentenced to four years' imprisonment for THB for the purpose of sexual exploitation of a Bulgarian woman with whom he became romantically involved after they met online and forced her to engage in prostitution in Norway. The court awarded the victim NOK 30,000 for lost income and NOK 150 000 in restitution (Gulating Court of Appeal – LG-2018-122568, 2019-01-25). See KOM Report on Court Decisions Related to THB, p. 13.

<sup>68</sup> A Romanian man was sentenced to two years' imprisonment for THB for the purpose of sexual exploitation of an underage Romanian girl. The court found that the accused took advantage of her poor financial situation and the fact that she had previously been a victim of THB in Romania (Bergen District Court, TBERG-2017-17544, 2017-03-31). See KOM Report on Court Decisions Related to THB, p. 27.

<sup>69</sup> The accused was sentenced to three years' imprisonment for aggravated THB for the purpose of sexual and labour exploitation of a woman from Thailand whom she employed in her restaurant in Sweden and massage parlour in Tromsø, as well as for the violation of the Immigration Act. The court found that the victim was completely dependent on the defendant due to the fact that she did not speak the language and had been pressured into taking the jobs due to her poor economic situation. The court awarded the victim NOK 175 000 in restitution, NOK 827 000 in compensation for unpaid salaries, and NOK 4 000 for lost income from prostitution. The judgment is not final yet (Nord-Troms District Court - 20-035619MED-NHER, 2020-07-06). See KOM Report on Court Decisions Related to THB, p. 21.

Philippines,<sup>70</sup> Afghanistan and Somalia,<sup>71</sup> Uganda<sup>72</sup> and Norway.<sup>73</sup> The sentences imposed ranged from one and a half years to five years' imprisonment. It is of note that the victims were awarded compensation in most of the cases. At the same time, civil society actors informed GRETA that during the COVID-19 pandemic, there had been a number of rapid deportations of foreign nationals engaged in prostitution, without making an effort or leaving sufficient time to carry out trafficking victim identification. This could represent an obstacle to the collection of evidence and the successful investigation and prosecution of THB cases.

94. According to the authorities, online sexual abuse of children is a growing problem in Norway. Victims are typically located in foreign countries, such as the Philippines or Romania and their abuse is facilitated by parents or close relatives. A number of such cases were successfully investigated and prosecuted by a task force in Bergen (Operation "Darkroom") between 2016 and 2018, and there are more ongoing cases. GRETA refers to its second report on Norway, which mentioned the decision of the Bergen District Court of 7 December 2016,<sup>74</sup> convicting a Norwegian man 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 live streamed. None of the other cases was adjudicated as THB, since the Supreme Court ruled that the defendants who had paid for livestreaming of sexual abuse could not be considered as traffickers (the defendants were nevertheless convicted of sexual offences and sentenced to, in one case, 21 years' imprisonment and having to pay compensation to the victims amounting to NOK 200 000 (approximately 19,800 Euros) and NOK 170 000 (approximately 16,800 Euros), and in a second case, to 16 years' imprisonment and having to pay compensation of NOK 250 000 (approximately 24,700 Euros) to each victim). The fact that the victims and companies used for livestreaming of sexual abuse were located abroad presented a particular challenge for the investigations. Proposals have been made to amend the Criminal Code provisions on THB, in order to make it easier to prosecute cases such as those investigated by the Bergen police as THB.

95. GRETA was informed of one case involving suspected THB for the purpose of organ removal which took place in Norway and involved victims and/or perpetrators from Sweden. The Swedish authorities investigated the case and terminated the investigation due to a lack of evidence. The victim subsequently filed a criminal report in Norway, but the Norwegian authorities initially considered that the investigation was barred due to *ne bis in idem*. According to information provided by the authorities, the case is currently under investigation by the Trøndelag Police District.

<sup>70</sup> A Norwegian man was sentenced to three years' imprisonment for THB and several other offences, in relation to the exploitation of four women from the Philippines. The court found that the defendant had taken advantage of the financial vulnerability of the women and sexually exploited them, when he was in the Philippines, in exchange for money he transferred to them to cover their living expenses. Since the victims did not testify in the case, they did not file claims for compensation (Kristiansand District court, 19-129221MED-KISA/01, 2019-11-12). See KOM Report on Court Decisions Related to THB, p. 23.

<sup>71</sup> The case involved the sexual exploitation of three men from Afghanistan and Somalia, one of whom was 17 at the time. The court found that the defendant, who was a prominent member of society, exploited the position of vulnerability of the men and enticed them into having sexual relations with him by leading them to believe that he could influence the resolution of their asylum claims. The defendant was convicted of THB in relation to two of the men, as well as for obtaining sexual relations through abuse of position, dependency or trust and by taking advantage of a person's mental disability, and was sentenced to five years' imprisonment. The three injured parties were awarded restitution in the amount of NOK 250,000, 150,000 and 120,000, while one of the injured parties was also awarded damages in the amount of NOK 223,000 (Nord-Troms District Court – TNHER-2018-194021-2, 2019-07-03). See KOM Report on Court Decisions Related to THB, p. 24.

<sup>72</sup> A Norwegian man was sentenced to one year and six months' imprisonment for THB for the purpose of sexual exploitation of a woman from Uganda whom he had enticed to come live with him in Tromsø by promising her a better life in Norway. The court found that the defendant forced the victim to provide sexual services to various men and deprived her of food and medical care, and that he did not allow her to leave the apartment they shared. He also threatened to take away their son and created uncertainty regarding her residence permit in Norway. The victim was awarded NOK 200,000 in restitution (Nord-Troms District Court, TNHER-2019-15504, 2019-06-26). See KOM Report on Court Decisions Related to THB, p. 25.

<sup>73</sup> A Norwegian man was sentenced to three years and 10 months' imprisonment for THB for the purpose of sexual exploitation of his partner, also from Norway. The court found that the defendant exploited the victim's position of vulnerability caused, *inter alia*, by her drug addiction and forced her into prostitution. The victim was awarded NOK 250,000 in restitution (East Finnmark District Court, TOSFI-2017-125886, 2017-12-14). See KOM Report on Court Decisions Related to THB, p. 27.

<sup>74</sup> Case reference 16-061974MED-BBYR/01. See GRETA's second evaluation report on Norway, para. 175.

96. Victims of THB can file a complaint with the competent regional prosecution office for failure to investigate a case. However, according to the authorities, such complaints are rarely received. GRETA was informed of only one complaint from a car wash facility in Oslo which led to the case being reinvestigated and dismissed. Individual complaints concerning final decisions of Norwegian authorities can also be filed with the Parliamentary Ombudsperson for Scrutiny of the Public Administration, but the office of the Parliamentary Ombudsperson has not received any complaints related to THB cases during the reporting period.<sup>75</sup>

97. GRETA is concerned by the drop in the number of convictions for human trafficking. Trafficking cases are complex crimes, frequently with a transnational dimension, often involving multiple victims and perpetrators, and may include many other offences. Lack of resources and prioritisation contribute to low prosecution and conviction rates of perpetrators. Lack of identification of victims and their quick return to other countries is another factor which impacts the authorities' ability to prosecute traffickers. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions undermines efforts to combat THB and to guarantee victims' access to justice.

98. **GRETA urges the Norwegian authorities to strengthen the criminal justice response to human trafficking, and in particular to:**

- **ensure that human trafficking offences are promptly investigated, regardless of whether a report has been filed or not, making use of all possible evidence gathered through special investigation techniques and financial investigations, and not having to rely mainly on the testimony of victims or witnesses;**
- **provide adequate financial and human resources to the specialised police THB units and ensure that they are utilised accordingly;**
- **ensure that trafficking offences are classified as such every time the circumstances of a case allow this, including cases of trafficking for the purpose of labour exploitation, and that they lead to effective, proportionate and dissuasive sanctions for those convicted. If a case is (re)qualified as a lesser offence, the authorities should ensure that THB victims are not deprived of access to a reflection period, legal aid, and compensation as a result, as well as that special investigative measures remain available to law enforcement;**
- **ensure that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible.**

## **8. Non-punishment provision (Article 26)**

99. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.<sup>76</sup> Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

<sup>75</sup> One relevant complaint was received in 2013, by a 17-year-old boy from Uzbekistan who had been refused asylum and had appealed the refusal to the Immigration Appeal Board, which had rejected it. There was a note from the prosecutor that the boy might be a victim of THB, but this information was not followed up and the boy was not referred to assistance. The Parliamentary Ombudsperson gave an opinion that the Immigration Appeal Board should check the information as it could give grounds for international protection, but in the meantime the boy had left the country.

<sup>76</sup> See 2nd General Report on GRETA's activities, paragraph 58.

100. As described in GRETA's second evaluation report, section 61 of the CC gives courts the possibility of not imposing a sentence when there are special reasons for doing so, and under section 69 of the CPA the prosecution service has the possibility to waive prosecution if it finds that there are compelling reasons to do so. The Director of Public Prosecutions issues annual guidelines on the application of the non-punishment principle. Pursuant to the guidelines issued by the previous Director of Public Prosecutions in 2018, waiver of prosecution is currently applied only to offences which carry a sentence not longer than two years, in line with the relevant provision of the CPA. GRETA was informed that in the recently adopted amendments to section 62a of the CPA, which will enter into force in the summer of 2022, reference to the maximum sentence of two years is removed, thus allowing for the possibility not to prosecute in cases involving more serious offences. Further, the guidelines on the goals and priorities for 2021, as well as the 2022 annual guidelines, issued by the Director of Public Prosecutions, reportedly underline the obligation of non-punishment of victims outlined in Article 26 of the Anti-Trafficking Convention.<sup>77</sup>

101. According to GRETA's interlocutors, the non-punishment principle is not sufficiently and consistently applied by the prosecution and the courts. The defendant/victim has the burden of showing that he/she is a victim of trafficking, and even when the police decide to investigate the allegations of THB the police prosecutor is often unwilling to drop the charges against the victim. GRETA was informed that some prosecutors hold the view that one cannot be pressured into committing a crime and are thus unwilling to waive prosecution of victims of THB, especially in cases involving more serious offences. There appear to be no cases where a conviction was overturned because the perpetrator was found to be a victim of trafficking. One obstacle to the application of the non-punishment principle is the failure to properly identify cases of trafficking, resulting in situations where the same person may be prosecuted for a criminal offence and called as a witness in a related case without recognition that he/she may be a victim in the latter case. GRETA was also informed that some victims prefer to serve the sentence imposed by the court due to fear of traffickers.

