

# Report

from the Coordinating  
Unit for Victims of Trafficking

2014

July 2015



# Contents

1. Introduction .....	6
1.1 KOM's mandate and tasks .....	6
1.2 The organisation of KOM.....	7
1.3 KOM's status report 2014.....	8
2. Challenges 2014 .....	9
2.1 KOM – main challenges and possible measures.....	9
2.2 Follow-up of GRETA's recommendations for Norway.....	11
2.3 KOM's partners – main challenges and measures .....	13
3. KOM's activities in 2014 .....	21
3.1 Meetings organised by KOM .....	21
3.2 Police conference on human trafficking.....	22
3.3 Participation in other meetings, seminars and courses .....	23
3.4 Competence development and information measures .....	23
3.5 General guidance and assistance.....	24
3.6 Development of routines and regulations .....	25
4. The extent of human trafficking.....	26
4.1 Persons identified as potential victims of human trafficking .....	27
4.1.1 <i>Reporting to KOM on persons identified as potential                 victims in Norway.....</i>	27
4.1.2 <i>Estimated extent of potential victims of human                 trafficking receiving assistance and protection                 in Norway.....</i>	33
4.2 Who are the potential victims? .....	37
4.2.1 <i>Nationality.....</i>	38
4.2.2 <i>Presumed types of exploitation.....</i>	39
4.2.3 <i>Children.....</i>	44
4.2.4 <i>Women.....</i>	51

4.2.5 <i>Men</i> .....	54
4.3 Developments 2007–2014.....	57
4.4 What happens to persons identified as potential victims? .....	59
4.4.1 <i>Residence permit</i> .....	59
4.4.2 <i>Facilitated return to the home country</i> .....	62
5. Prosecution of human trafficking.....	65
5.1 Reports filed.....	65
5.2 Investigation .....	68
5.3 Prosecutions and convictions .....	74
Appendix 1 .....	81
Appendix 2 .....	82

## Summary

KOM has been tasked with preparing an annual status report that provides an overview of the national human trafficking situation. This entails an attempt to survey the number of people who are identified as potential victims of human trafficking in Norway, and to document the challenges that the authorities and support services encounter in the work on uncovering cases and assisting victims.

The status report shows that the authorities and organisations encounter a number of challenges in the work on combating human trafficking. Necessary and sufficient competency about the phenomenon are essential, with the view to both uncover trafficking and charge traffickers and to assist and protect victims. Police and prosecutors and the organisations report that legal distinctions are difficult, especially between social dumping and human trafficking that takes the form of forced labour.

For many different reasons, victims do not dare, do not want to and/or cannot cooperate with Norwegian authorities and organisations. One reason may be the design and content of the reflection period. Many victims receive excellent assistance in this period, while others find the assistance insufficient.

KOM's estimate of the number of people affected that is presented in this report must be seen in the context of the actors that report to KOM and who/what these actors report. Though the reporting does not provide exact figures, we nevertheless believe that it provides us with important information about the type and extent of human trafficking in Norway. Key themes in 2014:

- Increase in the number of victims who were identified and who accepted assistance and protection – from 300 in 2013 to 324 in 2014.
- Of the 324 reported victims, 157 were identified for the first time in 2014.
- The majority of the victims are still women exploited in prostitution/for sexual purposes, though these cases represent a smaller share (from 77 percent in 2013 to 72.2 percent in 2014) of the total number of reported potential victims of human trafficking.
- The number of victims who are minors represent about 11 percent of the reported number of victims. This is a marginal increase from 2013, though lower than in previous years when the victims assumed to be minors represented 20–25 percent.
- Increase in the number of men identified as potential victims of human trafficking, from 12 percent in 2013 to 16.6 percent in 2014.
- More victims are presumed exploited in forced labour and forced services, from 29 percent in 2013 to 31.7 percent in 2014.

In 2014, a significantly higher number of police reports have been registered compared to previous years. The number of police reports for exploitation in forced labour/forced services represent about 62 percent of total police reports. Sixteen of twenty-seven police districts have registered reports. Since the prohibition on human trafficking was introduced, as of June 2014 a total of 37 convictions have been secured, one of which is not final and enforceable. Only one conviction is for exploitation in forced labour. Three convictions are for exploitation in various forms of forced services and one conviction is for exploitation in begging. The rest of the convictions are for exploitation in prostitution and other sexual purposes.

# 1. Introduction

KOM is the acronym for “Koordineringsenheten for Ofre for Menneskehandel” (Coordinating Unit for Victims of Trafficking). KOM is one of several measures in the authorities’ work on combating human trafficking, and it is based on the previous Government’s Action Plan on combating human trafficking (2011–2014), United Against Human Trafficking. KOM’s overall function is to be “a prime mover for inter-agency cooperation”.

KOM was organised as a project in the period 2006–2010. In spring 2010, NTNU Social Research was commissioned by the then-Ministry of Justice and the Police, hereinafter referred to as the Ministry of Justice, to evaluate KOM<sup>1</sup>. Among other things, the evaluation was to form a basis for

considerations of whether a permanent coordination unit should be established<sup>2</sup>. The main focus in the evaluation report was an assessment of the KOM project and its future. The report discusses KOM’s basis, mandate, functions and organisational location.

Based on the evaluation’s conclusions and recommendations, the Ministry of Justice decided, in consultation with the ministries concerned, that KOM should continue as a permanent unit. From 1 January 2011, KOM became a permanent function, still administratively located under the National Police Directorate.

