



NORWEGIAN MINISTRY  
OF JUSTICE AND THE POLICE

Plan of Action

# United against human trafficking

The Government's Plan of Action against Human Trafficking (2011–2014)



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# Foreword

Human trafficking is a form of transnational organised crime and a serious violation of fundamental human rights. The fight against human trafficking is the joint responsibility of the global community. Our joint efforts must be intensified by further developing the close cooperation that already exists between governments and non-governmental organisations (NGOs).

The Government is therefore presenting a new action plan against human trafficking as part of the long-term efforts to combat all forms of human trafficking, whether national or international.

The action plan has been drawn up by the Ministry of Labour, the Ministry of Children, Equality and Social Inclusion, the Ministry of Defence, the Ministry of Health and Care Services, the Ministry of Justice and the Police, the Ministry of Local Government and Regional Development, and the Ministry of Foreign Affairs.

The Ministry of Justice and the Police has the main responsibility for coordinating the Government's efforts, and State Secretary Astri Aas-Hansen has been in charge of the work on the plan.

Knut Storberget  
*Justisminister*



# 1. The fight against human trafficking will be continued and intensified

Human trafficking is a global problem, and children, women and men throughout the world are being cruelly exploited in this modern form of slavery. This type of criminality causes its victims great suffering, and constitutes a challenge to the entire international community. Human trafficking violates fundamental human rights, and infringes provisions of international law such as the prohibition on slavery and forced labour in Article 4 of the European Convention on Human Rights.

The Government intends to combat all forms of human trafficking at the national and the international level.

Norway's measures to combat human trafficking are in accordance with its international commitments, including the requirement of gender sensitivity in the UN Convention on the Elimination of All Forms of Discrimination against Women and UN Security Council resolutions 1325 and 1820. Norway will focus particularly on children and illicit financial flows generated by human trafficking.

In December 2006 the Government presented the action plan Stop Human Trafficking, which paved the way for coordinated efforts to stop this traffic and ensure that the victims are helped and protected. The plan was in line with the international efforts against human trafficking under the UN Convention on Transnational Organised Crime and the associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol.

Norwegian authorities and organisations have conducted extensive work in this field based on the 37 measures in the above-mentioned action plan.

An increasing number of victims in this country have been identified and have received appropriate help and protection. The police have also exposed and prosecuted a number of human traffickers.

A measure that has provided substantial support for the efforts to help victims was the establishment of the Norwegian ROSA project, which offers safe housing and follow-up. Municipalities and NGOs have assumed responsibility for protecting victims and have arranged competence-building programmes for employees who come in contact with persons who may be victims. The establishment of the Coordinating Unit for trafficking victims (KOM) has created a sound platform where authorities and organisations can discuss challenges and problems and arrive at solutions.

Norway has made broad-based international efforts by working to strengthen the framework of international law and supporting projects for preventing human trafficking and helping victims.

The Government will continue and intensify its efforts to combat human trafficking. Established structures will be improved. Competence development in the field will be continued. The steps that have been taken so far will be evaluated so that quality can be improved and measures can be more accurately targeted.

## 2. Measures

### ***Norway will work to strengthen international cooperation and the framework of international law***

1. We will continue to play a leading role in the efforts to strengthen, coordinate and implement international legislation against human trafficking, especially within the UN, the Council of Europe and the Council of the Baltic Sea States (Ministry of Foreign Affairs, Ministry of Justice, Ministry of Children and Equality)
2. We will promote international efforts to stop illicit financial flows generated by human trafficking and strengthen financial investigations aimed at confiscating the proceeds of human trafficking (Ministry of Foreign Affairs, Ministry of Justice)
3. We will put human trafficking on the agenda in human rights dialogues and political talks with other countries (Ministry of Foreign Affairs)
4. The armed forces will support efforts to prevent human trafficking (Ministry of Defence)

### ***Cross-disciplinary cooperation and competence development will be improved***

5. KOM will be further developed in its capacity as a prime mover for cross-disciplinary cooperation (Ministry of Justice)
6. Annual status reports on trends, challenges and research needs (Ministry of Justice)
7. Norwegian representatives abroad will be given specialised knowledge on human trafficking (Ministry of Foreign Affairs, Ministry of Justice)

### ***Steps will be taken to prevent human trafficking***

8. Measures will be taken to prevent human trafficking in countries of origin (Ministry of Foreign Affairs)
9. Steps will be taken to combat human trafficking through the EEA Financial Mechanism (Ministry of Foreign Affairs)
10. Information against all forms of human trafficking will be disseminated (Ministry of Justice)
11. Preventive measures will be taken against trafficking for the removal of human organs (Ministry of Health and Care Services)
12. The prohibition on the purchase of sexual services will be evaluated (Ministry of Justice)
13. Steps will be taken to limit organised begging in the short and long term (Ministry of Justice)

### ***More victims will be identified and offered help and protection***

14. The efforts to identify possible victims will be intensified (Ministry of Justice)
15. The ROSA project will be given further support (Ministry of Justice)
16. The trial project Luras Hus will be continued to the end of 2011 (Ministry of Children, Equality and Social Inclusion, Ministry of Justice, Ministry of Government Administration, Reform and Church Affairs, Ministry of Health and Care Services)
17. Housing services for trafficking victims will be further developed (Ministry of Government Administration, Reform and Church Affairs, Ministry of Justice, Ministry of Local Government and Regional Development, Ministry of Children, Equality and Social Inclusion)
18. The responsibilities of the local labour and welfare authorities (NAV) in this field will be clarified (Ministry of Government Administration, Reform and Church Affairs)

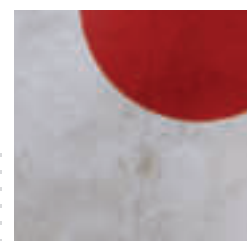
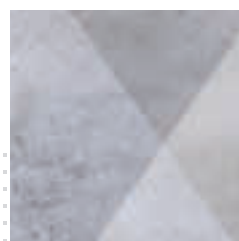
19. The organisation and funding of assistance to victims will be reviewed (Ministry of Government Administration, Reform and Church Affairs, Ministry of Justice, Ministry of Local Government and Regional Development, Ministry of Children, Equality and Social Inclusion)
20. Health care for victims will be clarified (Ministry of Health and Care Services)
21. Project funds will be used for support for victims (Ministry of Justice)
22. Victims will be offered voluntary return and support for reintegration (Ministry of Justice)
23. The period of reflection will be evaluated (Ministry of Justice)

#### ***Preventive measures will be taken against trafficking in children***

24. Steps will be taken to improve follow-up of unaccompanied minors seeking asylum and minors without a connection with Norway who join criminal/substance abuse communities (Ministry of Children, Equality and Social Inclusion)
25. The efforts to prevent and investigate the disappearances of minors from asylum reception centres or the care centres operated by the child welfare service will be continued (Ministry of Children, Equality and Social Inclusion, Ministry of Justice)
26. Care services for child trafficking victims will be further developed (Ministry of Children, Equality and Social Inclusion)
27. An active role will be played in the regional and international efforts to protect children from human trafficking (Ministry of Children, Equality and Social Inclusion)
28. Research-based knowledge will be sought about child victims of human trafficking (Ministry of Children, Equality and Social Inclusion)

#### ***Human traffickers will be prosecuted***

29. The police and other appropriate agencies will cooperate on exposing cases of forced labour (Ministry of Justice)
30. The police will be encouraged to follow the money/proceeds of human trafficking (Ministry of Justice).
31. International police cooperation will be further developed (Ministry of Justice, Ministry of Foreign Affairs)
32. A national seminar will be arranged for the police and the prosecuting authority, other lawyers and the courts (Ministry of Justice)
33. Clearer terms of reference for the national anti-trafficking police expert team will be drawn up (Ministry of Justice)
34. A cooperation agreement will be concluded between the police and other appropriate agencies (Ministry of Justice)
35. Police efforts will be evaluated (Ministry of Justice)



### 3. What is human trafficking?

Human trafficking, also known as a modern form of slavery, is the cynical exploitation of the poor and vulnerable, and a serious form of profit-motivated crime that violates the most fundamental human rights. Human trafficking is exploiting children, women and men by forcing them to perform services and other work, including prostitution and begging, by means of threats, the use of force and other forms of coercion. The victims are treated as goods that can be bought and sold and put to work for others. In a decision in 2010, the European Court of Human Rights stated that human trafficking violates the prohibition of slavery and forced labour set out in Article 4 of the European Convention on Human Rights.

It is difficult to measure the extent of this form of criminality, which is often operated by an international organisation. The UN has estimated that annually several million people worldwide become trafficking victims. Human trafficking is believed to be the world's second largest illegal economy.

Human trafficking also occurs in Norway. Figures obtained by the Coordination Unit for human trafficking victims (KOM) show that in 2009 at least 292 persons were being followed up by various agencies and NGOs because they were believed to be victims of human trafficking in Norway. Of these, 191 were women (over 18 years of age), 32 were men, and 69 were children, 19 of whom were boys. They represented 43 nationalities, but the largest group, 121 persons, were from Nigeria.