102. The typical offences for which prosecution is waived against victims of THB include illegal entry into Norway, use of forged documents and working without a permit.<sup>78</sup> However, in case of more serious offences, such as those involving drugs or theft, there is a tendency to prosecute even when there are clear indications that the perpetrator is a victim of THB. GRETA was informed of several cases where a person was identified as a victim of THB by ROSA and granted a reflection period by UDI, but was nonetheless prosecuted for the offence he/she was forced to commit. One such case involved a woman who was charged as an accomplice in a robbery committed by her trafficker in the home of a client to whom she had been forced to provide sexual services. Even though the judge recognised that she had been a victim of THB and released her from detention on this basis, the prosecution did not drop the charges against her. In another case involving a foreign national who was first trafficked to Germany and then to Norway and forced to work in the production of narcotics, the court found that the defendant was probably a victim of THB, but that the level of coercion he experienced was not considerable (as he had a phone and was not confined), and that he should therefore be held accountable for his actions.

103. ROSA has an agreement with the department for foreign women of the Norwegian Correctional Service to identify victims of trafficking among women serving a sentence of imprisonment. In 2020, there were five such cases in prisons. GRETA was informed that very little recourse is available for victims of THB who have been convicted of a criminal offence. In order to reopen the criminal case against them new evidence would have to be presented and free legal aid is not available for such proceedings. Moreover, it is difficult for such persons to have access to the reflection period<sup>79</sup> or compensation. ROSA

<sup>77</sup> GRETA was informed that the annual guidelines issued on 3 February 2022 note that suspects in cases of labour exploitation under certain circumstances can be victims of THB, stress the obligation under Article 26 of the Council of Europe Anti-Trafficking Convention, and refer to the judgment of the European Court of Human Rights in the case *V.C.L. and A.N. v. UK*, issued in February 2021.

<sup>78</sup> GRETA was also informed of a case from May 2018 in which the Regional Prosecution Office in Vestfold, Telemark and Buskerud waived prosecution against a victim of THB for labour exploitation who provided false testimony in court.

<sup>79</sup> According to the Norwegian authorities, a presumed victim of trafficking who is in prison will be granted the reflection period provided that all of the conditions are met.

assists them in overturning the deportation decision and getting access to assisted return through IOM, which also requires extensive legal assistance.

**104. While welcoming the adoption of amendments to the Criminal Procedure Act, GRETA is concerned the non-punishment provision is not sufficiently and consistently applied by the prosecution and the courts, and considers that the Norwegian authorities should take further measures to ensure compliance with this provision in practice, including by:**

- **bringing the guidelines issued by the Director of Public Prosecutions fully in line with Article 26 of the Convention by clarifying that the non-punishment provision is capable of being applied to all offences that victims of trafficking were compelled to commit;**
- **ensuring that victims of THB are promptly identified as such, in any event before being convicted of offences they were compelled to commit (see also paragraph 170);**
- **encouraging prosecutors to be proactive in establishing whether an accused person is a potential victim of trafficking, and to consider that, having been trafficked, the culpability of the victim may be diminished, or even removed entirely;**
- **ensuring that all negative consequences faced by victims of THB, such as any form of detention, entry bans or delays in seeking legal residence in Norway, are lifted for presumed victims of THB, including in cases where their victimhood has only been recognised after they were deported.**

## **9. Protection of victims and witnesses (Articles 28 and 30)**

105. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

106. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

107. The rules governing the protection of witnesses in criminal proceedings were outlined in GRETA's second evaluation report<sup>80</sup> and have remained unchanged. The CPA places limitations on the questioning of victims/witnesses, aimed at protecting their privacy (section 134), and imposes a general obligation on the court to ensure that the examination is conducted with reasonable consideration for the witness (section 136). The court can order the defendant or other persons to leave the courtroom during the

<sup>80</sup> Paragraphs 182-185.

testimony of the victim (section 284), or can fully or partially close the proceedings to the public.<sup>81</sup> Under section 130a of the CPA the court may grant anonymity to a witness if this is necessary in order to prevent the risk of serious threat against the life, health or welfare of witnesses or persons close to them. Photographing and filming court proceedings is prohibited.<sup>82</sup> Interviews with child victims under the age of 16, children between the ages of 16 and 18 in cases involving sexual abuse or family violence, and vulnerable adults are conducted in the Children's House (Barnehus) and videotaped pursuant to special regulations and the children are not required to give testimony in court (see paragraph 135).

108. GRETA was informed that the police prepare a threat assessment for victims of THB and if it is determined that a victim's security is jeopardized as a result of the investigation, a number of protection measures can be implemented. Namely, victims can be appointed a contact person in the police, equipped with personal alarms, provided with escort to and from police interviews and court sessions, and they can be moved to a secret address. In the most serious cases, a victim may be placed in a witness protection programme. A number of police districts have concluded formal or non-formal co-operation agreements with NGOs and they may share the risk assessment with the NGO and collaborate with them in following up on the victim. Pursuant to section 36 of the Execution of Penalties Act, correctional services have an obligation to notify victims or their relatives when the defendant has been released from prison, if the case so requires.

109. As mentioned in GRETA's second evaluation report,<sup>83</sup> victims/witnesses in the LIME case (see paragraph 92) were housed at a secret address during their testimony in court. GRETA was informed that the witnesses testified in a crowded courtroom, due to the large number of defendants and their defence counsel and were exposed to extensive questioning. According to the authorities, one of the victims subsequently returned to Pakistan. Since this was a voluntary return, no threat assessment was carried out prior to his departure. GRETA was also informed of possible victims of trafficking for sexual exploitation in the north of Norway, originally from Russia and Ukraine, who wanted to receive assistance but withdrew when the traffickers threatened to kill their families back home.

**110. GRETA considers that the Norwegian authorities should make full use of all available measures to protect victims and witnesses of THB and to prevent intimidation and secondary victimisation during the investigation, as well as during and after court proceedings.**

## **10. Specialised authorities and co-ordinating bodies (Article 29)**

111. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

112. As mentioned in paragraph 22, all 12 police districts in Norway have a specialised THB unit within the organised crime department. By way of example, the THB unit in Bergen ("EXIT team"), which was established in 2009 as a pilot project, consists of six staff members (three women and three men), specifically, one leader, four investigators and one adviser. The THB unit within the Oslo police district comprises nine staff members (one leader and eight investigators). In the other police districts, the specialised THB units have around four staff members.

113. In addition to the 12 specialised THB units, each police district has a unit responsible for financial investigations and there are also specialised agencies on the national level, such as the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim),

<sup>81</sup> Section 125 of the 1915 Act relating to the Courts of Justice.

<sup>82</sup> Ibid., section 131.

<sup>83</sup> Paragraph 184.

which assist police districts. Moreover, the National Police Immigration Service (PU) informs and assists police districts with regard to potential cases of THB identified among migrants and asylum seekers (see paragraph 166).

114. The National Expert Group on THB, which has been co-ordinated by the National Criminal Investigation Service (KRIPOS) since 2016, is responsible for improving the knowledge and competence of police officers and facilitating an exchange of experiences between police and prosecutors. Its tasks also include developing different methods to combat THB and updating information on human trafficking in the police information portal "KO:DE." The group consists of 35 members from various levels of police and prosecution services, as well as KOM. In March 2021, the Expert Group organised an online seminar on forced labour and social dumping in co-operation with KOM and a three-day conference was organised for investigators from all THB units at the Police Academy in Stavern at the end of September 2021.

115. GRETA was informed that representatives of the police in Norway have access to two internet-based portals with information and training which includes THB-related topics. All police officers and prosecutors have to complete a mandatory online course on THB prepared by the Police Academy.<sup>84</sup> In 2020, approximately 4 600 persons, including 500 police investigators, completed the training, which lasts between one and one and a half hours. KOM also organises training and seminars and prepares a quarterly newsletter for all stakeholders who work on THB. In 2021, KOM organised two national online seminars and one hybrid seminar (online event complemented by parallel local seminars in Oslo, Bergen, Stavanger and Tromsø), with 250-350 attendees (officials from national, regional and municipal level, civil society, lawyers) per event. They covered the detection of THB cases and victims' rights, the use of terminology and the need for a co-ordinated approach in relation to THB in the working life, as well as the recent judgment in the LIME case.

116. The structure of the prosecution service in Norway has not changed since GRETA's second evaluation report. There are three levels of prosecution authorities: Director of Public Prosecutions who leads the prosecution service; 10 regional prosecution offices with approximately 100 regional prosecutors; and the Prosecuting Authority of the Police (police prosecutors). All investigations are handled by police prosecutors, while both the regional prosecutors and police prosecutors decide on the filing of the indictment, depending on the case. Except in serious cases where regional prosecutors will get involved, most cases are handled in court by police prosecutors as well. GRETA was informed that the level of experience among police prosecutors varies. In light of the complex nature of THB cases, the Hordaland and Oslo police districts have decided to appoint one specialised police prosecutor to work on all THB cases, and this might be replicated in other police districts as well.

117. GRETA was informed that judges in Norway do not specialise in specific areas of law, such as THB. Judges receive initial training upon recruitment, which consists of five modules covering, *inter alia*, criminal law, procedure and ethics. They are also obliged to follow two days of continuous training annually and can attend other training courses. However, no training is offered specifically on the topic of THB.

118. As mentioned in paragraph 23, seven inter-agency centres against work-related crime (A-Krim) have been set up since 2015, bringing together representatives of several agencies: the police, the Norwegian Tax Authority (NTA), the Norwegian Labour and Welfare service (NAV), the Norwegian Labour Inspection Authority (NLA) and, in some centres, the Norwegian Customs Service. Each agency contributes with staff and budgetary resources. The number of staff in each centre varies from region to region. By way of example, the A-Krim centre in Bergen consists of around 15 members, while the A-Krim centre in Oslo has 40 members, namely 20 analysts from each of the organisations represented and 20 persons in the prevention and control group. The A-Krim centres have three areas of focus: i) working against the key threats of organised crime, ii) helping foreign workers safeguard their rights and fulfil their obligations, and iii) helping consumers and employers/principals to ensure that they do not contribute to work-related crime through purchase of goods and services. Every year the leaders of the

<sup>84</sup> The course covers THB indicators, the relevant legal provisions, general knowledge of THB, and victims' rights.

centres decide on an area of focus based on the intelligence gathered (e.g. the construction industry). They carry out inspections based on intelligence provided by other agencies and civil society organisations, which is processed by the analysts. In 2018, the police reportedly appointed a THB contact point in each A-KRIM centre. GRETA was informed that key personnel from each agency represented in the A-Krim centre receive regular training on THB. Most recently, the knowledge groups from all centres attended a week-long course on intelligence at the end of September 2021. A-KRIM centres co-operate with THB units in the investigation of possible cases of THB for the purpose of labour exploitation. Representatives of THB units have also provided training to the members of A-Krim centres. However, it has also been pointed out that the A-Krim centres investigate a wide range of work-related violations and do not necessarily see THB as an area of focus.