## 1.1 KOM’s mandate and tasks

KOM has its own mandate from the Ministry of Justice, and the unit is run by two persons employed in the section for preventing and combating crime in the National Police Directorate. According to the mandate, KOM shall have an inter-agency/cross-disciplinary focus and “be an instrument for improving coordination between the authorities and organisations”. In collaboration with government agencies, regional and municipal welfare services and organisations that assist victims of human trafficking, KOM shall develop methods for identifying victims and shall mobilise adequate assistance and protection. Depending on the type of case, KOM reports to the Ministry of Justice’s coordinator for measures to combat human trafficking or through the normal line

process in the National Police Directorate.

Both the evaluation report for KOM and NTNU’s evaluation of the ROSA Project in 2008<sup>3</sup> show that there is a need to highlight the role and function of the different authorities working to combat human trafficking. Different actors have different requirements based on different mandates, functions and tasks. Furthermore, the principle of sectoral responsibility is central. This principle means that all disciplinary authorities, sectors and administrative levels are responsible in their respective areas for the development and adaptation of their own services so that these meet the needs of the population and/or various groups.

<sup>1</sup> The Ministry of Justice and the Police was renamed the Ministry of Justice and Public Security on 1 January 2012.

<sup>2</sup> Elvegård, Kurt, Dyrliid, Linda and Berg, Berit (2010) *Dagens KOM – fremtidens KOM? Evaluering av den nasjonale koordineringsenheten for ofre for menneskehandel* (“KOM of today – KOM of tomorrow? Evaluation of the national coordination unit for victims of human trafficking”). Trondheim: NTNU Social Research AS

<sup>3</sup> Dyrliid, Linda and Berg, Berit (2008) *Menneskehandelens ofre – fra utnyttning til myndiggjøring* (“Victims of human trafficking – from exploitation to empowerment”). Trondheim: NTNU Social Research AS ROSA (acronym for Rehabilitation, Residence Permit, Safety and Assistance) is a measure in the previous Government’s action plan and it has a national mandate to assist women exploited in prostitution. The project shall coordinate safe housing with necessary access to assistance and information.

In broad terms, KOM finds that the organisations need an authority that can coordinate the interdisciplinary work in individual cases, while directorates and other authorities need an authority that handles the inter-agency work at a system level. Human trafficking is a dynamic field in which changes happen quickly. The need for clarifications and possible changes will therefore arise more quickly for the victims and the measures with the daily follow-up, than for the authorities and organisations working at a structural level. This means that much of the work of assisting victims of trafficking is based on the "fire-extinguishing" method and ad hoc solutions in individual cases. When KOM was organised as a project, work was done at both of these levels. With the increasing focus on human trafficking and the uncovering of more cases and identification of more potential victims, a clearer need has emerged for a function that focuses on working across the sectors and on contributing to finding long-term or permanent solutions to the challenges the authorities and organisations encounter in their work. Consequently, the mandate specifies that KOM shall not have an operational role in individual cases.

KOM's overarching goal from the project period has been retained in the mandate from the Ministry of Justice. The overarching goal is to help reduce the incidence of trafficking in Norway. In cooperation with central

authorities and organisations, KOM shall work to reduce:

- The number of individuals recruited and exploited through human trafficking in Norway
- The incidence of criminal networks engaged in human trafficking in Norway.
- The use of Norway as a transit country for human trafficking.

In order to achieve the principal goals, KOM shall emphasise the following tasks:

- Network operation and networking.
- Provide general guidance.
- Competence development.
- Reporting.
- Development of tools

KOM has no instruction authority over other authorities and organisations. For KOM to be able to fulfil the overarching goals and tasks defined by the Ministry of Justice, there must be a desire on the part of authorities and organisations to contribute to the cooperation. To document the challenges in the field and propose solutions, KOM depends on a mutual cooperation with many actors at various levels.

## 1.2 The organisation of KOM

KOM is an arena for the exchange of experiences, cooperation and coordination between competent agencies and NGOs. KOM runs two working groups: the Inter-Agency Working Group and the Operational Working Group.

The Inter-Agency Working Group consists of representatives from directorates and other central authorities.

In 2014, the following actors were represented in the group: the Norwegian Directorate of Immigration

(UDI), the Immigration Appeals Board (UNE), the Directorate for Children, Youth and Family Affairs (Bufdir), the Directorate of Labour and Welfare (Audir), the Norwegian Directorate of Health (Hdir), the National Police Directorate (POD), the Norwegian Labour Inspection Authority, the Higher Prosecution Authorities (representative from the Oslo Regional Public Prosecution Office), the National Criminal Investigation Service, the National Police Immigration Service (PU) and Hordaland and Oslo Police Districts. Additionally, representatives from the local inter-agency cooperation forums (IAOT<sup>4</sup> coordinators) in Bergen, Trondheim, Stavanger, Kristiansand and Oslo have also participated in the Inter-Agency Working Group.

The Operational Working Group comprises representatives from central organisations and projects that assist victims

and are involved in daily efforts to combat human trafficking. In 2014, the following actors were represented in the group: International Organization for Migration (IOM) Oslo, the Church City Mission (Nadheim,) the Pro Centre, the ROSA project, the Organisation for Prostitutes in Norway (PION), the Salvation Army, Red Cross Oslo and Bergen, the Norwegian Labour and Welfare Organisation Grünerløkka social service, the ADORE project<sup>5</sup>, the Asker child welfare services, the Norwegian Bar Association, Save the Children and a representative of the guardian service.