#### **Criminalising human trafficking**

In 2003 a new provision concerning human trafficking was introduced in the Norwegian Penal Code, which reads:

*Section 224. Any person who by force, threats, misuse of another person's vulnerability, or other improper conduct exploits another person for the purpose of*

- a) prostitution or other sexual purposes,*
- b) forced labour,*
- c) war service in a foreign country, or*
- d) removal of any of the said person's organs,*

*or who induces another person to allow himself or herself to be used for such purposes, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years.*

*Any person who*

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

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

*Gross human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offence is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain.*

By the end of 2009, 12 inappellable final judgements had been given under section 224 of the Code, under which a total of 18 persons were convicted of human trafficking.

A new act amending the Penal Code was passed in 2005 but has not yet entered into force. In this act the provision relating to human trafficking is to be found in sections 257 and 258. The penalty limit has been raised to six years and gross human trafficking continues to be punishable by imprisonment for up to 10 years.



***The indictment of 4 July 2008 of a British national convicted of human trafficking by the Jæren District Court read as follows:***

*Prior to 20 August 2007, he recruited, together with his brother, NN, a number of persons in England, including A and B, who were in a vulnerable situation because they were homeless and/or had difficulty functioning, and who were unemployed and without any income to speak of, equipped one/several of them with false passports and exploited them by subjecting them to a very strict regime and/or the use of force and threats to perform work in the form of laying asphalt and stone in several places in Norway and Sweden, including the Stavanger/Sandnes area, without their having any real and acceptable possibility of terminating their employment.*

*The work was very badly paid, and the exploited persons received less pay than was originally agreed, were forced to live under miserable conditions, often had to work long hours, were under continual control and told/given the impression that if they did not work properly or left/ran away they would be fetched back, beaten or killed.*

### **Forced labour**

In 2007 it was discovered that a number of British men were being employed in Norway as forced labour for laying asphalt and stone. The case caused alarm and served as a reminder that human trafficking is practised in various industries and sectors even in Norway. We therefore need to work continually to expand the scope of our knowledge and efforts in this field.

Human trafficking occurs where there is a possibility for financial gain through the exploitation of persons for work or services, and it therefore takes many forms. Exploitation can occur throughout the country, and victims may be found in many different activities, as servants and au pairs in private homes, as employees in restaurants, cleaning firms, car repair firms, the construction industry and agriculture, and as street sellers.

### **The borderline between social dumping and forced labour**

It is not always easy to distinguish between forced labour and social dumping. Social dumping is characterised by breaches of health, environmental and safety regulations, including the regulations relating to working hours and unacceptably low wages. Despite certain grey areas, social dumping does not usually entail coercion or deprivation of liberty.

The term “social dumping” is used in the case of foreign employees who work under conditions where health, environment and safety legislation is contravened, including the regulations governing working hours and accommodation standards, and also when the wages and other benefits offered to foreign employees are unacceptably low compared with those normally earned by Norwegian employees, or that do not comply with existing regulations relating to the general application of wage agreements. Social dumping also occurs in other enterprises in Norway.



It can result in unfair conditions of competition that put unreasonable pressure on labour standards, weaken recruitment to particularly exposed occupations and industries and cause bona fide enterprises to lose contracts and clients to more unethical actors.

The Government considers it important that all employees in Norway should have decent wages and working conditions and secure jobs, and makes broad-based efforts to combat social dumping. It has presented two action plans to combat social dumping, the most recent of which was adopted in 2009. The plans are currently being evaluated with a view to coordinating implementation of the measures.

The efforts to combat social dumping have shown that there are employers and other actors in Norway who are willing to grossly exploit foreign workers and keep them under strict control. New cases of unethical practices and social dumping are continually being exposed.

Most of the measures against social dumping have been targeted at the construction industry. However, the growing use of labour immigrants in industries like cleaning services, the hotel and restaurant industry and other services is likely to result in the exposure of more cases of social dumping.

As a supplement to the efforts in Norway to combat social dumping, the Government has drawn up a strategy for promoting decent work in other countries.

### **Exploitation in private homes**

Constant vigilance is needed to detect cases of human trafficking in new types of activities. At the international level a focus has been trained on the situation of domestic workers, usually women, who perform housework, childcare and other services in private homes. Many of these are grossly exploited and are entirely at the mercy of their employers, who pay them low wages, isolate them and allow them no free time. Exploitation probably also occurs in au pair arrangements. The au pair system is intended to be a form of cultural exchange by providing young adults with an opportunity to learn a new language and a new culture by staying with a host family where they perform light household duties and help with childcare. From 2000 to 2008 the number of au pairs in Norway increased from 691 to 2860, of whom the largest group are Filipinos. In an evaluation of the au pair arrangement it was pointed out that the demand

for foreign domestic workers is growing, and that many people make use of au pairs to meet it. Women from Asian countries also take advantage of the arrangement to earn money.

### **Exploitation through prostitution**

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There are very large profits to be made from prostitution, and organising the sale of sexual services attracts criminals. It was the fact that prostitution was becoming increasingly organised and prostitutes more grossly exploited that first drew attention to human trafficking in Norway and other countries. In many countries women are in a vulnerable position due to poverty, social upheaval and other factors. Criminals exploit this vulnerability and tempt women by promising them a better life in another country. Criminal networks recruit women to jobs abroad under false pretences and obtain control over them by threats and coercion and by involving them in debts they have no hope of paying. This means that prostitution has changed character in many countries. The extent of prostitution is increasing and those who sell sexual services are increasingly being organised by criminal networks.

In 2008 a survey was made by the Fafo Institute of prostitution markets in Norway, which was published as a report entitled *A Diversified Market*.



***A Diversified Market pointed to a number of factors and characteristics common to the various groups of women in prostitution.***

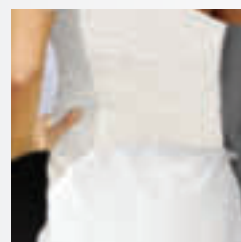
*Although Norwegian women in the indoor market differ to some extent with regard to background and motives, in general they have far more resources than many other groups in this sector. They have many permanent clients, which gives them a more reliable source of income, which in turn means that they and their clients are much less likely to come to the notice of the police or the welfare services. The women interviewed in the survey made it clear that they did not want help to leave prostitution, either because they did not feel that they needed help or because they were not interested in leaving. The report concluded, however, that this group would also find it difficult to leave, and that measures adapted to their needs should be made available.*

*Norwegian women in street prostitution are almost exclusively substance abusers, and their situation is strongly influenced by their substance abuse problems. Many of them can only be characterised as wrecks; they have serious health and other problems that often date back to childhood. The report claimed that this group was likely to suffer considerably if their client base were to be diminished by criminalisation. Substance abuse and poor health make it unrealistic to expect these women to be able to earn money in the ordinary labour market, and if they are to be helped their situation must be viewed as a whole.*

*A large group of European women, mainly from Eastern Europe, travel back and forth from the Norwegian prostitution market, and some live in Norway. Their motives for coming to Norway, and their relationships with their pimps, vary considerably.*

*Women from Thailand also form a large group in the Norwegian prostitution market. Many come to Norway as the bride of a Norwegian man and enter prostitution later, for example after a divorce. Many of them have insoluble financial problems due to debts contracted in Thailand and Norway and to having to meet the needs of their families in Thailand. The report states that many of these women have considerable resources and could be helped by specific measures like financial counselling and measures to combat their social isolation.*

*African women, especially those from Nigeria, are in a particularly difficult situation. They are often trafficking victims as well as having family commitments and debts to human smugglers. Many of them have little possibility of leaving prostitution.*



Thus the sellers of sexual services fall into many different groups, ranging from those who operate on their own, to those who are associated with a pimp but retain control of their situation, to those who are victims of human trafficking and have no control over their lives. The police and the welfare service often find it difficult to discover the conditions under which these women live.

In Norway it was partly the discovery of the gross violence and exploitation to which foreign women in prostitution were exposed that led to the introduction of the penal provision against human trafficking and intensified the debate on which measures should be taken to limit the demand for prostitution.

In 2008 the Storting (the Norwegian parliament) introduced a prohibition on the purchase of sexual services, which entered into force on 1 January 2009. The following extracts from the debate in the Storting show that the main intention behind the legislative amendment was to combat human trafficking.

- Women who have chosen to enter prostitution may still be exploited and be victims of human trafficking. This is why the majority of the Storting wishes to introduce a prohibition against the purchase of sexual services. We do not want Norway to become a haven for cynical persons who profit from gross sexual and other forms of exploitation of other persons.

*Anne Marit Bjørnflaten (Labour)*

- A statutory prohibition would make Norway less attractive for human smugglers and trafficking in foreign prostitutes.