119. UDI has organised *ad hoc* training on THB for case workers when needed, and it is currently developing the programme for online training for 2022 which will be mandatory for all case workers. Online training on THB is already available for the staff of reception centres.

120. GRETA was informed that the pre-deployment training for Norwegian consular and diplomatic staff does not include a THB-specific course. However, the training focuses on tools already integrated in immigration laws which can be used in the prevention of THB. Four integration counsellors located in embassies in Islamabad, Amman, Ankara and Nairobi work closely with the consular and visa sections and organise courses to raise awareness of THB among consular and diplomatic staff posted abroad. They also serve as focal points for THB cases. Training on interviewing techniques has also been provided in co-operation with UDI and ID experts posted in several embassies regularly travel to other regional embassies in order to carry out training on ID checks. Joint seminars on raising awareness of THB in airports have been organised in co-operation with other Schengen countries.

121. GRETA welcomes the setting up of specialised THB units in all police districts, the establishment of multi-agency centres against work-related crime, as well as the planned roll-out of specialisation of police prosecutors to work on THB cases, which have the potential of improving the detection and investigation of human trafficking cases.

122. **GRETA considers that the Norwegian authorities should take further steps to ensure that effective co-ordination and information exchange exists among the different actors.**

123. **Further, GRETA considers that the Norwegian authorities should continue to promote the development of specialisation to work on THB cases among prosecutors and judges, and ensure all relevant professionals are trained regularly and systematically on preventing and combating THB, identifying victims and referring them to assistance. The training should be integrated in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, staff at immigration detention centres, labour inspectors, social workers, child welfare staff, health-care staff, as well as diplomatic and consular staff.**

## **11. International co-operation (Article 32)**

124. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or

regional instruments<sup>85</sup> on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

125. The Norwegian authorities co-operate with the authorities in other countries via Interpol, Europol, Eurojust,<sup>86</sup> PTN (Nordic Police and Customs Cooperation) and NLO (Nordic Liaison Officers), as well as directly, in THB and other criminal cases. This co-operation may involve exchange of information, transfer of prosecutions and extradition of accused persons, as well as joint investigations into THB cases. The Norwegian police use internationally available tools, such as the ICSEDB (International child sexual exploitation database, administrated by Interpol) and the Interpol Green Notice. During the period covered by this report, Norway has exchanged information and co-operated with the authorities in Germany, Poland, Austria, Spain, Romania and Bulgaria with regard to THB cases. The Norwegian authorities also participate in the Council of the Baltic Sea States (CBSS) expert group on THB.

126. GRETA was informed that Norway is not part of the European Investigation Order, and there is no information with regard to the number of requests for mutual legal assistance in THB cases that have been made by the Norwegian authorities during the reporting period.

127. Joint Investigation Teams (JITs) were established with Romania, with regard to two cases,<sup>87</sup> and with Bulgaria in relation to two cases. GRETA was informed that JIT agreements are accompanied by a letter explaining the procedure for interviewing children under the Norwegian legislation (Nordic model), which allowed the investigators to conduct interviews with child victims in Romania in accordance with this procedure.

128. Norway has co-operated with the authorities of the Philippines in six cases involving live streaming sexual abuse of children since 2015. Investigations carried out jointly by the two countries resulted in the sentencing of three defendants in Norway. Due to the fact that many of the victims of online child sexual abuse in Norway are from the Philippines, the Norwegian authorities have posted a police officer from Norway to serve as a liaison officer in Manila, with the aim of uncovering and preventing cases of child sexual abuse. Information campaigns have also been conducted on social media in the Philippines for the purpose of prevention of this type of exploitation.

129. GRETA notes that the Norwegian authorities have faced difficulties in establishing co-operation with the authorities of other non-EU countries of origin of THB victims which has significantly hindered the investigation of cases, especially when the victims chose to return to their country of origin before the completion of the criminal proceedings (see, for example, paragraph 90).

130. The Norwegian Ministry of Foreign Affairs continues to support international action against organised crime, including THB, through development aid and in co-operation with the UNODC. In 2018, Norway started supporting the global fund to end modern slavery and in 2020 it established a development programme to combat modern slavery (i.e. most serious forms of child labour, forced marriage and THB). There are currently 15 projects under this programme, several of which include components linked to THB or activities which contribute to prevention of THB, such as birth registrations. Among the countries which benefit from the programme are Ethiopia, Uganda, Nepal and Malawi. The total budget allocated for development aid in 2020 was NOK 150 million (approximately 15 million euros). In July 2021, the Ministry launched a new strategy to combat modern slavery in development policy. The Ministry of Foreign Affairs also supports the UNODC and Interpol, as part of its work on global security and combating transnational

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<sup>85</sup> For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Norway also concluded an agreement with the EU and Iceland in 2006 concerning the European Arrest Warrant and is also a party to the simplified Nordic Arrest Warrant.

<sup>86</sup> Eurojust has facilitated co-operation between Norway and other countries since 2005.

<sup>87</sup> In one of the cases, in which the JIT was established in 2017, the accused was convicted of THB for sexual exploitation of children in Romania, the Philippines and Madagascar. The second case was investigated jointly in 2018 by the Vest police district and the Romanian authorities.

organised crime and terrorism.<sup>88</sup> The focus of a project done in co-operation with Interpol (approximately 3.5 million euros), which began in 2017 and will end in 2022, is on protection of vulnerable communities in Africa (Lybia, the Sahel, Mali, Niger, Central African Republic and Sudan) and disrupting criminal networks involved in THB, organised crime and related crimes. Norway has also contributed NOK 1 million annually (approximately 100 000 euros) to the UNODC global programme on THB and migrant smuggling since 2017, and it funds regional programs aimed, *inter alia*, at combating THB. The Norwegian authorities continue to fund projects through Norway Grants.<sup>89</sup> By way of example, three projects in Bulgaria funded under the Norwegian Financial Mechanism 2014-2021, which focus on the prevention of vulnerability of the Roma population and fighting organised crime, are relevant to combating THB.

**131. GRETA welcomes the Norwegian authorities' participation in multilateral and bilateral international co-operation, and Norway's contribution to international co-operation through funding projects in countries of origin. GRETA invites the Norwegian authorities to further develop bilateral co-operation, including with the authorities of the Philippines, with regard to preventing THB and ensuring a successful prosecution of traffickers.**

## 12. Cross-cutting issues

### a. gender-sensitive criminal, civil, labour and administrative proceedings

132. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.<sup>90</sup> The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.<sup>91</sup> GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.<sup>92</sup> Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".<sup>93</sup>

133. The Norwegian authorities have stressed that the different needs of men and women are taken into account in the context of support to victims of THB in Norway, including when accommodation is arranged. GRETA was also informed that female victims of THB or their lawyers can request that the interview be conducted by a female police officer, although this depends on the resources available.

<sup>88</sup> The policy basis for the work is a white paper on global security challenges, transnational crime and terrorism, referred to the Norwegian Parliament in 2014.

<sup>89</sup> See GRETA's second evaluation report on Norway, paragraph 190.

<sup>90</sup> CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en)

<sup>91</sup> Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

<sup>92</sup> Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

<sup>93</sup> Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

b. child-sensitive procedures for obtaining access to justice and remedies

134. In Norway, if there are reasonable grounds to suspect that a child was a victim of a criminal offence, the police have an obligation to conduct a forensic interview with the child within one week from the filing of the criminal report, with some exceptions allowing for a longer time period. Interviews with children under the age of 16 are conducted in accordance with a special procedure outlined in section 239 of the CPA and in the relevant regulation issued in 2015.<sup>94</sup> The interview must be conducted by a police prosecutor who is specially trained in working with children. A video recording of the interview is used in court in lieu of the child's testimony.

135. Interviews with children under the age of 16, as well as children between the ages of 16 and 18 in cases involving sexual abuse or family violence and vulnerable adults, are conducted in children's houses (*Barnehus*) which have separate interviewing rooms with video and audio links to a viewing room for persons authorised to observe the interview. There are 11 children's houses in Norway which are organised as part of the local police and fall under the joint responsibility of the Ministries of Children and Family, Justice and Public Security, and Health. Children's houses operate in accordance with National Guidelines issued in 2016.<sup>95</sup> Around 6 000 interviews are conducted in children's houses in Norway each year. GRETA visited the children's house in Bergen which is annexed to the police station and has a separate entrance and exit. The premises are designed in a child-friendly manner, with special interviewing rooms, waiting rooms with toys, as well as fully equipped rooms for dental and medical forensic examinations. While the children's houses are designed to accommodate the needs of children and make them comfortable during the interview process, GRETA was informed that the remainder of the judicial and administrative procedures which children may encounter, including the way information on their rights is presented, is mostly tailored for adults. In this regard, UNICEF Norway has advocated for the adoption of national guidelines on the child's right to participation.

136. Unaccompanied asylum-seeking children who are identified as victims or possible victims of THB are appointed a legal representative or guardian, pursuant to the Guardianship Act. Those below the age of 15 are placed in care centres for unaccompanied asylum-seeking children, while children between the ages of 15 and 18 fall under the responsibility of UDI and are placed in migration centres. GRETA was informed that the Ombudsperson for Children found that the difference in the treatment of children below and above the age of 15 was not in the interest of the children and represents age discrimination. Children aged 12 and older who are considered to be at risk of being trafficked may be temporarily placed in a child welfare institution for up to six months, pursuant to section 4-29 of the Child Welfare Act. GRETA was informed that the Ombudsperson for Children had expressed the opinion that the placement of children in institutions pursuant to section 4-29 of the Child Welfare Act, although restrictive of children's rights, was justified in specific circumstances. GRETA refers to its observations made in the second evaluation report, in particular that the placement of a child in an institution pursuant to section 4-29 of the Child Welfare Act in practice amounts to detention. **GRETA stresses that the principle of the best interests of the child should be fully respected at all times and considers that the Norwegian authorities should keep under review the application of section 4-29 of the Child Welfare Act.**

137. **Further, GRETA welcomes the existence of children's houses (*Barnehus*) across Norway, enabling the adoption of a child-sensitive approach and procedures for obtaining access to justice and remedies. GRETA considers that the Norwegian authorities should make full use of these specialised facilities in cases of THB. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.<sup>96</sup>**

<sup>94</sup> The Director General of Prosecutions has also issued an instruction on the procedure for interviewing children under the age of 16.

<sup>95</sup> The guidelines were prepared jointly by the National Police Directorate, Health Directorate and Children and Family Directorate.