As mentioned, KOM has found that the different working groups have different needs, and finding a content and structure for the networking that both groups find useful has been challenging. (More on KOM's meeting structure in section 3.1.)

### 1.3 KOM's status report 2014

KOM has been tasked with preparing an annual status report for the human trafficking situation in Norway. The status report shall seek to provide an overview of the extent of and trends within human trafficking in Norway, as well as document the challenges that service providers and authorities face in the work on uncovering cases and assisting victims. This includes attempting to estimate the number of persons identified as potential victims of human trafficking in Norway and the type of exploitation to which they have been subjected. The status report is also meant to contribute to the basis on which the authorities make decisions regarding priorities within the field, and indicate which research assignments or other measures should be implemented.

To prepare KOM's status report, KOM requests input from

its many partners, representatives in the operative and inter-agency working groups, all police districts, relevant specialist bodies and the public prosecution offices. Furthermore, KOM asks some actors that are not represented in KOM's working groups to report on the number of persons the actor has identified and assisted as potential victims in 2014, and the challenges they encounter in their work.

This report consists of four main chapters. Chapter 2 discusses the main challenges the authorities and organisations face in the work on combating human trafficking. Chapter 3 describes KOM's most important activities in 2014. Chapters 4 and 5 cover, respectively, KOM's estimates for the reported extent of human trafficking in Norway and an overview of criminal cases involving human trafficking in 2014.

<sup>4</sup> IAOT is the acronym for inter-agency operative team.

<sup>5</sup> The Adora project is a collaboration between the ROSA Project and TL-design, and offers nail design and make-up courses for female victims of trafficking.

KOM is responsible for the design of this report – not the individual agencies or organisations represented in KOM’s working groups or other bodies with which KOM works.

The report’s main target group is the various authorities and organisations in Norway that work to combat human

trafficking or have responsibilities in this field. However, the report is also aimed at individuals or organisations seeking knowledge about the field. KOM finds that the report is often used as a form of reference work about human trafficking in Norway.

## 2. Challenges 2014

### 2.1 KOM – main challenges and possible measures

The provision of adequate assistance and protection for potential victims of trafficking poses a number of inter-agency challenges and requires good cross-disciplinary cooperation. One of KOM’s important tasks is to keep the responsible ministries informed about the challenges that directorates, agencies and organisations encounter in their efforts to combat human trafficking. Reviewing all challenges in detail is not possible within the scope of this report, but the report will highlight several issues that the authorities and organisations find challenging. In this chapter, we will point to some of the challenges KOM find to be the most relevant and pressing today. Like in previous years, KOM sees that there is still a need for:

#### ■ Consensus-building and prioritisation, resources and competence

- The work to combat human trafficking must be firmly embedded and prioritised at all levels of agencies and organisations.

- Need for increased competence and resources to identify and assist men, women and children who are victims of human trafficking.
- Need for increased competence and resources to prevent, investigate and prosecute human trafficking.
- **Reinforcement of cooperation**
  - Improve inter-agency and cross-disciplinary interaction and quality assurance of assistance to victims of human trafficking.
  - Improve routines and clarifications related to information exchanges and the duty of confidentiality.

### ■ **A national assistance model**

- KOM sees a need for a national umbrella, system or model that clearly specifies responsibilities, ensures non-discrimination, and is predictable in terms of residence permits and the content of assistance and protection for victims of human trafficking.
- The current system must be improved and harmonised, as different residence permits leads to different authorities being in charge and different rights for the victims. (Victims who "switch" between the asylum and reflection track often face challenges in accessing assistance and protection, and this applies especially to holders of a limited residence permit under section 38 of the Immigration Act, including those granted residence under section 84 ("residence permit for witnesses") of the Immigration Regulations.)
- The authorities should also possibly study whether the right to a residence permit founded on section 8-3 of the Immigration Regulation should be a state responsibility and be coordinated with the rights of asylum seekers, to ensure a more holistic system for following up on potential victims of human trafficking.

### ■ **Follow-up measures for all victims of human trafficking and all types of exploitation**

- Assistance that helps men and safeguards their particular needs.
- Measures that can supplement municipal and statechild welfare services to safeguard the special needs of victims who are minors.
- Forced labour and forced services: a central question is whether victims of forced labour and forced services will have significantly different needs than victims exploited in prostitution and other sexual purposes. If so, this raises the issue of how assistance for these victims can best be ensured and safeguarded.

### ■ **Continuity in the rights of presumed victims when changing the basis for their residence permit**

- Solve systematic challenges, such as the fact that victims who are allocated a national identity number during a reflection period are not allocated a D number if they apply for asylum after the end of the reflection period, and also cannot retain the allocated national identity number as asylum seekers.
- Safe housing and an actor that is in charge during "track changes" between reflection and asylum.

### ■ **Better and differentiated housing**

- Tailored follow-up, including for victims with special needs within, for instance, addiction and/or mental health, physical impairments and/or mental disabilities.
- Safe housing for reflectants<sup>6</sup>.
- Tailored housing for minors.
- Tailored accommodations for men.

### ■ **Clarification of the health rights of victims**

- Clarify the contents of the health rights.
- Secure access to specialist health services.
- Clarify which actor is responsible for the costs.