*Akhtar Chaudry (Socialist Left)*

*In Sweden five persons were sentenced in 2009 to long prison sentences for having exploited a severely disabled man as a beggar, both in various towns in Sweden and in several other countries.*

- This prohibition will change attitudes, reduce demand and thus weaken the market for prostitution and human trafficking.

*Björg Tørresdal (Christian Democrats)*

- Our point is this: it is not possible to condemn human trafficking with any credibility while we still permit the existence of a lawful market for the services this trafficking activity is based on.

*Erling Sande (Centre)*

### **Exploitation for the purpose of begging**

The Norwegian Vagrancy Act was repealed by an amendment in 2005 that decriminalised begging. The main reason for this was the belief that begging should be prevented by social policy rather than penal measures.

Around this time it began to be obvious that begging was becoming more of an organised activity. These beggars were foreign nationals, who often operated in groups. It was difficult to discover the scope and extent of this begging activity, but it was felt to be important to punish the organisers. Since it was not clear whether the penal provision against human trafficking could be invoked in such cases, section 224 of the Penal Code was amended in 2006 to apply explicitly to the exploitation of a person for the purpose of begging.

In recent years there has been an increase in the number of people who come to Norway in order to beg or earn money as flower-sellers, street musicians, etc. Although these activities often appear to be professionally organised, we know little about the distribution of roles within the various groups. On the basis of what we know about human trafficking, however, it is likely that many of the beggars are controlled and exploited by criminal groups.

In 2009 the International Organisation for Migration (IOM) returned 19 victims of human trafficking through the Assisted Voluntary Return scheme. Four of the 19 had been exploited for begging purposes, either alone or in combination with other forms of exploitation (begging during the day and prostitution at night, and thieving). The victims came from Albania and Romania, and had been exploited either by their own families or by others.



### **Trafficking for the removal of human organs**

Section 224 of the Penal Code also applies to trafficking in persons for the purpose of removing their organs. There is a great lack of organs worldwide for use in transplantations. Advances in medicine have increased the demand for organs, and the lists of patients awaiting transplants are becoming longer and longer.

The situation has resulted in an illegal trade in organs, which cannot in itself be classified as human trafficking, but also in trafficking in persons in order to remove their organs. However, no cases of organ trafficking have been detected in Norway.

### **Human smuggling**

Human smuggling involves the illegal transport of persons across a border by others. This is a criminal offence without an aggrieved party, even though the actual journey and border crossing may be dangerous and costly for these people.

Persons staying illegally in a country are vulnerable and often in a very precarious situation. They risk

becoming victims of human trafficking even when the perpetrator is not a human smuggler. Combating human smuggling is therefore also a means of combating human trafficking.

### **Persons who are forced to perform criminal acts**

It has been debated whether section 224 in its existing form covers the use of others to perform criminal acts. For example young asylum-seekers often fall prey to groups of older persons who make use of them to commit drug-related crimes, thieving and other crimes. This form of criminality is currently covered by the provisions of the Penal Code relating to the illegal use of force.

The Ministry of Justice has not considered it necessary to propose a special prohibition in the amendments to the Penal Code against using a person to perform a criminal act. The Ministry has pointed out that under certain circumstances this form of exploitation would be covered by the new provision relating to human trafficking in section 257, first paragraph, b.

## 4. The international legal framework and international cooperation will be strengthened

Human trafficking is a global phenomenon that needs to be addressed by joint international action.

The most important global instrument for combating human trafficking is the Palermo Protocol to the UN Convention on Transnational Organised Crime of 2000. In Norway's view the fight against human trafficking will be strengthened if a global monitoring mechanism were to be introduced to assist countries in implementing the Protocol. Such a mechanism would make it more binding for countries to sign the Protocol.

The Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 February 2008, and Norway is one of the more than 30 countries that have ratified the Convention. The purposes of the Convention are to prevent and combat trafficking in human beings, to protect the human rights of trafficking victims, to design a comprehensive framework for the protection and assistance of victims and witnesses and ensure effective investigation and prosecution, and to promote international cooperation on action against trafficking in human beings.

The Convention provided for the establishment of a monitoring mechanism, and a group of experts on action against trafficking in human beings (GRETA) has been appointed to monitor the parties' implementation. During the negotiations on the establishment of GRETA Norway played a role in ensuring that the composition of the group was independent and impartial. Norway is continuing its support for GRETA and has also taken steps to ensure that the group is given adequate resources.

A number of important processes to reduce the extent of human trafficking are taking place in various international organisations. The International Labour Organisation (ILO) has long taken a lead in the fight against human trafficking and forced labour, and Norway supports the activities of the Organisation in this field.

Human trafficking is driven by the desire for financial gain, and following the flow of capital is an effective way to expose the perpetrators, confiscate the proceeds and identify the victims. The UN and other organisations are very aware of the fact that financial investigations that follow international capital flows are an effective means of combating human trafficking and other organised crime.

Among the regional organisations involved in this field are the OSCE, the Council of the Baltic Sea States, the Nordic Council of Ministers and the EU. Norway has made the fight against human trafficking one of its main priorities in the Council of the Baltic Sea States, since the countries in the region have a number of problems in common related to this form of crime.

For a number of years Norway has been engaged in dialogues with various countries with the aim of promoting respect for human rights. The human rights issues confronting many states when they deal with traffickers and trafficking victims are one of the topics on the agenda at dialogue meetings.

### **The efforts of the armed forces**

The armed forces are highly conscious of their national and international obligation to combat human trafficking, including their duty to implement UN and NATO policy in this field. The subject of human trafficking will continue to be an integral part of the education and training programme for Norwegian personnel who are to take part in operations abroad.

Zero tolerance of prostitution and human trafficking is part of the professional ethics of the armed forces, both at home and in operations abroad. Norwegian personnel in operations abroad are also expected to promote zero tolerance among Norway's coalition partners. Norwegian civilian UN personnel, including the police, will be trained in methods to combat human trafficking when on international assignments. Protecting women from sexual abuse in areas of operation is part of the armed forces' work for women, peace and security.

## MEASURES:

**1: To continue to play a leading role in the efforts to strengthen, coordinate and implement international legislation against human trafficking, especially in the UN, the Council of Europe and the Council of the Baltic Sea States.**

Norway will seek to strengthen the monitoring mechanism GRETA under the Council of Europe Convention and work to establish a global monitoring mechanism for implementation of the Palermo Protocol against human trafficking. The Government will take an active part in the discussions in the ILO on a binding international agreement laying down minimum standards for decent work for domestic workers: those who do housework, take care of children and perform other tasks in private homes. Measures to combat the removal of human organs are described in Chapter 6 below on prevention of human trafficking.

The Council of the Baltic Sea States is a political forum for regional cooperation in which 11 countries and the European Commission participate. Norway is the presiding country for a term lasting from summer 2010 to summer 2011, and during its presidency has made human trafficking a priority area. Norway intends to increase the focus on human trafficking in the labour market within the framework of the Council's Task Force against Trafficking in Human Beings.

**2: To participate in the international efforts to stop the illegal flow of capital from human trafficking and strengthen financial investigations aimed at confiscating the proceeds of such trafficking.**

Financial investigation is very effective in exposing human trafficking, prosecuting the organisers, confiscating the proceeds and identifying the victims. However, international cooperation is vital. Norway will therefore participate in a UN study on the subject and will support the resulting resolution on follow-up measures.

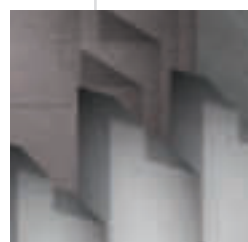
**3: To put human trafficking on the agenda in human rights dialogues and political talks with other countries.**

Human trafficking will continue to be an important topic in Norway's human rights dialogues with China, Indonesia and Vietnam, and we intend to put this on the agenda in our comprehensive talks with other countries.

**4: To ensure that the armed forces support the fight against human trafficking.**

The Norwegian armed forces will support the policies of both NATO and the UN in international operations. Norwegian military personnel in international positions in NATO and the UN will play a leading role in the efforts to combat human trafficking incorporated in mandates, rules of engagement, standards of behaviour, training and operational requirements. Under UN Security Council resolution 1325 (2000) on Women, Peace and Security, the Norwegian armed forces have been sent on assignments abroad that involve strengthening the dialogue with women in conflict areas and ensuring their safety. The armed forces have also been instructed to draw up guidelines for addressing and preventing sexualised violence in conflicts. These tasks will be continued.

The armed forces are also charged with pointing to and counteracting cases of human trafficking among Norway's NATO partners.



## 5. Cross-disciplinary cooperation and competence development will be intensified

If human trafficking is to be effectively combated, it will be essential to intensify coordination between the authorities and organisations in this field. They should cooperate on a continual process of developing effective strategies and programmes against human trafficking.