<sup>96</sup> [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

### c. role of businesses

138. As mentioned in paragraph 16, in June 2021 the Norwegian authorities adopted the Transparency Act which is expected to come into force in mid-2022. The law was prepared by the Ministry of Children and Families, based on a report of the Norwegian Ethics Information Committee<sup>97</sup> which recommended the adoption of specific legislation to protect the interests of consumers, including their right to information. The law will apply to larger enterprises,<sup>98</sup> both those which are resident in Norway and offer goods and services in or outside of the country and foreign enterprises which offer goods and services in Norway and are liable to pay taxes in Norway. The companies covered by the act have an obligation to conduct due diligence to identify, prevent and mitigate violations of fundamental human rights<sup>99</sup> and decent working conditions<sup>100</sup> in their supply chains. Under the Transparency Act, companies will be obliged to publish the findings of due diligence on their website and to respond to enquiries from consumers, organisations and other interested parties.

139. The Norwegian Consumer Authority will provide guidance to enterprises on the implementation of the Transparency Act and will monitor their compliance with it. The Consumer Authority may impose administrative sanctions on the companies that violate the act. The final guidelines on the sanctions are currently being prepared. GRETA was informed that the new law will affect approximately 9 000 businesses in Norway and will have a trickle-down effect on smaller companies which do not fall within the scope of the law. This is particularly relevant for some industries, such as construction, where workers are exposed to exploitation by smaller companies which are sub-contracted by a larger company. The effectiveness of the Transparency Act will be evaluated after it has been in force for a certain period of time, and the authorities will consider extending its application to smaller enterprises. **GRETA welcomes the adoption of the Transparency Act and would like to be kept informed of its implementation.**

### d. measures to prevent and detect corruption

140. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

141. In its fifth evaluation round report on Norway (2021), GRECO noted that, although the degree of trust in the police in Norway has somewhat decreased over the past four years, it still remains higher than the European average. GRECO welcomed the efforts to strengthen internal control and audit systems, and to develop whistle-blower guidance and related operational arrangements, carried out as part of the ongoing reform to streamline police operations. It also noted as positive the steps taken by the National Police Directorate to enhance measures for better strategic management, co-ordination and development, including the national leader group meetings and a national scheme to collect and disseminate operational good practice or guideline renewal proposals. Notwithstanding these positive developments, GRECO identified several areas where further improvements should be made. This includes adopting a co-

<sup>97</sup> The Committee, established by the government in 2018, consisted of representatives of business organisations, companies, labour unions, academics, and a public body.

<sup>98</sup> Larger enterprises are defined as "enterprises that are covered by section 1-5 of the Accounting Act, or that on the date of financial statements exceed the threshold for two of the following three conditions: 1) sales revenues: NOK 70 million (7 million euros), 2) balance sheet total: NOK 35 million (3.5 million euros), 3) average number of employees in the financial year: 50 full-time equivalent."

<sup>99</sup> The act builds on the OECD Guidelines for Multinational Companies and the UN Guiding Principles on Business and Human Rights and covers the rights defined in the International Covenant on Economic, Social and Cultural Rights of 1966, the International Covenant on Civil and Political Rights of 1966, and the International Labour Organization's conventions on fundamental principles and rights in the work place.

<sup>100</sup> Work that safeguards fundamental human rights and health, safety and environment in the workplace, and that provides a living wage.

ordinated corruption prevention and integrity policy for the police, ensuring that the Code of Conduct is implemented through a more uniform, co-ordinated and comprehensive approach, and establishing national statistics on disciplinary measures and informing the public on them, while respecting the anonymity of the persons concerned. GRECO also recommended further enhancing in-service training programmes and awareness-raising measures on integrity and professional ethics, as well as conducting training and awareness-raising activities on whistle-blowing.<sup>101</sup>

## V. Follow-up topics specific to Norway

### 1. Data collection

142. In its second evaluation report, GRETA urged 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. GRETA further noted that the introduction of a National Referral Mechanism for victims of trafficking would be conducive to improving data collection.

143. As noted in paragraph 11, no detailed statistics on presumed victims of THB have been published since 2016 when KOM and the Ministry of Justice and Public Safety decided to stop reporting an estimate of the number of presumed victims until Norway had set up an NRM and a more formal and reliable system for data collection (see also paragraph 27). In the meantime, relevant agencies and NGOs have continued to provide information to KOM and KOM's annual reports provide extensive data on the number of victims who received assistance, reflection periods, residence permits, international protection and assisted return, as well as on the number and outcome of criminal cases.

144. At the end of 2019, KOM started a joint project with the United Nations Office on Drugs and Crime (UNODC) and the Fafo Institute entitled "Estimating the prevalence of trafficking in persons in Norway using the Multiple Systems Estimation (MSE) methodology." However, the project did not yield the desired results due to a number of obstacles that were encountered. One issue was the unclear legal framework concerning the confidentiality rules for NGOs and the reluctance of some NGOs to share information about victims. The project also revealed a low number of victims registered by NGOs. A report on the challenges encountered and steps forward is forthcoming. **GRETA would like to be kept informed of the findings of the report and further developments towards the establishment of a system for data collection on victims of THB.**

145. **GRETA considers that the Norwegian authorities should take further steps to develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of victims of THB, which should ensure the participation of all relevant actors that can contribute to the provision of data, including NGOs and other service providers, law enforcement, immigration officials, labour inspectorates, health-care providers, prosecution services and others involved in the identification of victims of trafficking, and the investigation and prosecution of human trafficking and related offences. 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.**

<sup>101</sup> <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a1167c>. See in particular paragraphs 4, 134, 137 and 215.

## 2. Measures to prevent and combat trafficking for the purpose of labour exploitation

146. In its second evaluation report, GRETA considered that the Norwegian authorities should intensify their efforts to prevent THB for the purpose of labour exploitation by expanding the mandate of labour inspectors to be actively involved in the prevention of THB, providing the necessary training to all actors involved in combating THB for the purpose of labour exploitation and raising awareness among the general public and migrant workers about the risks of THB for the purpose of labour exploitation. GRETA further recommended that the Norwegian authorities review regulations concerning *au pairs* and work closely with the private sector in order to prevent THB in supply chains and strengthen corporate social responsibility.<sup>102</sup>

147. The Norwegian authorities have taken a number of steps which contribute to implementing GRETA's recommendation. As mentioned in paragraph 118, the seven inter-agency centres against work-related crime (A-Krim centres) set up since 2018 collaborate with the THB units on the detection of cases of THB for the purpose of labour exploitation. The goals of A-Krim centres are to reduce significantly key threats, to ensure that foreign workers are informed of their rights and obligations and empowered to fulfil them, as well as that employers and consumers do not contribute to work-related crimes. There is supposed to be a THB contact point at each A-KRIM centre. The Norwegian Labour Inspection Authority (NLA),<sup>103</sup> which has dedicated staff in all A-Krim centres, has produced information materials in Norwegian and seven other languages<sup>104</sup> for migrant and posted workers in Norway, which are available in the form of leaflets and online.<sup>105</sup> The information materials were produced jointly with labour inspectorates in other countries. The NLA also offers personal guidance and information through the service centre for foreign workers, established in 2007.

148. The NLA co-operates with trade unions and civil society organisations, such as Caritas, the Salvation Army (Migration Centre Oslo) and Hope for Justice, which also provide information and assistance to foreign workers in order to help safeguard their rights. The Trade Union Federation (LO) has started publishing news articles which are of interest to foreign workers in Norway in English, Polish and Lithuanian on the website of its digital newspaper "FriFagbevegelse,"<sup>106</sup> and disseminates them on social media in order to reach a wider audience. The Migration Centre Oslo has also reached out to vulnerable persons through social media and employs staff who speak the languages commonly spoken by migrant workers (i.e. Romanian, Polish and Russian). Further, Caritas is engaged in outreach to seasonal workers in the agricultural industry in order to inform them of their rights, and it will implement a project in the fishing industry in 2022.

149. GRETA was informed that the Strategy to Combat Work-Related Crime, adopted in 2015, was revised in 2021.<sup>107</sup> The Ministry of Labour and Social Affairs is in charge of implementing the strategy. Since 2015, the Norwegian government has provided over NOK 140 million (approximately 14 million euros) to strengthen efforts to limit work-related crimes.

150. The newly adopted Transparency Act already mentioned in paragraph 138 imposes an obligation on larger companies to perform due diligence with regard to their supply chains and can have a significant impact on preventing THB.

<sup>102</sup> See GRETA's second evaluation report on Norway, paragraph 51.

<sup>103</sup> The NLA has 650 employees, of whom 90 are involved in combating work-related crimes.

<sup>104</sup> English, Polish, Bulgarian, Estonian, Lithuanian, Romanian and Latvian.

<sup>105</sup> The information can be found on the website knowyourrights.no.

<sup>106</sup> <https://frifagbevegelse.no/foreign-workers/you-can-now-read-news-about-norwegian-working-life-in-english-6.539.816938.4114a5d4a4>.

<sup>107</sup> The main focus of the strategy is broad and sustained co-operation with all parties in organised working life and improved co-ordination between government agencies.

151. GRETA was informed that the Norwegian authorities have adopted stricter regulations on the recruitment of temporary workers, which give the NLA the authority to inspect whether companies comply with the regulations when hiring workers, as well as to ensure that temporary and full-time employees are treated equally by staffing companies. In this regard, the NLA has organised a project involving 20 members from around the country which will last from September 2021 until December 2022. Several inspections of employment agencies and companies that hire workers have already been carried out and approximately 900 inspections are planned for 2022. GRETA was informed that the project involves co-operation with labour inspectorates in the countries of origin of workers, namely, Estonia, Lithuania, Romania and Bulgaria, and that it will produce an assessment of the above-mentioned regulations.

152. Many foreign workers in Norway are either paid below the minimum wage<sup>108</sup> or below the wage stated in their contract.<sup>109</sup> Whereas previously the only way for workers to recover unpaid wages was to initiate legal proceedings against the employer, in July 2021 the NLA was given the competence to order post payment of wages within the areas regulated by the General Application Act on collective agreements (see paragraph 74). GRETA also notes that the new legal provisions on salary theft which entered into force on 1 January 2022 (see paragraph 74), entail criminal liability for employers. GRETA stresses the importance of ensuring that legal assistance is available to workers who seek to recover unpaid wages from their employers. According to available information, this is currently only provided by the legal department of the Trade Union Federation (LO) to vulnerable workers who are referred through a newly established fast track procedure by one of the NGOs with whom the LO co-operates.<sup>110</sup>

153. In addition to the inspections carried out by the NLA and the joint multi-agency inspections by A-KRIM centres, the NLA participates in Joint Action Days and special focus has been put on preventing exploitation in agriculture and the risks connected to exploitation of migrant workers (e.g. berry pickers). GRETA was informed that in most cases, workers without valid documentation are of Eastern European origin (e.g. Romania, Poland, Estonia, Latvia, Lithuania). Labour inspectors are instructed to use the list of operational indicators of exploitation and forced labour developed by KRIPOS. However, there are no data on the number of presumed victims of THB detected by labour inspectors.