### ■ **Solutions to challenges related to a lack of identification papers**

- Obtaining passports from the home country, especially Nigerian passports.
- Work permits, tax cards and bank accounts.

#### ■ **Special challenges related to return and reintegration**

- Routines when returning minors, including assessments of the child's best interests and prevention of re-trafficking in the home country.
- Dublin returns: information for victims, routines for reception and follow-up in the Dublin country, and feedback for Norwegian authorities.

#### ■ **Research and/or better surveying – selected areas**

- Exploitation in crime, especially unaccompanied minors who are presumed exploited in drug crime and crimes for gain.
- The extent of human trafficking, especially within the "beggar communities".
- Boys/men exploited in prostitution and other sexual purposes.

- Accompanying children.
- Why do so many refuse assistance and protection?
- What has happened to the victims who returned to their home countries?
- How are the victims who were given residency permits in Norway doing?

#### ■ **Better system for collecting and comparing information in the field of human trafficking**

- Need for a unified system of identification, reporting and registration of victims that does not violate the provisions regarding the duty of confidentiality, privacy laws and data registration.

## 2.2 Follow-up of GRETA's recommendations for Norway

In 2008, Norwegian authorities ratified the Council of Europe Convention on Action against Trafficking in Human Beings of 3 May 2005 (hereinafter referred to as the Council of Europe Convention). The Council of Europe has a monitoring body, GRETA, which is to ensure that member countries comply with their obligations under the convention. GRETA is an expert group against human trafficking, and is an acronym for "Group of Experts on Action against Trafficking in Human Beings".

Norway was inspected by GRETA in spring 2012, and the evaluation report was presented in May 2013<sup>7</sup>. As part of the evaluation process, the Council of Europe organised a seminar in Norway in June 2014. The purpose was to explain the evaluation report and discuss the key findings and Norway's further efforts in the work.

GRETA's evaluation report is important to Norwegian authorities' further efforts to combat human trafficking. In 2015, Norwegian authorities shall report on what they have done to follow up on GRETA's recommendations, as well as answer new questions from GRETA. In 2016, Norway will receive a new visit from a GRETA delegation. Further, by the end of 2016, the Government shall develop a new action plan to combat human trafficking, and it must be assumed that GRETA's recommendations will form a basis for the content of the new action plan. Many GRETA recommendations correspond to the challenges KOM and our partners believe to be the most relevant and pressing today:

#### **Prevention**

With regard to prevention, GRETA recommends that Norway:

<sup>7</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/NORWAYProfile\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/NORWAYProfile_en.asp)

- Consider measures to inform and increase awareness in civil society regarding the human trafficking phenomenon and measures to reduce demand for goods and services performed by potential victims. GRETA suggests that Norway can consider criminalising the use of services performed by persons exploited in forced labour.
- Consider measures at border crossings/border controls to both uncover potential human trafficking and to reduce illegal migration.
- Consider measures related to visa applications to Norway to inform applicants of the risk of being exploited in human trafficking and to prevent their being exploited after arrival.

### **Protection and promotion of victim's rights**

GRETA strongly encourages Norway to establish:

- A formal national system that clearly defines roles and routines for identifying, referring and following up on victims: a so-called National Referral Mechanism (NRM)<sup>8</sup>.

In GRETA's view, such a formalised system should be designed to ensure that:

- All victims, regardless of gender, age and form of exploitation have the same access to information about the reflection scheme<sup>9</sup> housing and assistance measures, among other things.
- Everyone who may come into contact with potential victims and all frontline services must receive good training and clear routines for how cases are to be handled.
- Tools must be developed for identification, guidance and assistance, including operational checklists for various forms of exploitations and for various groups

- The criteria and indicators used by different actors must be harmonised.
- Focus on the exploitation of minors, in terms of identification, assistance and during possible returns to the home country.
- Victims of human trafficking should be ensured compensation.

### **Prosecution**

With regard to the prosecution of human traffickers, GRETA points out that Norway should ensure:

- Continuous training of police and prosecutors, as well as judges.
- More focus on and discussion of the principle of non-punishment in the investigation of cases and in trials.

### **Partnership**

Within this key area, GRETA highlights that Norway should:

Ensure collaboration between different levels and sectors throughout the process.

- Possibly consider preparing so-called MOUs. MOU means Memorandum of Understanding and is a form of collaboration agreement between two or more parties.
- Further develop data collection and prepare a reliable statistical system for collecting and comparing data.

### **KOM**

With regard to KOM, GRETA asks Norwegian authorities to consider whether KOM should be given a better mandate and more formal authorities. GRETA also questions whether KOM has a sufficient mandate and resources to carry out the tasks assigned to KOM and to fulfil the overarching goal<sup>10</sup>.

<sup>8</sup> For more information about NRM, see for example: <http://www.osce.org/odihr/13967?download=true>  
<http://www.osce.org/odihr/36611?download=true>

<sup>9</sup> The reflection period is a limited residence permit for six months pursuant to section 8-3(1) of the Immigration Act.

<sup>10</sup> GRETA (2013) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway.

## 2.3 KOM's partners – main challenges and measures

For the 2014 reporting, KOM has chosen to continue to request its partners to select and describe two tasks that are the most challenging for the authority, and what has been done or must be done to alleviate the challenges. In light of these, KOM has also asked for an explanation of the two most important training measures, relevant internal routines/rule development, information measures/campaigns and other relevant issues that the partners want to highlight. These are intended to form the basis for KOM's prioritisations in the work ahead.