### **The KOM project has ensured broad cooperation**

In 2006 the Government established a unit entitled the National Coordinating Unit for victims of trafficking (KOM). KOM's tasks are to determine the extent of human trafficking in Norway and to identify and

solve the problems encountered by the welfare service and the authorities.

During the project period KOM was funded by several ministries, administered by the Police Directorate and operated by a project leader and another employee. In spring 2010, NTNU Social Research evaluated the project. Clearer terms of reference have been drawn up for the Unit on the basis of the evaluation, but it will continue to be administered by the Police Directorate.



*KOM is organised as two groups, one project group and one reference group. Each group meets once a month and a joint meeting is held twice a year.*

*The project group consists of representatives from the Immigration Directorate, the Directorate of Integration and Diversity, the Norwegian Directorate for Children, Youth and Family Affairs, the Labour and Welfare Administration, the Directorate of Health, the Norwegian Labour Inspection Authority, the prosecution authority and the police.*

*The reference group consists of representatives from all the organisations and projects that work with human trafficking on a regular basis. These bodies are free to send a representative to a meeting of the group whenever they consider it necessary, and in 2009 the following organisations were represented: the Norwegian organisation for asylum-seekers, the Equality and Anti-Discrimination Ombud, the Organisation for Prostitutes in Norway, the International Organization for Migration Oslo, Save the Children Norway, the Church City Mission, the Pro Centre, the ROSA project, Reform - the Resource Centre for Men, the Norwegian Red Cross, the Norwegian Red Cross Youth, the Grünerløkka labour and welfare authority, the Christian Council of Norway, the Adora project, the Hvalstad reception centre for unaccompanied minors seeking asylum and the Norwegian Bar Association.*

In order to be able to offer trafficking victims the necessary help and protection, they must first be identified. All occupational groups that could come into contact with persons who may be victims need to know about human trafficking and must be able to provide victims with correct information, including the names of appropriate persons to contact. One of the mandatory tasks of the project group is therefore to identify frameworks and procedures for cross-disciplinary cooperation on the identification, assistance and protection of victims at the central, regional and local levels, and to implement measures to improve coordination between the various levels. The group is also tasked to obtain an overview of the victims' rights, available assistance and contact persons.

The reference group is intended to function as a professional discussion forum for the various agencies, and gives the project group input on relevant issues and topics.

*In spring 2009 the **Labour Inspection Authority** decided to participate in KOM because it had discovered several cases of conditions that might have involved forced labour and human trafficking. The Authority wished to obtain more knowledge about human trafficking and to build networks and contacts that could be used to develop joint projects with the police and other authorities for exposing cases of human trafficking.*



## MEASURES

### **5: To further develop KOM to as a prime mover for cross-disciplinary cooperation.**

KOM has served as an effective arena for the exchange of experience, cooperation and coordination between the relevant agencies and NGOs.

The Unit will be continued as an instrument for improving coordination between the authorities and organisations.

### **6: To publish annual status reports on trends, challenges and areas where more research is needed.**

KOM will submit an annual status report containing an overview of the status at national level in the area of human trafficking and suggest appropriate topics for research. The reports will provide a basis for the priorities decided by authorities and organisations.

### **7: To ensure that Norwegian representatives abroad have specialised knowledge on human trafficking.**

Civil servants posted abroad, including special advisers on migration and refugees and representatives of the Directorate of Integration and Diversity, must have specialised knowledge on human trafficking and contribute to expertise at home through regular reports.



## 6. Human trafficking must be prevented

Human trafficking meets the demand for work and services that can be performed by the exploited person. To effectively reduce the market that encourages exploitation by human traffickers, we must continually review the necessity for legislative amendments, targeted information campaigns, research projects, education programmes and other measures. It is also essential to keep abreast of new forms of exploitation.

### International preventive measures

Recruitment to human trafficking is not a matter of chance; in some countries there are groups of people who are particularly vulnerable to exploitation. Since 2000 the Ministry of Foreign Affairs has been providing support for anti-trafficking projects and programmes, including information campaigns, most of which are concerned with prevention. The Ministry's efforts have been reviewed by Norad and the evaluation report may be found on [www.regjeringen.no](http://www.regjeringen.no).

### Preventing the purchase of sexual services

In 2007 the Pro Centre (a national resource centre on all matters related to prostitution) launched a preventive information campaign for upper secondary schools with support from the Ministry of Children, Equality and Social Inclusion, which is being continued. The information is mainly taught under the subjects "Religion, philosophies of life and ethics" and "Politics and human rights". Human trafficking is also among the subjects taught at the Norwegian Defence College, and information campaigns against the purchase of sexual services have been conducted at airports, on the internet and by means of notices in taxis.

In order to prevent prostitution it is necessary to address the reasons why people choose to buy sexual services. It has been found that prostitutes' clients often wish to talk about their situation, and Reform – the Resource Centre for Men has developed a project that offers information and counselling.

In Norway a number of cases of exploitation of foreign women through prostitution have been exposed. Many of the women only remain for a short time in any one place in Norway, and it is extremely difficult for the welfare services and the police to expose such trafficking activity and gain the victims' confidence. These were among the arguments used in the debate on the ban on purchase of sexual services.

The ban on the purchase of sexual services is also intended to prevent and expose human trafficking by weakening the demand for services performed by persons who are often trafficking victims. Unintentional effects of the ban will be addressed, but so far it has been difficult to measure the effects with any certainty.

The welfare services find it difficult to reach prostitutes in the indoor market, although it is important to do so in order to expose trafficking and other forms of exploitation in this market.

### Preventing forced labour

The Labour Inspection Authority participates in KOM along with other services that are in a position to detect exploitation in a range of industries. KOM is well placed to discuss and initiate strategies to prevent human trafficking, including proposals for information campaigns.

### Preventing the exploitation of au pairs

The au pair arrangement is intended to be a form of cultural exchange and not a means of promoting social dumping or exploitation. The system has been evaluated and the report is being followed up by the Ministry of Justice with a view to strengthening the cultural element and safeguarding the rights of au pairs.



### **Preventing begging**

The spread of organised begging by EEA nationals is a recent and extremely undesirable development. Since begging is permitted in Norway, the police may not be giving sufficient priority to these groups, and cases of human trafficking may go undetected. It is important that the police extend their operations so as to follow these groups more closely, and introducing measures to limit organised begging by foreign nationals should be considered. Currently a study is being made of the conditions under which EEA nationals have the right to stay in Norway and the possibilities available for expelling them.

Some towns have introduced municipal police bylaws requiring beggars to notify the police that they will be begging in the same way as street musicians, street sellers and persons who collect money in other ways. This arrangement enables the police to make contact with beggars and exercise some control over these groups. The notification requirement can also be used to restrict begging to particular areas in the town centre. There are indications that the rule requi-

ring beggars to notify the police is most effective when combined with other local measures.

### **Organ donation**

The increasing prevalence of common diseases like diabetes and high blood pressure, the growth of the elderly population and recent advances in medicine have resulted in a growing number of people needing life-saving organ transplants. An effective national transplantation service would reduce waiting lists and prevent sick people from resorting to illegal methods to be cured. A public committee has been appointed to review the need for a new act regulating transplantation.

## MEASURES

### **8: To prevent human trafficking in the country of origin**

Norway will continue to finance projects in transit countries and countries of origin that support the authorities' efforts to combat human trafficking, and priority will be given to the countries of origin of victims in Norway and countries with particular problems. Norwegian foreign missions will help identify such projects and measures in cooperation with the national authorities in the country and NGOs. The existence of male trafficking victims, who are primarily used for forced labour, indicates the need for a gender-sensitive approach.

### **9: To combat human trafficking through the EEA Financial Mechanism**

Within the framework of the EEA Financial Mechanism and in cooperation with recipient countries, the Norwegian authorities will support efforts to combat human trafficking in the new EU member states. Priority will be given to cooperating with recipient countries on ratifying and implementing the Council of Europe Convention on Action against Trafficking in Human Beings.

### **10: To develop new information measures to prevent all forms of human trafficking**

The Coordination Unit for victims of trafficking (KOM) is an extensive cross-disciplinary cooperation that is well placed to gather and discuss information on possible new forms of human trafficking. The Unit already plays an important role in information activities in this field, and will be tasked to develop proposals for information campaigns and competence-building measures that will raise awareness and prevent the establishment of new forms of trafficking.

### **11: To prevent organ trafficking**

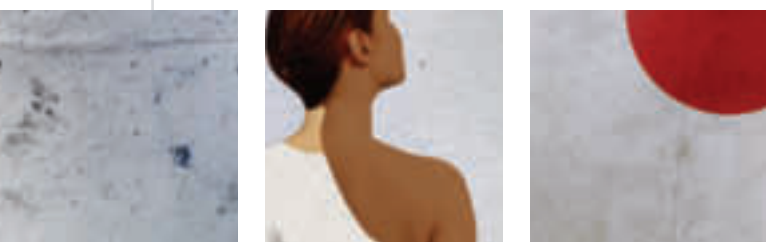
Norway will contribute to the international cooperation on combating trafficking in human organs. An effective means of doing this is to encourage as many countries as possible to ratify the Palermo Protocol against human trafficking. Norway is a leading country in the field of live kidney donation and will continue to support the efforts to regulate organ donation and transplantation in the EU, the Council of Europe and WHO, which are the most important forums for this work.