154. One of the challenges identified by GRETA's interlocutors was the frequent qualification of possible cases of THB for the purpose of labour exploitation as the so-called "social dumping" cases, which is a broad, non-legal category encompassing various violations of labour laws and regulations. As a result of this qualification, victims may not have access to assistance measures and free legal aid with regard to seeking remedies through the courts. According to the information provided by the authorities, in the period 2017-2020 the NLA reported to the police 457 cases related to serious violations of labour laws and regulations.

155. GRETA was informed that the Norwegian authorities had adopted legislation providing more protection for *au pairs*, namely by extending the quarantine arrangement for host families and making it easier to change families. However, GRETA also notes reports indicating that *au pairs* in Norway experienced increased work pressure during the Covid-19 pandemic. In the recent period UDI issued a record number of decisions banning families from using *au pairs*, although it is noted that many of those cases were opened prior to the pandemic.

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<sup>108</sup> In Norway, a minimum wage is applied only in certain industries, namely, construction, transport, cleaning, agriculture, restaurant, and fishing industries, as well as in shipyards. In other sectors, wages are negotiated through collective agreements.

<sup>109</sup> Another issue identified by GRETA's interlocutors was the fact that employers often fail to pay taxes on the income paid to workers, although this amount is deducted from their salary. Employees may not find out about this until years later and if they report the employer to the Tax Administration, they risk being liable to pay the taxes themselves.

<sup>110</sup> One of the 50 lawyers in the LO legal department is assigned to work on these cases. The LO has also established a solidarity fund for workers who are waiting to receive their wages.

156. **While commending the steps taken since the second evaluation to prevent and combat trafficking for the purpose of labour exploitation, in particular the establishment of A-Krim centres and the adoption of a number of legislative and policy documents, GRETA considers that the Norwegian authorities should:**

- **encourage law enforcement officials, labour inspectors, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as construction, hospitality and fishing;**
- **provide training for labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, including through joint training, on THB for the purpose of labour exploitation and the rights of victims;**
- **ensure that cases of THB for labour exploitation are not treated as the so-called "social dumping" cases, depriving victims of THB of access to assistance measures and free legal aid;**
- **continue to raise 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.**

### **3. Identification of victims of trafficking**

157. In its second report on Norway, GRETA urged the 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, as well as harmonising the indicators and criteria used by the authorities and civil society representatives to identify presumed victims of trafficking. GRETA also recommended improving the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres. Another recommendation concerned the review of 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.

158. As mentioned in paragraph 27, there is still no National Referral Mechanism (NRM) in Norway. In the four years following the issuing of GRETA's second evaluation report, there have been a number of discussions on how to proceed, but no consensus has so far been reached. The inter-departmental working group<sup>111</sup> set up in 2020 to make proposals on the NRM did not involve civil society actors, and the report prepared by it was submitted to the Minister of Justice and relevant directorates in the summer of 2021. NGOs were given the possibility to provide written comments which were attached to the report. One of the options presented in the report included making KOM independent from the National Police Directorate and giving it a co-ordinating role with regard to the provision of assistance to THB victims. However, at the time of the visit, public officials met by GRETA expressed scepticism about this option. A more prominent role is also envisaged for the UDI and the Directorate of Labour and Welfare (within NAV), and it has been proposed to establish a separate function of National Rapporteur which could be taken over by one of the Ombuds institutions. A number of NGOs expressed concern with regard to the possibility that UDI might formally assume the co-ordinating role, given its focus on immigration and lack of involvement in operational matters related to THB. Officials met by GRETA during the visit indicated that the process of discussing the NRM will continue under the new Government and gave reassurance that civil society will be involved in the process. However, GRETA received the impression that the setting up of the NRM is not considered a priority since the current system is seen by the authorities as working well.

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<sup>111</sup> The working group was headed by the National Police Directorate and included representatives of the Directorate of Immigration, the Directorate of Labour and Welfare, the Directorate of Health, the Directorate for Children, Youth and Families and the Directorate for Integration and Diversity. KOM participated in the working group.

159. In the continuing absence of an NRM, the decentralised system for victim identification described in GRETA's previous reports continues to operate, without a single government agency or designated non-state actor with primary responsibility for the identification of victims of trafficking. Formal identification as a victim of THB is not required in order to access assistance and the number of persons who received assistance annually (see paragraph 177) is considerably higher than the number of persons granted a reflection period (see paragraph 192). When a public official has reasons to think that a person might be a victim of trafficking, they should inform them of their rights as victims (see paragraph 39) and the possibility to contact specialised NGOs. ROSA operates a national helpline, including a website with information in five languages,<sup>112</sup> and collaborates with several specialised NGOs running shelters for victims of THB (see paragraph 172). In 2020, a total of 2 150 calls were received on the helpline.

160. The Human Trafficking Support Oslo (HTSO), set up as part of the 2018 action plan against THB of the City Council of Oslo, serves as the first door to the identification and follow-up of presumed victims of THB. The plan refers to the HTSO as a kind of "National Referral Mechanism" for Oslo. It also has the mandate to strengthen the coordination of assistance to victims and to raise the knowledge and competence of municipal employees to deal with THB. The HTSO has entered into co-operation agreements with four NGOs and has started the process with two more, as well as making plans for agreements with NGOs and trade unions working on labour exploitation. One of the main points of the agreements is that if a possible victim is detected, the NGO or public service will contact the HTSO. The HTSO employs three social workers and has an agreement with a lawyer to provide legal advice to victims.

161. As noted in paragraph 11, the overall number of presumed victims of THB in Norway has declined since GRETA's second evaluation. Various possible reasons for this were mentioned to GRETA, such as the lower number of migrants arriving in Norway during the COVID-19 pandemic, the effect of the law criminalising the purchase of sex, and insufficient resources and capacities of the police.

162. According to NGOs, there is a loss of trust in the victim identification and support system amongst persons engaged in prostitution. Pro Sentret, an organisation funded primarily by the Municipality of Oslo, which provides assistance to persons in prostitution through outreach work (including on the internet) and conducts mappings and research, has noted a decline in the number of presumed victims of THB who turn for assistance due to fear of the consequences. According to Pro Sentret, there are target figures for deportation which the police has to follow and this leads to the deportation of potential victims without screening for THB. This was highlighted by an article in the Norwegian press and the Regional Prosecutor's Office of Oslo apparently issued a report criticising the prioritisation of deportations and their impact on victim identification.<sup>113</sup> On several occasions, ROSA has been denied access to presumed victims in deportation detention and was thus unable to check for indicators of THB as the persons had to leave the country within 48 hours. Around Christmas 2020, the police started deporting persons engaged in prostitution, based on the new infection prevention legislation. Several news outlets reported on statements made by an Oslo police prosecutor that these persons were "potential contagion bombs".<sup>114</sup> On 28 January 2021, it was reported that at least 53 persons who sell sex had been denied entry or expelled from Norway during the pandemic.<sup>115</sup> The deportations and expulsions concerned primarily women from Eastern Europe, including EU countries (Romania and Bulgaria). Pro Sentret has issued reports on vulnerable persons from Bulgaria and Romania who sell sexual services in Oslo, and on young Roma men selling sex. As regards the latter, Pro Sentret has identified two Roma boys as presumed victims of THB.

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<sup>112</sup> [22 33 11 60 - ROSA - hjelp til ofre for menneskehandel \(rosa-help.no\)](https://www.22331160.no)

<sup>113</sup> <https://www.aftenposten.no/oslo/i/Kyo85M/oslo-politiet-faar-refs-for-aa-avdekke-for-faa-saker-om-menneskehandel>

<sup>114</sup> Pro Sentret, Another year of COVID-19: A follow-up report on the handling of the pandemic and persons who sell sex in Norway and the Nordic countries, 2021.

<sup>115</sup> Ibid., p. 13.

163. GRETA was informed of a case of a woman from Eastern Europe, who had reportedly been forced into prostitution in Norway by a criminal gang. The police started an investigation concerning the gang and asked the woman concerned to become their informant, which she agreed to. The investigation reportedly did not concern THB, but other crimes the gang had committed. The woman was not identified as a victim of trafficking at that stage and allegedly did not receive sufficient protection or assistance from the police. She was eventually referred to ROSA in 2016 and received support, accommodation and legal aid as a presumed victim of trafficking. However, as she had no legal grounds to remain in Norway, she was returned to her country of origin where she reportedly faced threats and was therefore allowed to go back to Norway where she claimed asylum. GRETA is concerned that presumed victims of trafficking who are in contact with the police during a criminal investigation which does not concern THB may not be identified as victims of trafficking and receive the necessary protection and support. GRETA also recalls that Article 28 of the Convention obliges States Parties to provide effective and appropriate protection to victims and witnesses of human trafficking during the investigation and prosecution of perpetrators.

164. As regards labour exploitation, despite the previously mentioned steps taken by the Norwegian authorities, the fact the labour inspections are reportedly conducted in close co-operation with the NPIS means that the deportation of irregularly present migrants is prioritised, and there are few incentives for workers to disclose information during checks. The Norwegian authorities have indicated the NPIS does not have a role in labour inspections. Since gross exploitation that falls short of THB in terms of demonstrable coercion is treated as a labour (civil) law violation, neither the police nor labour inspectors investigate such cases from the perspective of a victim. As an illustration, GRETA was informed that the main defendant in the Lime case, while being on trial, was able to facilitate the opening of the grocery store chain "Easy Lavpris", which was set up in the premises of closed stores from the Lime Chain (the scene of the largest case of THB for labour exploitation in Norway in 2017). Reports were made by employees concerning alleged exploitation, but the police and labour inspectors apparently did not follow up on these reports until the story was revealed to the press.

165. While the existence of specialised police anti-trafficking units is positive, there has been a turnover of staff and the funding earmarked for human trafficking investigations has been redirected to other areas as a result of prioritising the investigation of other offences. GRETA was informed that the two outreach officers in the Oslo police THB unit, who used to play an important role in the identification of victims, had been moved to the intelligence unit (working on THB cases) and the outreach work has ceased. As a result, the police do not appear to be identifying proactively victims of trafficking. According to the authorities, the reallocation of the two outreach officers and the assignment of a third officer to a local police station in order to train the staff on THB was done with the aim of enhancing the capacity of the police district to investigate THB cases.

166. 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 migrants whose asylum applications have been refused (police districts are responsible for the forced return of migrants who have not applied for asylum). Officials from PU are issued with instructions and indicators for the identification of possible victims of THB and provide them with information and how to contact ROSA and the police. The Norwegian Red Cross, NOAS and specialised anti-trafficking NGOs, such as ROSA, have access to immigration detention facilities (however, see paragraph 162).