### **Directorate for Children, Youth and Family Affairs (Bufdir)**

Bufdir has highlighted the following main challenges in the work on assisting victims:

- Different understandings of the human trafficking phenomenon can lead to children who are entitled to the protection of child welfare services not receiving it. The interaction between the different sectors is challenging, often due to different deadlines, different understandings of human trafficking as a problem, as well as different legal frameworks. In the municipal child welfare services, there are also different level of knowledge of human trafficking as a phenomenon, in addition to uncertainty with regard to who to turn to with questions in human trafficking cases.

To alleviate these challenges, Bufdir has:

- Information in a separate section of its website [www.bufetat.no/menneskehandel](http://www.bufetat.no/menneskehandel) and Bufdir has also held a conference for 200 participants in November 2014 on minors who are presumed victims of human trafficking. The police, child

welfare services and prosecutors spoke.

- Appointed a working group together with the National Police Directorate (POD) and the Norwegian Directorate of Immigration. This working group is to prepare a routine for collaboration when minors who are presumed victims are placed in a child protection measure. The routine is to be completed in the autumn of 2015, and is to be disseminated to municipal child welfare services, Bufetat<sup>11</sup>, the police, immigration authorities and preventative units in the municipalities.

Bufdir highlights the following other measures that are needed to alleviate the challenges:

- Better coordinated information to all affected sectors when minors who are presumed victims need protection and/or services from child welfare services.
- Greater use of inter-agency operative teams (IAOT) in the municipalities.

### **Directorate of Immigration (UDI)**

For the 2014 reporting, UDI has chosen to point to areas it thinks are required to strengthen efforts to combat human trafficking, rather than describing concrete tasks that are especially challenging only for UDI. UDI's input focuses on three main points:

- *Coordinate prevention and assistance measures:* UDI thinks a more robust and unified structure for measures to combat human trafficking is required. In particular, there is a need for a clearer placement of the responsibility to coordinate measures regarding human trafficking and related to the exploitation of both adult and minor

<sup>11</sup> Bufetat stands for Barne-, ungdoms-, og familieetaten. Bufetat is organized in one directorate, Bufdir, and five regions.

victims. Permanent and coordinated competence development measures should be established and inter-agency cooperation routines and permanent cooperation forums should also be created to ensure that people at risk are offered the necessary help in the ordinary support services. Effective and coordinated information measures about rights and support services should also be established.

- *Make the content of the reflection period clearer:* The content of the reflection period should be made more specific, both to ensure that potential victims receive the necessary assistance and to prevent the misuse of the permit. A predictable and comprehensive system of assistance should be established, in which presumed victims receive information about their rights and duties, are offered safe housing, health services, meetings with lawyers and possibly the with police and social services. This system should be coordinated and safeguarded by an entity that is formally in charge. UDI also thinks that the applicant's duties during the reflection period should be specified. A study should be made of whether the reflection period should be structured differently, by gradually increasing the requirements for receiving a limited residence permit, in which the first, low-threshold permit is given for a shorter period, renewable in accordance with specific terms.
- *Measures to safeguard the continuity of the work on assisting victims of human trafficking:* Many presumed victims of human trafficking switch between the asylum track and the reflection track, with unfortunate consequences. The foreigner does not have the same set of rights as an asylum seeker and as a reflectant, and must relate to different agencies in charge of offering assistance. A model for a reflection period should

emphasise predictability, continuity in the measures undertaken and equal treatment of potential victims of human trafficking in terms of legal assistance, information measures (including about return), housing and social activities, including when they change tracks and apply for asylum.

Measures that UDI has implemented to alleviate the challenges:

- UDI underscores that facilitating the identification and assistance of potential victims of human trafficking is a continuous challenge. This is especially true in residence permit cases (seasonal work, au pair, etc.) but also applies to asylum seekers during asylum interviews and residents of reception centres. In line with NTNU Social Research's recommendations in the report commissioned by UDI in 2013<sup>12</sup>, in 2014 UDI has worked on improving its identification procedures in asylum cases. They have an internal project focused on establishing a fast track for specific groups of unaccompanied minors who apply for asylum (RS 2014-022), they have reviewed lists of indicators and interview/survey tools to identify potential victims who are minors.
- After having revised the guidelines for asylum and residence cases from presumed victims of human trafficking in 2013, in 2014 the regional and reception centre department revised its guidelines for staff at reception centres and in the regional offices regarding identification of and assistance for residents in reception centres who may be victims of human trafficking or intimate partner violence; see RS 2015007. An action card is enclosed with the circular. The action card provides practical guidance regarding identification, assistance and the provision of information.

In terms of the so-called "track-change issues", UDI has to find ad hoc solutions from case to case. UDI has an ongoing dialogue with ROSA regarding the placement of applicants in reception centres or shelters once the reflection case is over and the asylum track has started. UDI also has dialogues with assistance measures and relevant agencies about adaptations of the asylum procedure for people who have previously been reflectants. These dialogues also include options for adapted accommodations in reception centres or alternative placements in reception centres.

UDI also points out that there is a continuous need for competence development. Within UDI, the UDI human trafficking group provides ongoing training as needed for case officers in its decision-making units and regional offices in relation to their work on handling cases and general issues. When necessary, the regional offices have provided guidance to employees in reception centres, shelters and others who get in touch when questions or suspicions of human trafficking arise.