### **12: To evaluate the ban on the purchase of sexual services**

The ban will be evaluated in order to determine whether it is having the intended effect. The evaluation will also provide knowledge that can be used to develop effective targeted measures to help women and men out of prostitution.

### **13: To take steps to limit organised begging in the long and the short term**

A review is being conducted on the conditions applying to the right of stay in Norway and the grounds for expelling EEA nationals. The possibilities for amending legislation within the framework of Norway's international commitments in order to prevent foreign beggars from begging on the street in Norway will be discussed. The results of the review, together with an evaluation of the experience gained from the notification rule and the need for legislative amendments, will be used as a basis for a more specific strategy for combating organised begging.



## 7. More victims will be identified and offered help and protection

### **Our ability to identify victims has improved**


Trafficking victims have to be identified if they are to be offered help and protection, and if the police are to be able to investigate and prosecute the traffickers. Trafficking victims are often reluctant to make contact with the authorities themselves, for many reasons. Some people experience guilt and shame over their situation, others are afraid of reprisals against themselves or their families if they approach the authorities. Many victims are afraid of being imprisoned or expelled because of their illegal status in the country, making them dependent on the traffickers.

The authorities must ensure that employees whose jobs involve contact with persons who may be trafficking victims have the expertise necessary to identify them. Identification helps to prevent further exploitation and ensures that the victims are informed of their rights and can be referred to the appropriate specialised agency for further assistance. A number of public authorities such as the police, the customs authorities, the health and welfare services, the child welfare service, the immigration authorities and the Labour Inspection Authority have a general responsibility to ensure that their employees have expertise on trafficking and can help identify victims.

In recent years training courses have been conducted under the auspices of KOM and various other agencies and organisations.

KOM has developed several guidelines for identifying trafficking victims and an information brochure that provides an overview of the types of assistance victims are entitled to.

Health care in the broadest sense often provides a good opportunity to make contact with likely victims in Norway. It has been found that a health-related approach meets with a positive response and is the best way of making contact with vulnerable groups and thus identifying victims. Specific offers of health



*The woman stated that her name was A and that the purpose of her journey was to visit her brother in Stavanger. The police and customs authorities noted that the telephone number she had given for her brother did not exist. A handwriting test revealed that her handwriting did not match the writing in her passport. The woman seemed uncomfortable and disoriented. It was later discovered that the passport photograph did not match the woman's face....*

*The aggrieved party has stated that she was afraid for herself and of reprisals against her family in Nigeria, if she refused to obey orders ... She has stated that the accused had given her an air ticket, NOK 1000 and the passport for A, and told her to learn the information in the passport by heart.*

*Extract of a judgment of the Bergen District Court of 26 May 2010*

care or referrals to the health service have been a central element in the public and private measures against human trafficking that have received funding. It is important to continue the existing measures under the auspices of the municipal authorities or NGOs that are focussed on outreach activities and offers of low-threshold health care among communities that are likely to include victims, especially among prostitutes. A range of measures are receiving support in the form of grants over the government budget.

The Labour Inspection Authority supervises health, environment and safety conditions, wages and working conditions in Norwegian enterprises, and plays a key role in exposing cases of social dumping. The Authority comes in contact with likely victims of forced labour when inspecting workplaces and through approaches and tips from employees and others. However, the possibilities of identifying victims open to the Authority are limited. During an inspection the inspector asks for information from the employer and talks to employees to obtain information on their working conditions. These talks are usually conducted without the employer being present. Employees have no obligation to talk to the inspector or to identify themselves. Thus cover-ups by the employer and lack of information from employees may prevent trafficking being detected during an inspection. The Authority's participation in KOM will put inspectors in a better position to recognise signs of exploitation.

### **Our duty to help trafficking victims**

Norway is committed internationally to protecting victims of human trafficking who are staying in the country, and victims must be offered the necessary physical, mental and social restitution. The assistance must include a suitable place to live, psychological and material help, access to emergency health care, interpreting and translation services, information about their rights and interests, and having these considered at the appropriate stages in the prosecution of offenders.

In connection with the Storting debate on the ban on purchasing sexual services, the Standing Committee on Justice pointed to a number of important features of the assistance provided to persons in prostitution that are also relevant for all trafficking victims. The Committee emphasised that the police and welfare services must gain the victims' confidence, and that victims must be offered jobs, education and vocational rehabilitation through the labour and welfare service, and safe housing with appropriate follow-up.

A number of measures for women in prostitution were further developed during the period 2006–2010, particularly in the field of employment and activation, with a view to finding effective alternatives to prostitution. The measures were available to both Norwegian and foreign women and to those granted a period of reflection. For example, regular courses are given under the auspices of the Pro Centre and the

Church City Mission that teach general basic skills and provide vocational rehabilitation. Many of the women have found jobs. The measures were developed during the periods covered by the two action plans and are now well established. The Grünerløkka labour and welfare authority has received funds from the Labour and Welfare Administration since 2006 for providing emergency assistance and protection to human trafficking victims.

### **Responsibility for housing**

The municipality is responsible for providing housing for persons who are unable to look after their own interests in the housing market, including persons who have been granted a period of reflection. The joint responsibilities of the social services and the labour and welfare services are regulated by section 3-4 of the Act relating to social services and section 15 of the Act relating to social services in the Labour and Welfare Administration respectively

The state assists the municipalities to fulfil their responsibilities in various ways, for example through grants for the strengthening and development of the relevant municipal services, and the loans and grant schemes provided by the Norwegian State Housing Bank. The responsibility of the Labour and Welfare Administration in specific cases is regulated in section 27 of the Act relating to social services in the Labour and Welfare Administration, which states that the municipality is responsible for providing provisional housing through the local labour and welfare service to persons who are unable to find housing themselves. Accommodation is arranged in accordance with the local housing situation.

### **Greater challenges for the municipalities**

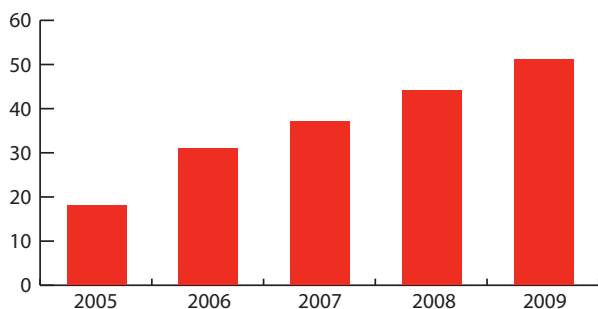
Municipalities face a number of problems when assisting trafficking victims. The rise in the number of persons granted a reflection period and the inclusion of more men and children in the user group have increased costs and created a demand for more differentiated services. Oslo municipality, which has become highly specialised in this area, is one of the municipalities that experience the greatest pressure on its services.

### **Crisis centres are helping an increasing number of victims through the ROSA project**

The ROSA project, which stands for re-establishment, organising safe places to stay, security and assis-

tance, was started in 2005. It is funded by the Ministry of Justice and administered by Krisesentersekretariatet (a secretariat for crisis centres). ROSA coordinates a country-wide service that offers safe housing to trafficking victims. The work of the crisis centres is the main element in Norway's assistance to these victims, and so far 20 crisis centres have provided assistance to women trafficking victims. ROSA has been a driving force in the efforts to raise awareness of the social and welfare needs of individual users. The women are able to stay at the centre and are offered legal and other assistance and information. In recent years support for the project has been increased. It receives financial support for its operation and substantial funding for rehabilitation and activities.

*Numbers of women who received assistance through ROSA in the period 2005–2009*



The ROSA project was evaluated by NTNU Social Research in 2008.

The report stated that the project has broken new ground, identified holes in the system and helped to fill them. The report also stressed that there is great satisfaction with ROSA's work.

The report concluded that ROSA should be continued. It was also pointed out that a wider range of housing types was needed, that the conditions attached to the reflection period should be specified more clearly, that the advisory service for matters of return should be improved and that the division of work between the various agencies should be more clearly defined.

The Act relating to municipal crisis centres, which entered into force in January 2010, states that the municipality is obliged to provide a place in a crisis centre for persons who are exposed to domestic vio-

*The procedures for cooperation between ROSA and other agencies such as the police, the immigration authorities and the agencies dealing with prostitution function well and we are continually finding better and more practical solutions.*

*ROSA annual report 2009*



lence or threats of violence. In the legislative history of the Act it is specified that the crisis centres should also be open to human trafficking victims.