167. The UDI is mandated to process applications of victims of THB for a reflection period, residence permits and asylum. UDI has two coordinators (half-time positions) dedicated to efforts to counter THB as well as a network of 18 case workers who are trained and guide their colleagues and reception centre staff on issues related to THB. An internal website provides information to case workers on THB. There is online training on THB for reception staff, and more online training for UDI staff is planned for 2022. The identification procedure for adults includes a conversation with the presumed victim (with the help of an interpreter), information on rights and how to find help, as well as offering assistance in contacting ROSA. There are also special procedures for children. However, GRETA was informed that there are no statistics available on the number of victims of THB identified by PU, UDI and reception centre staff.

168. As regards the application of the Dublin Regulation to victims of trafficking, it would appear that if a victim was not exploited in Norway, she/he would be sent back to the EU country where they first applied for asylum. GRETA was informed that in the period 2017 – September 2021, UDI has made a total of 15 rejections based on the Dublin Regulation in cases where the applicant was a victim of trafficking and the persons concerned were sent to the countries where they first applied for asylum. GRETA notes that Article 17.1 of the Dublin Regulation III permits States to unilaterally take responsibility for the determination of an asylum claim, even where the objective responsibility criteria allow for a request to be submitted to another Member State of the EU. The Norwegian authorities indicated that while victims of THB are not in general exempted from receiving a Dublin rejection, there are exceptions from the Dublin procedure which are first assessed, and some exceptions may apply to victims of THB. The possible exceptions are that the applicant has the right to a witness permit pursuant to section 8-4, first paragraph, of the Immigration Regulation, that the applicant has, or has had, a temporary residence permit because of having co-operated with the police in a criminal case, as well as some other, more general exceptions. GRETA stresses the 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 provide them with a recovery and reflection period and assistance, in accordance with Articles 12 and 13 of the Convention.<sup>116</sup>

169. GRETA is concerned by the continuing absence of a National Referral Mechanism, despite various projects and ongoing reflections on how to set it up. **Recalling the recommendations in its second evaluation report, GRETA urges the Norwegian authorities to strengthen the identification of victims of trafficking and their referral to assistance 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, regardless of the setting in which the victims are detected;**
- **ensuring that there is a separation between immigration enforcement functions and labour inspectorate roles, and that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;**
- **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.**

#### **4. Assistance to victims**

170. In its second evaluation report on Norway, GRETA welcomed the increased funding for civil society organisations providing assistance to victims of trafficking, including men, and invited the Norwegian authorities to secure long-term funding for victim assistance projects, subject to their quality control and evaluation. Further, GRETA considered that the Norwegian authorities should 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.

<sup>116</sup> See GRETA Guidance Note, <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>.

171. The Ministry of Justice and Public Security manages a grant scheme for projects of NGOs providing different forms of assistance to victims of THB. Funds are awarded on an annual basis, following an application process and a discretionary assessment by the Ministry. The procedure was formalised through a regulation adopted by the Norwegian Parliament in December 2020.<sup>117</sup> The amount of funding provided through the grant scheme in 2021 was NOK 35 million (approximately 3.5 million euros).<sup>118</sup> The organisations which have received funds in the past include ROSA, the Church City Mission Nadheim which runs the shelter for female THB victims Laura's House, the Salvation Army which runs the safe house for male victims, and Caritas.

172. NGOs providing assistance to victims of THB have expressed concerns about the fact that the funding of assistance, provided through the above-mentioned annual competitive grant scheme, is uncertain and short-term. ROSA, which runs a helpline for victims of THB and co-ordinates assistance and protection measures for adult victims of THB staying at crisis centres, was granted the status of a "permanent measure" in 2015 which guaranteed earmarked funds for its operations. However, GRETA was informed that ROSA's permanent funding was revoked in the government's budget proposal for 2022, without explanation, meaning that it will now have to apply for funding on an annual basis. This impacts capacity for long-term planning, reduces flexibility in addressing emergencies, and creates instability and a risk of a high turnover of staff. GRETA was informed that ROSA's funding was revoked at the request of the Ministry of Finance, sent to all ministries, to reduce the number of organisations receiving permanent funding in order to create a more level playing field. According to the authorities, ROSA's permanent funding was reinstated following the change in government in the autumn of 2021.

173. During the third evaluation visit, GRETA visited three safe houses for victims of THB in Oslo and was impressed by the warm and caring environment provided in them and the dedicated staff. Staff presence was ensured around the clock. The three shelters provide assistance to persons who have been granted a reflection period (up to six months), but at Laura's House and Marita Safe House, victims may exceptionally stay longer while claiming asylum after the reflection period is over.

174. The Church City Mission Nadheim in Oslo operates Laura's House, which provides accommodation and support for up to nine women and their children in individual apartments. Another safe house for female victims of THB and their children is run by the Marita Foundation,<sup>119</sup> with seven bedrooms. At the time of the visit, there were four women with three children accommodated there. The women were provided with opportunities to follow education, vocational training and language classes, and some of them had jobs.

175. The only safe house for male victims of THB in Norway, Filemon, run by the Salvation Army, has a capacity of seven places (four single rooms and a three-place flat). The safe house is fully funded by the Ministry of Justice and Public Security. It usually hosts five to six men at any given time, but there have been occasions where 11 victims had to be accommodated at the same time. The Salvation Army is trying to open another safe house in the North of Norway. At the time of GRETA's visit, four men were accommodated at the safe house. Victims receive an allowance of 7 000 NOK (approximately 700 euros) per month from the social service agency. As regards health care, the Salvation Army employs a doctor, but access to psychological care is problematic because victims do not have the so-called "F" number (see paragraphs 55 and 178).

<sup>117</sup> <https://lovdata.no/dokument/SF/forskrift/2020-12-10-2675>. The aim of the scheme is to "prevent children and adults from being subjected to THB, help people exit prostitution and reduce the demand for prostitution."

<sup>118</sup> By way of comparison, in 2015 the grant scheme amounted to some 20 million NOK (2 million Euros).

<sup>119</sup> The Marita Foundation also runs the Marita Café in Oslo which offers food and support to sex workers and persons addicted to drugs from 7 pm to 12 am every day.

176. Accommodation for victims of trafficking is also provided by the Human Trafficking Support Oslo (HTSO) (see paragraph 160) and emergency housing is available at crisis centres for victims of violence run by the municipalities in accordance with the 2010 Shelter Act (*Krisesenterlova*). The Labour and Welfare Offices in each municipality of Norway have a broad mandate, including providing guidance on rights and subsistence allowance to victims of THB, pursuant to the Social Services Act. The HTSO provides guidance to the municipal Labour and Welfare Offices concerning cases of THB. The HTSO also co-operates closely with NGOs to ensure that victims of trafficking are provided with the necessary services and follow-up assistance. The HTSO can provide small apartments where victims live independently.

177. According to data reported in KOM's annual reports, the number of presumed victims of THB who received assistance in 2017 was 144 (121 women, 21 men and 2 transsexual persons), in 2018, 106 (84 were women, 21 men and one was transsexual), in 2019, 238 (172 women and 66 men), and in 2020, 254 (180 women and 74 men).<sup>120</sup> The statistics combine information provided by NAV and several NGOs (including ROSA, Laura's House, Marita Foundation and Salvation Army).

178. Victims' access to health care beyond emergency cases is often problematic. GRETA was informed that the victims' access to health care and other services is conditioned on their residence status (see paragraph 55). Once UDI grants the reflection period the person will be registered with the National Population Register and receive the "F" number which allows them to register with a general practitioner. However, the process for the issuance of the registration number can be slow and some victims are unable to obtain the number due to the lack of personal documents which had been confiscated by the traffickers. GRETA was also informed that, pursuant to measure 16 of the National Action Plan, the Ministry of Health set up a network of health-care professionals working with victims of THB in 2018, with the purpose of exchanging experiences, and has updated the guidelines on treating victims of THB. The network has identified gaps in victims' access to health care, such as slow processing times, dependence on residence status and payment for specialised care, and the Ministry is currently looking into how to address these issues. Civil society representatives have pointed out that, while these efforts have yielded some positive changes, there is still a lack of co-ordination and consistency within the health care system when it comes to assisting victims of THB. GRETA welcomes the setting up of the network of health-care professionals working with victims of THB and the guidelines for health-care personnel on victims of trafficking.

179. Civil society organisations met by GRETA have expressed concern regarding the fact that long-term assistance to victims of THB in Norway, beyond the six-month reflection period, is contingent on the criminal prosecution of the traffickers. As mentioned in paragraph 14, the Immigration Regulation has been amended to extend eligibility for the so-called witness residence permits (independently of the reflection period)<sup>121</sup> to THB victims who testify in any criminal case, provided that the testimony is related to the fact that the person has been a victim of THB. However, even in such cases UDI requires confirmation from the police that the person is a victim of THB, which is difficult to provide if the offence has been qualified as something other than THB. A victim of trafficking may also be granted a residence permit on humanitarian grounds, through the asylum procedure.<sup>122</sup> GRETA notes that granting a residence permit on account of the personal situation of the victim, as envisaged by Article 14 of the Convention, takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human rights-based approach to combating human trafficking.

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<sup>120</sup> This is the total number of victims who receive assistance, but some of them were identified in previous years and were continuing to receive assistance; the number of presumed victims who were identified in a given year is lower (74 in 2017, 62 in 2018, 79 in 2019 and 148 in 2020).

<sup>121</sup> Such residence permits are issued in accordance with section 8-4 of the Immigration Regulation. Victims of THB can also be granted a residence permit based on their co-operation with the police, in accordance with section 8-3, paragraph 2, of the Immigration Regulation. Such residence permits are granted for a period of 12 months, with the possibility for extension. However, they do not form a basis for permanent residence or family reunification. The number of temporary residence permits issued based on co-operation with the police (section 8-3, paragraph 2) was: 15 in 2017, 11 in 2018 and 14 in 2019.

<sup>122</sup> See GRETA's second evaluation report on Norway, paragraphs 127-131.

180. If criminal charges against the trafficker(s) are not pursued, after the reflection period ends THB victims have the option to apply for asylum. However, they will lose certain entitlements, including the right to work (see also paragraph 87 concerning the effects on assistance of requalification of THB as another offence). GRETA was informed that very few victims of THB are granted asylum. According to the 2019 KOM annual report, in 2019, the UDI made decisions in 24 asylum cases where the applicant was identified as a possible victim of THB: 10 persons were granted protection (in two cases there were other conditions than THB which led to the protection being granted) and six were granted residence permits due to compelling humanitarian considerations or a particular connection to Norway, pursuant to section 38 of the Immigration Act (of these, four were granted residence permits for witnesses in cases concerning human trafficking, pursuant to section 8-4 the Immigration Regulations); in eight cases, the application was rejected. The Immigration Appeals Board (UNE) processed five complaints concerning rejections in 2019.<sup>123</sup> In 2018, two victims of THB were granted international protection. In 2017, 17 presumed victims of trafficking were granted a residence permit in the international protection procedure (7 were granted asylum, 10 were granted residence permits due to compelling humanitarian considerations or a particular connection to Norway).