### **Oslo Outreach Service**

The Oslo Outreach Service does outreach work with children, youth and adults in the Oslo city centre, focusing on prevention of drug use and criminality. In regard to the work on combating human trafficking, the service has reported the following two main challenges:

- Challenges related to inter-agency cooperation in practice, lack of or insufficient exchange of information and collaboration between the different agencies involved. Different practices with regard to persons who state that they are minors but who are assessed by various agencies to be above the age of 18. Notification routines when unaccompanied minors who have applied for asylum disappear from/leave reception centres

are not adequately followed in some cases. This is first and foremost about it taking too long before relevant agencies such as the on-call child welfare service or the outreach service is notified.

- Disagreements with local child welfare services both regarding the child welfare service's responsibility to investigate and follow up on cases involving unaccompanied minor asylum seekers generally, and cases where human trafficking is a concern.

To alleviate the challenges:

- Participate in the Outreach Service in Oslo municipality's internal interdisciplinary cooperation forums for foreign children, and in the outreach services' big-city network. This network consists of the outreach services, sections or teams in the largest cities: Oslo, Bergen, Drammen, Stavanger, Trondheim and Tromsø. The Oslo Outreach Service has called for more systematic cooperation and more exchanges of experiences, both nationally and internationally.
- The Outreach Service had a Romanian co-worker for a period in 2014. This eased communication with people speaking Romanian and who were in a situation that made them vulnerable to exploitation. Language and multicultural competencies are emphasised in hiring processes and this will continue to be the case.

### **Bergen Outreach Service**

The Outreach Service works to prevent the development of problems and contribute to improvements in the lives of youth and young adults in at-risk communities in Bergen, including potential victims of human trafficking. The

inter-agency operative team in Bergen (IAOT) is led by the head of the Outreach Service, and IAOT is responsible for coordinating Bergen municipality's efforts to combat human trafficking.

In 2014, IAOT Bergen saw a sharp increase in the number of cases, with suspicions that persons both below and above the age of 18 were exploited in various ways. In its report to KOM, the Outreach Service has pointed to a number of challenges and needs related to the identification of and assistance to victims of all forms of human trafficking. Among these, there are two main challenges:

- Shelters are to care for and safeguard men exploited in forms of exploitations other than prostitution, but in practice shelters often do not cover other forms of exploitation. This is not in line with their allocated responsibilities, cf. the preparatory works to the Crisis Shelter Act, Prop. no. 96 (2008-2009) to the Odelsting, which among other things states that *“shelters shall include women, men and children who are victims of human trafficking, including outside of intimate relationships”*. With the current organisation of assistance measures, agencies depend on the competency of the shelters and on their not excluding some groups from their services.
- Young North-African men involved in open drug scenes: several of these men claim to be below the age of 18 and refer to their asylum-seeker card issued by UDI<sup>13</sup>. There is much to suggest that many of these men intentionally give the wrong age, and in several cases age testing has confirmed that they are much older than they claimed. This is problematic, because the Child Welfare Act and international conventions shall secure the rights

of the child and services/help tailored to children. Furthermore, significant challenges are created in the housing and care for those who in fact are minors when they are placed with adult men.

Measures and requirements to alleviate the challenges:

- Bergen municipality has adopted its own Action Plan to combat open drug use in public areas. Among other things, this means that the upper section of Nygård Park in Bergen, one of the previously established markets for illegal trade in drugs in Bergen, was closed for upgrades and rehabilitation from 25 August 2014. After Nygård Park was closed, the Outreach Service encounters fewer young North African men generally, including those who claim to be minors. UDI's project on the disappearances and vulnerabilities of unaccompanied minors who apply for asylum (*“EMA forsvinning og sårbarhet”*), in which a fast track is to ensure that information is obtained faster (including medical age testing) may also have contributed to the number of unaccompanied minor asylum seekers who visited risk areas in Bergen being notably lower in the second half of 2014.
- The Outreach Service asks that a clarification be made from the central authorities to the shelters that the form of exploitation varies. The clarification should specify that many of the potential victims of human trafficking, regardless of the form of exploitation, have been subject to violence and threats of violence from persons close to them, both before and after they were trafficked. The municipalities shall not have the option of imposing limitations based on the form of exploitation.

- The Outreach Service highlights the need for a national operative unit in charge of identifying and following up on potential victims of human trafficking, including securing assistance and protection for the victims. Among other things, this will contribute to improved legal protection, more equal practices, better prioritisations of focus areas, better safety assessments, safer placements leading to better protection, and better follow-up of each individual.

IAOT Bergen recommends that a working group be appointed to look at the options for creating a central operative unit, cf. the Expert Team for the Prevention of Forced Marriage, with associated housing and support services that can provide assistance and protection to potential victims who have been identified.

Further, the Outreach Service points out that in cases with potential victims of human trafficking who are minors – where many agencies are involved – it is particularly appropriate to prepare a common communication plan. This will better ensure that the necessary information is presented in a coordinated and understandable manner at the right time. It is also important to make sure that the police have sufficient resources to investigate cases with potential victims of human trafficking within a reasonable time, and this is especially important in cases under section 4-29 of the Child Welfare Act, where admittance is limited to six months. Experiences from section 4-29 cases from Bergen also show that it is very important that representatives appointed by the County Governor have good competencies in the field of human trafficking.