**Lauras Hus has addressed the need for housing with comprehensive follow-up.**

In spring 2009 Church City Mission Nadheim in Oslo established Lauras Hus, a communal living project with five housing units. In 2009 the project received funds from the Ministry of Justice, the Ministry of Children, Equality and Social Inclusion, the Directorate for Health and Social Affairs and the Labour and Welfare Administration. The women who live here are trafficking victims and are closely and individually followed up by the health and social services. In order to ensure maximum security Lauras Hus is manned round the clock and cooperates with ROSA and the Grünerløkka labour and welfare authority on intake and discharges. Nadheim also cooperates closely with the police, other public agencies and NGOs that offer the inhabitants of the centre health and social services, language and other courses, vocational rehabilitation and employment.

Recently Nadheim has expanded its activity by acquiring two apartments. These are intended for women who are moved out of Lauras Hus, although they continue to be followed up by the personnel of Lauras Hus. The apartments will also be available for men if the need arises.

**Persons deemed to be trafficking victims may be granted a reflection period**

Persons identified as human trafficking victims are often foreign nationals who do not have residence permits for Norway. In order to give victims the possibility to escape from their traffickers and time to make informed decisions in cooperation with the police and others, they may apply for a period of reflection, which is a limited temporary residence permit for Norway.

- An increasing number of persons are applying for a reflection period: 31 in 2007, 50 in 2008 and 73 in 2009.
- Of the 73 persons applying for a reflection period in 2009, 50 were granted a permit and 23 had their application rejected. Twenty persons applied for a temporary residence permit at the end of the reflection period, 10 of whom received a permit; nine cases were rejected and one was dropped. Five persons applied for their temporary permit to be renewed; four had their permits renewed and one application was rejected.



In 2006 the period was extended to six months. The threshold for obtaining a permit is low, but the person is required to remain in Norway during the reflection period and to accept help from the Norwegian authorities. At the end of the period, a further temporary residence permit may be granted if this is considered necessary in connection with a police investigation.

### **Problems are caused by differences in victims' legal grounds for residence in Norway**

An application for asylum must be withdrawn if the person applies for a reflection period. In practice many of the latter apply/reapply for asylum after the reflection period has expired. Persons granted a reflection period who apply for permanent residence on the grounds of having been witnesses in criminal proceedings against traffickers are given the status of asylum-seekers.

Welfare agencies have pointed out the problems that arise when a victim granted a reflection period applies for asylum and thereby becomes an asylum-seeker. Although the person may be just as vulnerable and in need of assistance, the change in their residence status means that different rules apply to the help and

benefits they are entitled to. A person granted a reflection period has the right to assistance under the municipal arrangements in the municipality where they are staying, and to financial benefits under the Act relating to social services. An asylum-seeker receives assistance under the state system for asylum-seekers and is offered accommodation in a state-run reception centre and financial means of subsistence. Such alterations in status and the attendant changes in rights and duties cause problems for both the victims and the welfare services and make it difficult to ensure continuity of follow-up.

### **Residence permits for victims who have applied for asylum**

Under the new Immigration Act, which entered into force in 2010, former victims of human trafficking are to be regarded as “members of a particular social group” and may on this basis be entitled to recognition as a refugee.

The Act also states that when deciding whether to grant a residence permit on the grounds of strong humanitarian considerations, account should be taken of whether the person has been a victim of human trafficking.

In general victims who testify in the capacity of aggrieved party in criminal proceedings against human traffickers are entitled to a residence permit for Norway even if the conditions for asylum or protection against expulsion have not been fulfilled. The purpose of the provision is both to encourage trafficking victims to come forward and testify without fear of reprisals in their country of origin and to safeguard the victims on Norwegian territory. In certain cases other persons who are cooperating with the police in an investigation, or testifying in criminal proceedings against possible human traffickers or pimps, are also entitled to a residence permit if such cooperation places them in a similarly difficult situation. In 2009 three persons were granted residence permits as a result of having testified in criminal proceedings for human trafficking.

### **Many victims receive health care**

Human trafficking victims are frequently in considerable need of health care. The women who receive help from the ROSA project have often suffered great physical and psychological harm and are strongly in need of health care. ROSA spends a great deal of

resources on ensuring that victims have access to health services and on identifying which service is to cover the costs.

### **Additional funds have been allocated to helping victims break away from prostitution**

In the government budget for 2009, the Storting earmarked an amount of NOK 10 million in the budget of the Ministry of Justice for measures and projects to improve the situation for prostitutes and to help women and men break away from prostitution. The arrangement was continued in 2010.

In 2009 and 2010 funding was provided for projects to help Norwegian and foreign women, boys, men and transgender persons who sell sexual services in Oslo, Bergen, Trondheim and Stavanger. The projects cover vocational training and rehabilitation, psychiatric care, education and training, legal aid and housing. The large number of applications shows that the projects have succeeded in addressing the problems for prostitutes caused by the ban on purchasing sexual services, by further developing traditional measures and by thinking along new lines.



#### **Examples of allocations to projects in 2010:**

*The Pro Centre received NOK 1 000 000 for job-related projects. The target group was Norwegian and foreign women and men who are still engaged in prostitution. The Centre has been offering labour market programmes since 2006 with the aim of enabling the users to enter the ordinary labour market. A further NOK 350 000 was allocated to a teaching project at upper secondary schools.*

*Nadheim Church City Mission received NOK 1 200 000 for a housing project for human trafficking victims, NOK 400 000 in general operational support for outreach activities and follow-up, NOK 500 000 for a job qualification project and NOK 700 000 for a treatment programme in cooperation with the psychiatric treatment centre Modum Bad for traumatised persons with a background in prostitution. The Department of Trauma Therapy at Modum Bad has broad experience in the treatment of trauma-related disorders.*

*Krisesentersekretariatet received NOK 1 500 000 for vocational rehabilitation for women in the ROSA project, which coordinates assistance to human trafficking victims. The programme provides vocational training and rehabilitation in the field of cosmetics and nail and foot treatment.*

*Oslo Crisis Centre received NOK 150 000 for its work with former women prostitutes living at the centre and for activities for women prostitutes in prison.*

*The Marita Foundation received NOK 800 000 for a project that provides vocational rehabilitation and housing for foreign nationals with a background in prostitution.*

*Reform – the Resource Centre for Men received NOK 700 000 to start a counselling service for men who wish to stop buying sexual services.*

*Hordaland Police District received NOK 130 000 for a recently started group that works with pimping and human trafficking. The funds will be devoted to a project focussing on identifying boys in prostitution and to enhancing external cooperation.*

*Church City Mission Bergen received NOK 700 000 for a project for advising women with a background in prostitution on how to improve their situation.*

*ALF Limited, Centre for Training for Employment, a municipal enterprise in Bergen, received NOK 400 000 for following up participants in a vocational rehabilitation project that cooperates with a hotel.*

*Trondheim municipality received NOK 615 000 to strengthen the implementation of the municipality's integrated action plan against prostitution and human trafficking.*

*The Salvation Army received NOK 300 000 in support of its work with human trafficking victims in connection with its work in prisons.*



### **The programme for voluntary return and reintegration has been expanded**

Since 2007 the International Organization for Migration (IOM) has provided information and assistance to more than 50 human trafficking victims through its Oslo office. Its return and reintegration programme is intended to prevent victims from becoming victimised a second time by supporting their reintegration in their country of origin, which includes helping them to find jobs or enter education. In 2009, 19 persons were repatriated under the programme. The IOM also provides information about the programme for voluntary return to persons in a reflection period.

### **The period of reflection needs to be evaluated**

Some persons granted a reflection period do not wish to be helped and refuse to report traffickers, and according to our information, many persons granted a reflection period feel that the assistance they are offered is uncoordinated. At the same time the number of persons granted a reflection period is increasing. An evaluation has been made of the reflection period arrangement, including its performance in relation to its goals.

## **MEASURES**

### **14: To intensify the efforts to identify victims**

KOM will continue to cooperate with the authorities on identifying human trafficking victims. Strategies and measures will be developed to improve identification of victims of forced labour. A measure that should be considered is to raise awareness of situations likely to involve human trafficking among private-sector agencies whose employees may come into contact with victims, such as aviation employees.

### **15: To support ROSA**

Under the Act relating to crisis centres, the municipalities are obliged to ensure human trafficking victims a place at a crisis centre. The Government will continue to support the ROSA project, which offers safe housing and provides information and advice on following up trafficking victims.

### **16: To operate Lauras Hus as a pilot project until the end of 2011**

Lauras Hus has provided additional assistance to women with special needs and so far the results have been very positive. The project has resulted in valuable insights and provided experience of integrated follow-up of trafficking victims. Progress will be evaluated as from autumn 2010, and the project is to be continued up to the end of 2011.

### **17: To further develop the housing service for human trafficking victims**

Persons applying for a reflection period need safe temporary housing. Many of them receive help through the ROSA project, which ensures them a place at a municipal crisis centre, Lauras Hus in Oslo and in some cases in other municipal or private-sector accommodation.