181. While welcoming the funding for victim assistance provided to specialised NGOs and the work of Human Trafficking Support Oslo, GRETA stresses that the rights of victims of trafficking to assistance should not only rest on the outcome of the police investigation and legal proceedings in criminal cases (provided that the offence is qualified as THB in the first place), but rather on a coherent independent decision, which is linked to the introduction of an NRM. **GRETA considers that the Norwegian authorities should further develop and strengthen the assistance measures offered to victims of THB, and in particular:**

- **provide longer-term, sustainable funding for NGOs that provide assistance to victims, in order to ensure the continuity of victims' assistance;**
- **taking into account the increasing number of cases of THB for labour exploitation and male victims, guarantee a sufficient number of accommodation places for victims of trafficking, including outside Oslo;**
- **guarantee access to public health care for victims of trafficking;**
- **ensure that victims of trafficking are provided with adequate support and assistance, according to their individual needs, for as long as required.**

## **5. Identification of, and assistance to, child victims of trafficking**

182. In its second evaluation report, GRETA urged 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. GRETA also made a number of other recommendations, in particular related to the effective access to assistance of child victims of THB, addressing the problem of children going missing from the care of the state, and ensuring that all child victims of trafficking aged 15 to 17 are placed under the care of child welfare services.

183. As noted in paragraph 27, Norway has not yet established an NRM and the system of identification and referral works in the same manner as outlined in the previous GRETA report.<sup>124</sup>

<sup>123</sup> KOM Annual Report for 2019, p. 32.

<sup>124</sup> See GRETA's second evaluation report on Norway, paragraphs 97-119.

184. On 6 June 2017, the Norwegian Parliament considered a floor motion to strengthen the efforts targeting children exploited by human trafficking (as a follow-up to the disappearance of children from the care of the state). The Parliament adopted a motion to request the Government to "establish a central unit responsible for following up minors who are victims of human trafficking and providing guidance to local Child Welfare Services offices in cases where human trafficking is suspected." A central guidance unit for child victims of trafficking was established within the Norwegian Directorate for Children, Youth and Family Affairs in September 2019. It works on improving procedures for the identification of children that are victims of trafficking, provides guidance, training and capacity-building activities, and supports and strengthens the coordination between different authorities in protection of child victims of trafficking. However, there is a need for training of professionals in the area of identification of children that are victims of trafficking, and the unit is currently working on describing the content and the focus of the training. An information video was produced and made available on YouTube, and online training is being prepared.

185. In its previous 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 for temporary 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 (see also paragraph 136). GRETA was informed that the number of placements pursuant to section 4-29 has decreased: there were three cases (two girls and one boy, all exploited sexually) in 2019 and none in 2020.

186. As regards unaccompanied children who have disappeared from the care centres run by child welfare authorities (which accommodate children under the age of 15), GRETA was informed that their number was four in 2017, one in 2018, three in 2019, one in 2020 and none so far in 2021. Unaccompanied children aged 15-18 are accommodated in centres run by UDI, and the number of disappearances was 11 since the beginning of 2019. The State Child Welfare Agency (Bufetat) has developed instructions on how to act when a child in care of the state goes missing. The instructions consist of checklists concerning responsibility, co-operation, acute interventions and general measures that must be considered and carried out when children go missing.

**187. GRETA welcomes the setting up of the central guidance unit for child victims of trafficking and the work undertaken by it since 2019, and considers that the Norwegian authorities should take further steps to improve child victims' identification and assistance, and in particular:**

- **ensure that the process of setting up an NRM is in line with trafficked children's specific needs, and provide for information sharing and adequate co-ordination between different actors involved;**
- **continue to take actions for reducing the risk of children going missing from state care;**
- **provide training to all professionals working with child victims of trafficking.**

## 6. Recovery and reflection period

188. In its second evaluation report, GRETA urged the Norwegian authorities to ensure, in compliance with the obligations under Article 13 of the Convention, 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.

189. There have been no changes in the legal provisions regarding the recovery and reflection period since the second evaluation.<sup>125</sup> Persons for whom there are grounds to believe that they have been victims of THB and who intend to accept help and participate in the measures offered can be granted a reflection period of six months, regardless of whether they co-operate with the investigation. The assessment on whether a person is a victim of THB is done by the Directorate of Immigration (UDI) in accordance with section 8-3 of the Immigration Regulation.

190. The reflection period cannot be renewed or form the basis for a permanent residence permit. Victims who have been granted the reflection period have the right to work and have access to health care and other services. A number of GRETA's interlocutors have pointed out that the reflection period of six months may not be suited for all victims, particularly those who have been exposed to labour exploitation, and that a more flexible model should be developed. GRETA was informed that some changes have been proposed as part of the process to develop an NRM system, namely that the reflection period be divided into an initial period of 30 or 45 days, followed by a period of either five or four and a half months. Under the proposal, prior to the filing of the application for the reflection period, victims would be entitled to an emergency period of two weeks. However, no concrete legislative amendments have been put forward.

191. GRETA was informed that, in practice, the threshold for granting a reflection period is higher for victims of THB for the purpose of labour exploitation and that in those cases UDI requires confirmation from the police that a person is a victim of THB. An application for a reflection period will be rejected if the fact that a person had been subjected to THB had already been considered as part of the asylum procedure, if UDI did not find that any indicators of THB are present, or if the exploitation happened a long time ago. Decisions of the UDI can be appealed to the Immigration Appeals Board (UNE).

192. According to the information provided by the Norwegian authorities, the number of persons who apply for a reflection period each year is small and the number of approved applications is even smaller. In 2017 the authorities approved eight out of 19 applications for a reflection period, in 2018, 13 out of 20 applications were granted, in 2019, five out of 10 applications were granted, in 2020, 16 out of 24 applications were approved, and up to September 2021, five applications were received and all were approved. At the same time, the available data on the number of presumed victims and victims receiving assistance is higher (see paragraphs 11 and 177). According to UDI, victims may decide not to apply for the reflection period for a number of reasons, including that some choose to return to their country through the assisted return programme.

**193. Reiterating the recommendations made in its first and second evaluation reports on Norway, GRETA 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, without having to apply for it themselves, 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.**

<sup>125</sup> See GRETA's second evaluation report on Norway, paragraphs 121-126.

## 7. Repatriation and return of victims

194. Victims who have not been granted a residence permit after the reflection period or whose asylum application has been rejected can apply for assisted return, which is financed by the Norwegian government and carried out by the IOM. The IOM conducts a risk assessment for each victim, assists them in obtaining travel documents, makes travel arrangements, and provides assistance during the process of reintegration in the victim's home country. According to the regulation adopted in March 2020 (see paragraph 15), victims must submit their application for assisted return to UDI. The amount of financial support granted depends on whether the application is filed before or after the date when the person is supposed to leave Norway. GRETA was informed that the budget for assisted returns has been reduced and victims can now receive NOK 15 000 (around 1 500 euros) if they apply before the deadline, and NOK 5 000 (500 euros) if the application is submitted after the deadline. An additional sum of NOK 22 000 (around 2 200 euros) for reintegration is granted to vulnerable applicants, including victims of THB, and travel costs are covered as well. According to available information, the number of persons who were provided with assisted return was 29 in 2017, 11 in 2018, 32 in 2019, 13 in 2020 and 11 in 2021.

195. Reference has already been made in paragraph 162 to the swift deportation of persons engaged in prostitution, based on the new infection prevention legislation, which concerned primarily women from Eastern Europe, including EU countries (Romania and Bulgaria).

196. **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 persons engaged in prostitution and unaccompanied children;**
- **ensure that repatriation programmes are conducted with due regard for the rights, safety and dignity of victims of trafficking, are preferably voluntary and comply 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>126</sup> and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.<sup>127</sup>**

<sup>126</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, HCR/GIP/06/07, 7 April 2006.

<sup>127</sup> <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

## **Appendix 1 - List of GRETA's conclusions and proposals for action**

The position of the proposals for action in the text of the report is shown in parentheses.

### **Topics related to the third evaluation round of the Convention**

#### ***Right to information***

- GRETA considers that the Norwegian authorities should strengthen the systematic provision of information to victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. Information in oral and written form should be provided in a language the victim understands. Law enforcement officers should continue being trained and instructed on how to properly explain to victims their rights and systematically refer them to specialised NGOs which enable victims to exercise their rights (paragraph 42);
- GRETA welcomes the recent adoption of the law on interpretation in public services and considers that the Norwegian authorities should ensure its effective application in practice. GRETA further considers that access to qualified and independent interpreters should be guaranteed to victims of trafficking when they interact with NGOs and at the time of their initial meeting with the lawyer, and that the costs of interpretation should be covered by the authorities (paragraph 43).

#### ***Legal assistance and free legal aid***

- GRETA considers that the Norwegian authorities should take further steps to ensure trafficking victims' access to legal assistance and free legal aid, in particular:
  - a lawyer should be appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, including in the case of asylum seekers and persons placed in detention prior to deportation, before the persons concerned have to decide whether to file a criminal report;
  - initial legal assistance should be provided to a sufficient extent and by a lawyer with experience in THB cases;
  - the Bar Association should be encouraged to offer training and specialisation of lawyers to provide legal aid to trafficking victims;
  - trafficking victims should be systematically appointed a specialised lawyer (paragraph 53).

#### ***Psychological assistance***

- GRETA considers that the Norwegian authorities should guarantee timely access of victims of trafficking to psychological assistance and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion (paragraph 58).

## ***Access to work, vocational training and education***

- While welcoming the fact that victims of trafficking who have been granted the reflection period have the right to work, GRETA considers that the Norwegian authorities should ensure that victims can benefit from this right in practice, and should further strengthen effective access to, and/or reintegration of, the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 63).

## ***Compensation***

- GRETA urges the Norwegian authorities to facilitate access to state compensation in cases in which no criminal proceedings were instituted against the alleged perpetrator, even when the perpetrator does not give his/her consent to have the compensation claim decided by the Compensation Authority (paragraph 75);
- GRETA considers that the Norwegian authorities should make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
  - prosecutors systematically requesting compensation and judges using all the possibilities the law offers them to uphold compensation claims;
  - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB;
  - providing training to prosecutors and judges on the issue of compensation (paragraph 76).