#### **International Organization for Migration (IOM)**

Victims of human trafficking who return voluntarily through IOM are provided assistance through the Vulnerable Groups Project. IOM's role is to provide

information about assisted return and assist in the return process and in the period after return. For 2014, IOM has reported the following two main challenges to KOM:

- IOM finds that it can be challenging to reach potential victims of human trafficking with information about the return programme. Return is a difficult question for many people in the target group. Many victims resist receiving information and do not trust the content of the return programme. For some nationalities, the lack of trust is closely associated with a lack of trust in public agencies and organisations in their home country.

The main part of integration funding for victims of human trafficking is administrated by the local IOM office in the home country. Some support for living expenses is paid in cash, while the rest of the support is given in the form of services and material benefits. This prevents people who return from becoming even more vulnerable by having large amounts of cash, and also facilitates more long-term planning of the reintegration support. At the same time, more documentation and administrative work is required to be paid "in kind" reintegration support. In IOM's experience, many people want this support, but at the same time it can sometime be challenging and time-consuming to get it.

To meet these challenges, the Vulnerable Groups Project facilitates:

- More extensive guidance for applicants ahead of the return, where among other things more emphasis is placed on how each person wishes to use the reintegration support, given their individual capacities and opportunities, as well as practical information about how the reintegration support is administered by the local IOM office. Further,

more involvement by IOM Oslo during the actual reintegration process is facilitated, to ease the at times time-consuming administrative work around the payment of the reintegration support. Oslo IAOT also facilitates Skype calls between applicants and the local IOM office ahead of the return, in order for the person to have access to up-to-date information, and to ensure that contact has been established between the applicant and the contact person at the local IOM office.

- Collaboration and information sharing with other assistance measures to increase knowledge of what IOM's return programme entails and preparation of new information material about the Vulnerable Groups Project, business cards and a report on the return experiences of migrants who have returned previously. Additionally, IOM has prepared a consent form for information sharing with KOM.

Of competence development measures, in December 2014 IOM organised a seminar on the return and reintegration of vulnerable migrants. The seminar was additional to IOM's internal training.

### **Church City Mission – FREE Project**

The FREE Project was established in August 2010 under the direction of the Church City Mission Bergen, and is funded by the Ministry of Justice. The FREE Project provides women who are or have been victims of trafficking and have been exploited in prostitution with individualised assistance. In 2014, FREE has also for the first time assisted men and persons exploited for purposes other than prostitution. In the work on assisting victims, FREE highlights the following two challenges:

- There is a lack of differentiated activities for victims of human trafficking, and there is a special need for

employment schemes with a view to strengthening the individual regardless of any criminal case. When someone cannot or does not want to make use of Norwegian language classes, it is challenging to find other adequate offers.

FREE thinks the transition from the reflection track to the asylum track should be better coordinated, and thinks that legal aid should be offered in the vulnerable transition from the human trafficking track to the asylum track, when the rights associated with being a victim of human trafficking no longer apply. Despite cases being dropped by the police, other actors often acknowledge that the individual has been subject to human trafficking. FREE emphasises that the rights as a potential victim of human trafficking should not be so closely tied to the criminal case as it is today.

To alleviate the challenges, FREE highlights the following measures:

- Offer closer individual follow-up, in that it has involved volunteers who can participate in a one-on-one connection in order to engage in socialising and activities during evenings and weekends. FREE has also in some cases been able to give voluntary assignments in the organisation to some of the individuals affiliated with the measure.

Always work together in the chain of measures to ensure that work in the area is well coordinated, and provide more content to the residence permit than is available today for potential victims. Further, report issues to KOM and the local IAOT network. Work long-term with individuals, trying to enhance their opportunities and plan for the possibility that the criminal case will be dropped, and how to organise life within the opportunities that will then be available.

In 2014, trainings have included external guidance for the head of the project and participation in various seminars. Furthermore, FREE has prepared new information material that is handed out in the Church City Mission's outreach service as well as by other relevant projects in other large cities in Norway.

### **Oslo Red Cross: Right to be seen**

"Right to be seen" consists of three measures for persons who have been trafficked. These are: help with homework, networking through one-on-one contact as well as shared activities, and a drop-in service where volunteers provide guidance and information about rights and opportunities for assistance and protection for potential victims of human trafficking.

"Right to be seen" has emphasised the following two challenges in the work on assisting victims:

- Oslo Red Cross points out that the lack of equal services for all trafficked persons is worrisome. For a long time, the focus and assistance measures have targeted human trafficking for prostitution, which has meant that persons subjected to other forms of exploitation in practice have not received the assistance they are entitled to. As of today, no strategies or measures exist for identifying and surveying persons subject to forms of exploitation other than prostitution. This means that to a great extent it is up to the victims themselves whether human trafficking is identified. A lack of access to emergency accommodation and coordination of assistance for this target group leads to ad hoc solutions and often leads to victims not receiving the information and assistance they are entitled to and need.

- The Oslo Red Cross calls for a broader and more predictable offering of content and activities in the reflection period. Having something to fill the days with, and a network, is very important to each person's physical and mental health. Several actors contribute in this area, but there is great need for broader offerings with a view to activities in general and employment training and/or education specifically.