Cooperation with the Grünerløkka labour and welfare authority is being continued. The Labour and Welfare Administration will review the assistance provided by the Grünerløkka office with a view to improvements.

The greatest problems with finding housing for human trafficking victims will be examined, including the need for temporary and long-term solutions and follow-up, with a view to developing solutions based on coopera-



tion between the state, the municipalities and NGOs. Experience gained from efforts to establish safe housing for other vulnerable groups will form an important source of information.

**18: To clarify the responsibilities of the local labour and welfare authorities**

When a person has been granted a reflection period, this means that their stay is legal, and the person is therefore entitled to social services from the local labour and welfare service. The rights of such persons under the Social Services Act are set out in regulations.

The Labour and Welfare Administration will issue a circular under the Social Services Act clarifying the application of the Act to trafficking victims granted a reflection period and setting out the special problems of this group, such as their need for safe housing.

**19: To review the organisation and financing of assistance to victims**

The Government will review the division of responsibility for assistance to victims between the state and the municipalities in the light of experience gained from the implementation of the Action Plan of 2006–2009. The review will include the financing of temporary housing and other measures for victims, both asylum-seekers and those granted a reflection period.

**20: To clarify the health services available to trafficking victims**

The established measures under the auspices of the municipalities and/or civil society agencies that focus on outreach activity, and the access to low-threshold health care offered to groups likely to contain victims, will be continued. This includes outreach activity among the prostitution community, especially among foreign women, men and transgender persons. Guidelines will be developed on the right to health care for persons granted a reflection period. In November 2010 the Ministry of Health and Care Services held a consultation round on a proposal for clarifying the legislation relating to foreign nationals staying in Norway. The proposal covers both those staying illegally in the country and certain other groups with temporary resi-

dence such as persons granted a reflection period. According to the proposal all these persons should be offered emergency health care and health care that cannot be postponed. It is also proposed that in principle children should be treated as persons legally resident in the country and that pregnant women should have the right to pregnancy care. The proposal does not involve any change in the rules for payment for health care, in other words the rule that in principle the persons concerned must pay for their health care continues to apply.

**21: To use project funds for support to victims**

The Ministry of Justice will continue to hold dialogue meetings with representatives of the welfare services and public agencies that provide help to prostitutes and human trafficking victims. The purpose is to discuss the distribution of annual project funds to improve the situation for prostitutes and help women and men out of prostitution, for example funding for projects to assist human trafficking victims.

**22: To offer voluntary return and support for reintegration**

The efforts of the IOM to help victims with return and reintegration will be continued. Experience from other countries will be used in developing assistance programmes in Norway that will improve return procedures for victims, and as input to Norwegian support for assistance in their country of origin.

**23: To evaluate the reflection period**

In autumn 2010 the Fafo Institute conducted an evaluation of whether the reflection period functions as intended. The report will be used as a basis for assessing whether changes should be made to strengthen the position of the victims. Given the need for continuity in the provision of assistance, the question of whether the reflection period should be integrated in the asylum procedure, or whether the rules for asylum-seekers and persons granted a reflection period should be harmonised in some other way, will be examined.

## 8. Steps will be taken to prevent trafficking in children

Trafficking in adults and trafficking in children are closely linked. Most of the measures in the present action plan, such as prevention, identification of victims and police investigations, therefore apply as much to children as to adults. However, a separate chapter of the plan is devoted to children because they are particularly vulnerable and have an even greater need for protection, assistance and specially adapted follow-up than adults do. Persons under the age of 18 also have special rights, for example under the Convention on the Rights of the Child. The Government therefore attaches great importance to the efforts for child victims of human trafficking.

Trafficking in children is a gross violation of human rights and a serious form of crime, and Norway has an international commitment to protect children from human trafficking. In addition to the Palermo Protocol, the most important binding international instruments are the Convention on the Rights of the Child and additional protocols, and the Council of Europe Convention on Action against Trafficking in Human Beings. These documents form the guidelines for the efforts to help child victims of trafficking. The Government will continue to strengthen cooperation in regional bodies such as the Nordic Council of Ministers and the Council of the Baltic Sea States on identifying and protecting child victims of human trafficking.

*The principle of the best interests of the child is laid down in the Convention on the Rights of the Child: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*



### **Responsibility for child trafficking victims**

The child welfare services, the police, the immigration authorities and other welfare services are responsible for ensuring that minors who are victims of human trafficking receive appropriate care. The child welfare service has a particular responsibility for children who may be trafficking victims in Norway, and must ensure that children and youth who live under conditions that may be detrimental to their health and development receive the necessary help and care without unnecessary delay. The service must also seek to ensure that the children and young people live in a secure environment. Thus the child welfare service is a key element in the protection of children from human trafficking and other forms of serious abuse.

In order to enable the child welfare service to carry out its tasks, all public employees and many others with a professional duty of confidentiality have a statutory duty to inform the service of cases where there is cause for concern. This applies to cases where there is reason to believe that a child is being exposed to severe neglect, for example as victims of trafficking. The duty to inform is an independent, personal responsibility and in the context of human trafficking is particularly relevant for those with jobs in the police, schools, hospitals, medical practices, family counselling services and asylum reception centres. The duty to inform takes precedence over the statutory duty of confidentiality.

### **Identification of victims**

In Norway suspicion of human trafficking is primarily aroused in the case of foreign children who arrive in the country unaccompanied.

Trafficking may already be suspected when the asylum application is registered with the Police Immigration Service, or later when the child is staying at the reception centre provided by the immigration authorities for asylum-seekers and minors aged 15–18 years, or at a care centre provided by the



*According to KOM, in 2009 there were 69 presumed minors being followed up on suspicion of being trafficking victims in Norway. They were presumed to be minors because their identities and ages could not be established for all of them. Such children are treated in accordance with Article 10, 3, of the Council of Europe Convention on Action against Trafficking in Human Beings, which states that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she is to be presumed to be a child and is to be accorded special protection measures pending verification of his/her age.*

*Statistics show that the largest groups of minors come from Somalia, Eritrea, Romania, Ethiopia and Afghanistan. Forty-nine per cent of minors were being used for forced labour and approximately 14% for providing sexual services. Forced labour, including the sale of narcotics, begging, thieving and housework were the main forms of exploitation among the minors followed up as suspected trafficking victims in Norway.*

child welfare service for children under 15 years. Suspicion may also be aroused after the child has been granted residence status and is living in a municipality.

Sometimes children who arrive unaccompanied do not seek asylum, and in some cases it has been suspected that Norway is being used as a transit country before further transport to the country of destination. However, children who arrive in Norway accompanied by their parents or others may also be trafficking victims. It is important to be aware that children may also be exploited by their parents and other family members.

Another particularly vulnerable group of children are those staying illegally in the country, either on their own or together with their parents or other persons.

### **Children born in Norway whose mothers are trafficking victims**

Currently women granted a reflection period who are pregnant or have recently given birth are offered sheltered accommodation at a crisis centre, at Lauras Hus or at a mother-and-child institution under Oslo

municipality. Last year saw an increase in the number of women in this situation, and from now on great attention will be paid to this group and priority will be given to measures for these women and children.

### **Forms of exploitation of children**

Child trafficking victims arriving in Norway come from a wide range of countries in Europe, Africa and Asia. There are many different ways of exploiting children: as prostitutes, forced labour in restaurants, sellers of narcotics or roses, and beggars. Children suspected of being exploited in Norway may be as young as 10 years old, although the majority are aged 15 to 18 years.

There seem to be a larger number of child trafficking victims in Norway than the authorities have managed to identify. As our knowledge about such children increases, and as greater attention is paid to the problem, the number of registered minor victims in Norway is likely to grow in the years ahead.

### Enhancement of expertise

Regional training courses on child trafficking victims have been arranged for the child welfare service and other appropriate services.

In cooperation with its subordinate agencies the Ministry of Children, Equality and Social Inclusion has conducted a survey of the experience gained by local and regional services from their assistance to trafficking victims. The survey will contribute to the systematised knowledge base in this field that is being built up.

A Nordic conference has been held to shed more light on the situation of minor trafficking victims.

KOM has produced a list of indicators to guide public and private-sector services in their efforts to identify child victims.

In 2008 a working group studied cases of children who disappeared from reception centres for asylum-seekers. The group proposed a number of measures to prevent and investigate such cases, which are being implemented by the authorities.

## MEASURES

### **24: To improve follow-up of unaccompanied minors seeking asylum and minors without a connection with Norway who frequent criminal/substance-abuse communities**

Steps will be taken to improve coordination and clarify the division of responsibility for follow-up of unaccompanied minors seeking asylum and minors without a connection with Norway who frequent substance-abuse communities and are suspected of being trafficking victims or of being used in organised crime. The circular Responsibility of the child welfare service for minor trafficking victims, and cooperation with other agencies will be brought up to date.