## ***Investigations, prosecutions, sanctions and measures***

- GRETA urges the Norwegian authorities to strengthen the criminal justice response to human trafficking, and in particular to:
  - ensure that human trafficking offences are promptly investigated, regardless of whether a report has been filed or not, making use of all possible evidence gathered through special investigation techniques and financial investigations, and not having to rely mainly on the testimony of victims or witnesses;
  - provide adequate financial and human resources to the specialised police THB units and ensure that they are utilised accordingly;
  - ensure that trafficking offences are classified as such every time the circumstances of a case allow this, including cases of trafficking for the purpose of labour exploitation, and that they lead to effective, proportionate and dissuasive sanctions for those convicted. If a case is (re)qualified as a lesser offence, the authorities should ensure that THB victims are not deprived of access to a reflection period, legal aid, and compensation as a result, as well as that special investigative measures remain available to law enforcement;

- ensure that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible (paragraph 98).

### ***Non-punishment provision***

- While welcoming the adoption of amendments to the Criminal Procedure Act, GRETA is concerned the non-punishment provision is not sufficiently and consistently applied by the prosecution and the courts, and considers that the Norwegian authorities should take further measures to ensure compliance with this provision in practice, including by:
  - bringing the guidelines issued by the Director of Public Prosecutions fully in line with Article 26 of the Convention by clarifying that the non-punishment provision is capable of being applied to all offences that victims of trafficking were compelled to commit;
  - ensuring that victims of THB are promptly identified as such, in any event before being convicted of offences they were compelled to commit (see also paragraph 170);
  - encouraging prosecutors to be proactive in establishing whether an accused person is a potential victim of trafficking, and to consider that, having been trafficked, the culpability of the victim may be diminished, or even removed entirely;
  - ensuring that all negative consequences faced by victims of THB, such as any form of detention, entry bans or delays in seeking legal residence in Norway, are lifted for presumed victims of THB, including in cases where their victimhood has only been recognised after they were deported (paragraph 104).

### ***Protection of victims and witnesses***

- GRETA considers that the Norwegian authorities should make full use of all available measures to protect victims and witnesses of THB and to prevent intimidation and secondary victimisation during the investigation, as well as during and after court proceedings (paragraph 110).

### ***Specialised authorities and co-ordinating bodies***

- GRETA considers that the Norwegian authorities should take further steps to ensure that effective co-ordination and information exchange exists among the different actors (paragraph 122);
- GRETA considers that the Norwegian authorities should continue to promote the development of specialisation to work on THB cases among prosecutors and judges, and ensure all relevant professionals are trained regularly and systematically on preventing and combating THB, identifying victims and referring them to assistance. The training should be integrated in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, staff at immigration detention centres, labour inspectors, social workers, child welfare staff, health-care staff, as well as diplomatic and consular staff (paragraph 123).

### ***International co-operation***

- GRETA welcomes the Norwegian authorities' participation in multilateral and bilateral international co-operation, and Norway's contribution to international co-operation through funding projects in countries of origin. GRETA invites the Norwegian authorities to further develop bilateral co-operation, including with the authorities of the Philippines, with regard to preventing THB and ensuring a successful prosecution of traffickers (paragraph 131).

### ***Child-sensitive procedures for obtaining access to justice and remedies***

- GRETA stresses that the principle of the best interests of the child should be fully respected at all times and considers that the Norwegian authorities should keep under review the application of section 4-29 of the Child Welfare Act (paragraph 136);
- Further, GRETA welcomes the existence of children's houses (Barnehus) across Norway, enabling the adoption of a child-sensitive approach and procedures for obtaining access to justice and remedies. GRETA considers that the Norwegian authorities should make full use of these specialised facilities in cases of THB. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 137).

## **Follow-up topics specific to Norway**

### ***Data collection***

- GRETA considers that the Norwegian authorities should take further steps to develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of victims of THB, which should ensure the participation of all relevant actors that can contribute to the provision of data, including NGOs and other service providers, law enforcement, immigration officials, labour inspectorates, health-care providers, prosecution services and others involved in the identification of victims of trafficking, and the investigation and prosecution of human trafficking and related offences. 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 (paragraph 145).

### ***Measures to prevent and combat trafficking for the purpose of labour exploitation***

- While commending the steps taken since the second evaluation to prevent and combat trafficking for the purpose of labour exploitation, in particular the establishment of A-Krim centres and the adoption of a number of legislative and policy documents, GRETA considers that the Norwegian authorities should:
  - encourage law enforcement officials, labour inspectors, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as construction, hospitality and fishing;
  - provide training for labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, including through joint training, on THB for the purpose of labour exploitation and the rights of victims;
  - ensure that cases of THB for labour exploitation are not treated as the so-called "social dumping" cases, depriving victims of THB of access to assistance measures and free legal aid;
  - continue to raise 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 (paragraph 156).

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### ***Identification of victims of trafficking***

- GRETA urges the Norwegian authorities to strengthen the identification of victims of trafficking and their referral to assistance 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, regardless of the setting in which the victims are detected;
  - ensuring that there is a separation between immigration enforcement functions and labour inspectorate roles, and that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;
  - 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 169).

### ***Assistance to victims***

- GRETA considers that the Norwegian authorities should further develop and strengthen the assistance measures offered to victims of THB, and in particular:
  - provide longer-term, sustainable funding for NGOs that provide assistance to victims, in order to ensure the continuity of victims' assistance;
  - taking into account the increasing number of cases of THB for labour exploitation and male victims, guarantee a sufficient number of accommodation places for victims of trafficking, including outside Oslo;
  - guarantee access to public health care for victims of trafficking;
  - ensure that victims of trafficking are provided with adequate support and assistance, according to their individual needs, for as long as required (paragraph 181).

### ***Identification of, and assistance to, child victims of trafficking***

- GRETA welcomes the setting up of the central guidance unit for child victims of trafficking and the work undertaken by it since 2019, and considers that the Norwegian authorities should take further steps to improve child victims' identification and assistance, and in particular:
  - ensure that the process of setting up an NRM is in line with trafficked children's specific needs, and provide for information sharing and adequate co-ordination between different actors involved;
  - continue to take actions for reducing the risk of children going missing from state care;
  - provide training to all professionals working with child victims of trafficking (paragraph 187).

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***Recovery and reflection period***

- GRETA 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, without having to apply for it themselves, 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 (paragraph 193).

***Repatriation and return of Victims***

- 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 persons engaged in prostitution and unaccompanied children.
  - ensure that repatriation programmes are conducted with due regard for the rights, safety and dignity of victims of trafficking, are preferably voluntary and comply 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 and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 196).

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## **Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations**

### **Public bodies**

- Ministry of Justice and Public Security
  - Department of Crime Prevention
  - National Police Directorate
  - Co-ordinating Unit for Victims of Trafficking (KOM)
  - Directorate of Immigration (UDI)
  - Migration Department
  - National Police Immigration Service (PU)
  - National Criminal Investigation Service
  - Civil Affairs Department
  - Criminal Injuries Compensation Authority
  - Legislation Department
- Ministry of Foreign Affairs
- Ministry of Children and Families
  - Directorate for Children, Youth and Family Affairs/National Guidance Unit for Cases of Trafficking in Children
- Ministry of Health and Care Services
- Ministry of Labour and Social Affairs
  - Labour and Welfare Administration (NAV)/Directorate of Labour and Welfare
  - National Labour Inspection Authority
- Human Trafficking Support Oslo
- Office of the Director of Public Prosecutions
- Oslo Regional Prosecution Office
- National Court Administration
- Specialised police anti-trafficking units in Oslo and Bergen
- Inter-agency centres against work-related crimes (A-Krim) in Oslo and Bergen
- Children's House (Barnehus) in Bergen
- Ombudsperson for Equality and Anti-Discrimination
- Ombudsperson for Children
- Parliamentary Ombudsperson for Scrutiny of the Public Administration

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**Intergovernmental organisations**

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

**NGOs and other civil society organisations**

- Caritas
- Church City Mission Oslo
- Church City Mission Bergen
- Hope for Justice
- Marita Foundation
- Migration Centre Oslo (Salvation Army)
- Norwegian Association for Asylum Seekers
- NGO ROSA
- Pro Sentret
- Salvation Army
- Trade Union Federation (LO)

## **Government's comments**

### **The following comments do not form part of GRETA's analysis concerning the situation in Norway**

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 11 April 2022 and invited them to submit any final comments. The comments of the authorities, submitted on 11 May 2022, are reproduced hereafter.



ROYAL NORWEGIAN  
MINISTRY OF JUSTICE AND PUBLIC SECURITY

Council of Europe - Europarådet  
Avenue de l'Europe  
F-67075 Strasbourg Cedex

Your ref.  
DG-II/PN/AZ/jrs

Our ref.  
20/1649 - JAA

Date  
11.05.2022

## Government comments

Dear Ms. Nestorova,

We express our strong appreciation to the members of GRETA and the Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings for all efforts in preparing the third evaluation report on Norway.

We have the following few comments to the final report:

Paragraph 18:

Please be informed that the date of the completion of the parliaments justice committee's recommendation has been pushed forward two months, and is expected mid May 2022. The new draft law is not solely based on the two research reports mentioned, but also the work of an independent government appointed commission in addition to the ministry's own thorough assessments.

Paragraph 40:

Asylum seekers who may be victims are duly informed of their rights during the asylum interview, with the help of an interpreter. The interviewer will offer to help the victim in contacting ROSA. We refer to the description in paragraph 167.

Part V 2

The Norwegian Government has in its political platform declared a "thorough house cleaning" in working life. The Government has taken the initiative to develop an action plan against social dumping and work crime, and to create a national standard for public procurement. The Government will seek to counteract low wage-competition and social dumping through increased inspection from public agencies and strengthen the agencies' possibilities to use penalties. A priority will be to use public procurement to promote suppliers that are professional, that abide by laws and regulations and that treat their workers well. The goal is to ensure all workers decent wage and working conditions, and also strengthen efforts to ensure the same for migrant workers.

Paragraph 168:

The following sentence: *“it would appear that if a victim was not exploited in Norway, she/he would be sent back to the EU country where they first applied for asylum”*.

Where the exploitation has taken place is not a criteria when UDI decides upon a Dublin case with a potential victim. UDIs considerations of the possible exceptions are correctly summed up in the end of the paragraph.

Paragraph 191:

The following sentence: *“GRETA was informed that, in practice, the threshold for granting a reflection period is higher for victims of THB for the purpose of labour exploitation and that in those cases UDI requires confirmation from the police that a person is a victim of THB”*.

The threshold is the same for all forms of exploitation, and UDI does not require such confirmation from the police in order to grant a reflection period. We refer to footnote 59 where this is correctly referred to.

Yours sincerely

Mona Ransedokken  
Deputy Director General

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