### **25: To continue the efforts to prevent and investigate the disappearance of minors from care centres and asylum reception centres**

Steps will be taken to ensure effective follow-up and quality assurance of procedures, including procedures for cross-disciplinary cooperation, for preventing and investigating the disappearance of minors from care centres and asylum reception centres.

### **26: To further develop the care service for child victims of human trafficking**

Child trafficking victims need a great deal of assistance, and some need special protection. The hou-

sing service provided by the child welfare authorities will be improved to take better account of these children's need for care, protection and follow-up. The Ministry of Children, Equality and Social Inclusion is drawing up a proposal for a new provision in the Child Welfare Act that will permit children to be placed temporarily in an institution without their consent in cases where the child is at risk of being exploited in human trafficking.

### **27: To take an active role in the regional and international efforts to protect children from human trafficking**

The Government will continue to participate in regional cooperation on children at risk, for example in the Council of the Baltic Sea States. Trafficking in children will continue to be among the most important of the Council's priority areas. Norway will consider supporting measures to further strengthen the knowledge base and promote the dissemination of information within the Council, to enhance cooperation between the member states and to prevent child trafficking in the region.

### **28: To obtain research-based knowledge about child victims of human trafficking**

Minors presumed to be trafficking victims are being registered by several different agencies. Knowledge about the situation in Norway is fragmented and not always adequately documented. The Ministry of Children, Equality and Social Inclusion intends to obtain more factual knowledge by commissioning a research project.

## 9. Human traffickers will be prosecuted

*Human trafficking is a crime that particularly affects young, poor and disadvantaged women. The recruited women are often subjected to serious threats to themselves and their families, and have great difficulty escaping from the grasp of criminal networks. ...*

*Aggrieved parties often deny that they are being subjected to violence, force or other forms of coercion because they fear reprisals against themselves or their families in the country of origin. Experience has shown that it takes a long time and sustained efforts to win the women's confidence in the Norwegian police, before the aggrieved party dares admit that they have been a victim of trafficking. In spite of the other evidence in the case, NN has denied being a victim of human trafficking or involved in prostitution.*

*Judgment of the Gulating Court of Appeal of 14 December 2009*

*It is not clear which other form of crime to compare the convicted person's offence with, when assessing the sentence. The substance of the offence is complex; it has elements both of a sexual felony and of a felony against personal freedom and integrity. However, although these classifications seem appropriate because the women were forced to prostitute themselves, A's and B's infringement has considerable similarities with organised economic crime, which is strictly punished, partly because the risk of discovery is considered to be low in such cases as well, and because it is an area in which punishment is assumed to be dissuasive.*

*Judgment of the Supreme Court of 7 February 2006 concerning human trafficking*

*In cases of contravention of section 224 of the Penal Code concerning trafficking for the purpose of prostitution, there will often be an element of force associated with the criminal act. The fact that the penalty for felony rape in case law has become much stricter in recent years has a bearing on the severity of the penalty for this category of offence. ... My conclusion is that since the decision of the Supreme Court in Rt-200, page 111, national and international views on the level of sanctions in the area of human trafficking for the purpose of prostitution have changed and that this is especially relevant in cases where section 224, fourth paragraph, applies because the victim is below the age of 18 years. Thus in my view the severity of the penalty on which that decision was based should not necessarily be a deciding factor in cases adjudicated today.*

*Judgment of the Supreme Court of 9 June 2010 concerning human trafficking*





We need effective penal provisions that apply to all forms of human trafficking. In addition to helping the victims we must ensure that the perpetrators are investigated and punished. Victims and witnesses must be ensured effective protection against reprisals and threats during and after prosecution of the perpetrators. The police, the prosecuting authority and the judicial system must have a thorough knowledge of this field.

Because of the high costs, particularly for interpreting and translation, the police need to set priorities for these investigations. Most of the victims and many of the perpetrators in criminal proceedings conducted in Norway are foreign nationals. Defining appropriate limits for an investigation when the perpetrators and their networks operate in many different countries is a serious problem.

### **Financial investigations can expose human trafficking**

Like most forms of crime, human trafficking is organised so as to provide maximum profits. This means that financial intelligence-gathering and financial investigations of the criminal network should be conducted in parallel with other intelligence-gathering. This means following the money, which involves obtaining information from financial institutions, public registers and agencies, studying transactions and consumption, analysing accounts and so on. These are the methods that we can use to expose human trafficking, prosecute the perpetrators, confiscate the proceeds and help and protect the victims.

### **Victims now have the right to counsel for the aggrieved party**

Under a legislative amendment introduced in 2008 the aggrieved party in a criminal case involving human trafficking has the right to counsel, and the role of counsel for the aggrieved party in criminal cases in general has been expanded.

### **Victims who cooperate with the police may be granted a limited temporary residence permit**

The period of reflection was introduced to give victims time to consider whether they will agree to report traffickers and cooperate with the police. The period may be extended if this is necessary in order to prosecute traffickers. The following factors are given weight when deciding whether a victim fulfils the criteria for a limited temporary residence permit:

- The foreign national must have ceased contact with the traffickers.
- The foreign national must have reported the traffickers to the police for human trafficking.
- The police must be engaged in investigating the case or have begun prosecution of the traffickers.
- The police or the prosecuting authority must consider the presence of the foreign national in Norway to be necessary for the investigation or the criminal proceedings.

### **A residence permit may be granted to victims and witnesses in cases of human trafficking**

The aggrieved party and other witnesses in a case of human trafficking or pimping may be granted a residence permit for Norway under certain conditions.

Norwegian legislation in this area is now reasonably predictable. However, fear of reprisals against themselves or their families in the country of origin prevents many victims from agreeing to cooperate with the police.

### **The police have mounted a broad-based effort against human trafficking**

In recent years the Norwegian police have conducted a series of broad-based investigations and participated in extensive international cooperation in connection with the prosecution of traffickers in Norway and abroad. By the end of 2009, 18 persons had been convicted of human trafficking in Norway.

In some of the largest towns the police have established special groups or projects for combating human trafficking.

In 2007 Oslo Police District established the STOP project, which employs 13 police officers and one civilian. The team's task is to work proactively through data collection, intelligence-gathering and investigations in cooperation with national and international partners, and initiate investig

The project has four main strategies:

- To expose and prosecute cases of human trafficking and pimping
- To reduce the availability of apartments and other premises in the internal market (Operation Husløs)
- To prosecute specific traffickers/pimps for other infringements
- To enforce the Act prohibiting the purchase of sexual services. The project will focus on the effect of the Act on preventing human trafficking, on reducing the market for prostitution and on changing public attitudes.

In autumn 2009 Hordaland Police District set up the EXIT project with the aim of investigating the purchase of sexual services, pimping and human trafficking, and of competence-building internally and with other cooperation partners. The project employs two investigators, a civilian and a project manager, and prosecution personnel

The EXIT team has cooperated closely with the public prosecutor in Hordaland, and the prosecuting authority has made substantial efforts to ensure that criminal proceedings involving human trafficking are thoroughly prepared before the court case. In cooperation with the customs authorities, the EXIT team has identified a large number of trafficking victims on their arrival at Flesland airport and has already obtained a number of convictions of human traffickers.



## MEASURES

### **29: To expose cases of forced labour through cooperation between the police and other agencies**

The efforts to combat forced labour will be intensified through cooperation with other agencies and supervisory authorities such as the Labour Inspection Authority. Projects will be established for exposing human trafficking in connection with seasonal work and begging.

### **30: To call on the police to follow the money/proceeds of human trafficking**

Financial investigations will be more specifically targeted. Steps will be taken to improve cooperation with special units, financial institutions and other national and international bodies that can provide information on the flow of money.

### **31: To further develop international police cooperation**

Norwegian police officers who are deployed as Nordic police liaison officers will take an active part in the fight against human trafficking in the host country. International cooperation will be focused on specific targets and our foreign partners will be called on to further develop this cooperation.

### **32: To arrange a national seminar for the police and the prosecuting authority, other lawyers and the courts**

A national seminar on human trafficking will be held for the purpose of competence-building.

### **33: To draw up clearer terms of reference for the anti-trafficking police expert team**

The police and prosecuting authority need special expertise for combating human trafficking and protecting the victims. The anti-trafficking police expert team includes investigators and prosecution personnel with experience in the field. The group plays an important role and will be given clearer terms of reference. The police manual on combating human trafficking will be revised.

### **34: To conclude cooperation agreements between the police and other agencies**

Today cooperation between the police and other organisations and the welfare service is not set out in special cooperation agreements. There seems to be a need to formalise cooperation with some of these bodies in order to clarify the division of roles and ensure predictability. Agreements will be drawn up for cooperation between the police and the relevant national agencies.

### **35: To evaluate police efforts**

A research project will be conducted to evaluate police efforts against human trafficking. The project will examine cases that have been dropped and identify factors that are especially important for an investigation to result in a conviction. Legal and practical obstacles will be identified.

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