To alleviate the challenges, "Right to be seen" has:

- Run a drop-in service targeting persons subject to forced labour and other forms of exploitation specifically but not exclusively. This is a low-threshold service that focuses on providing information about the rights potential victims of human trafficking have, and also surveys the target group. In 2014, the brochure was translated to 22 languages in total, and Oslo Red Cross entered an agreement with the Labour Inspection Authority that he latter will hand it out when conducting inspections in Oslo and Akershus.
- In 2014, the Oslo Red Cross has initiated and developed collaborations with businesses about relevant and low-threshold work training for participants in the project, and as of July 2015, five participants are receiving work practice/ education in Nordic Choice Hotels. The candidates are of both genders and are identified as possible victims of human trafficking in various forms of exploitation. They are in different and tailored internships, with varying tasks such as cleaning, restaurant tasks and maintenance. The internship lasts for three months and aims to make

ordinary work possible at the end of the period, with experience from and knowledge of hotel operations. It also aims to give meaningful content to reflectants' reflection period. NAV Gr unerl kka also participates in this collaboration.

Oslo Red Cross also emphasises that there is a great need for more knowledge about forced labour in society at large. The lack of knowledge along with the challenge in defining what constitutes forced labour and what constitutes social dumping, creates difficulties in reaching those who are subject to this form of exploitation and may be entitled to rights as potential victims of human trafficking. There is an immediate need for emergency housing for victims of human trafficking, especially for men. There is also a need for a comprehensive and coordinated follow-up of persons subjected to forms of exploitation other than prostitution. The Oslo Red Cross calls for comprehensive efforts that do not make distinctions based on the form of exploitation and that ensure that all victims of human trafficking receive equal services.

### **The Salvation Army**

In 2009, the Salvation Army established the project "Trafficking Prison" which is now a permanent feature of its work in prisons. This work targets women in prison who are suspected to be victims of trafficking.

The following challenge has been reported to KOM:

- The Salvation Army finds that it is challenging to work with people who are involved in human trafficking. It often takes a long time to get to know the women and to build trust.

To alleviate this challenge, the Salvation Army has:

- To build trust, the Salvation Army emphasises that

it is important to be present and to take the time the women need. Often, small things can make their everyday lives better. Through the "Trafficking Prison" project, the Salvation Army's work has also included competence development for Salvation Army staff, a strengthened international network in the Salvation Army in Europe to combat human trafficking and work on getting media focus on the topic.

- In 2014, the Salvation Army decided to do more work in relation to men subject to forced labour. It conducted a survey of the needs of men and the work that should be done for them.

### **Stavanger shelter**

The shelter in Stavanger is a low-threshold emergency service for people who experience intimate partner violence. This is defined to include victims of human trafficking, due to the close dependency on traffickers. The shelter in Stavanger has reported the following main challenges to KOM:

- As a starting point, the period of residence is six weeks and at times the shelter experiences high demand. The situation around a potential victim of human trafficking is so unclear that they may stay far longer than the regular period of residence. The shelter finds that UDI's long case processing times often mean that the potential victims cannot move on as their residence status is unclear.
- Long wait times are challenging for the shelter with regard to the activation of victims of human trafficking. This is especially challenging in regard to male victims, as the Crisis Shelter Act requires that they be in a building separated from the women. The

shelter has limited staffing, which means that victims in several cases have to spend a lot of time alone.

To alleviate the challenges in the work on assisting victims, the shelter has:

- A close collaboration with a lawyer and its own contact persons in the police, and other members in the municipal resource group for combating human trafficking.

Through close collaboration with the police, shelter staff seeks to understand and be aware of the crime situation.

- A focus on the area and the challenges that arise

when human trafficking is suspected is secured through having fixed primary contacts with specialist responsibility for human trafficking. Staff is also kept up to date in the field of human trafficking through internal meetings and internal channels such as internal newspaper/email. Information about human trafficking and the helper/shelter's role is available in the ICT system at the shelter.

The shelter also points out that it uses extra staffing when necessary, but that it does not have the resources to have permanent staff to assist victims who stay in a separate building.

## 3. KOM's activities in 2014

In this chapter, we have chosen to discuss some of KOM's activities in 2014 in greater detail. It would take too much space to discuss all of them. We therefore discuss the activities we consider most important.

### 3.1 Meetings organised by KOM

#### **Joint meetings**

KOM organised a joint meeting for the working groups in 2014. On assignment by the Ministry of Justice and Public Security, Vista Analyse has evaluated the prohibition on purchasing sexual services. The report was the topic of the meeting and was presented by Managing Director Ingeborg Rasmussen. The evaluation concludes that the prohibition on purchasing sexual services dampens demand and thus contributes to reducing the incidence of prostitution in Norway.

Further, at the joint meeting Red Cross Denmark talked about its experiences related to a separate reception centre for unaccompanied minor asylum seekers from North Africa.

#### **KOM Conference**

The conferences are two-day cooperation meetings for representatives of the working groups, with the opportunity to invite colleagues. The conferences have both a professional and a social dimension. One important

goal is for the representatives of the different bodies to get to know each other better and to become more familiar with their different responsibilities and tasks. The conferences also provide an opportunity to tackle topics or complex issues in depth. The speakers and topics at the KOM Conference in November 2014 were:

- Former police chaplain and author Erik Jørgen Stabrun, who presented the book "Bud Bærer" ("Messages Carry") and focused on "the difficult conversation".
- Senior Adviser/clinical specialist in psychiatry and nursing Marianne Larsen at Statens Barnehus, who presented their experiences from conversations with children.

- Red Cross – Right to be seen. Information about a low-threshold, volunteer-run drop-in service providing conversations about rights and options for assistance, targeting potential victims of trafficking in particular.
- Psychologist Judith Van Der Weele discussed alliance-building in a cultural perspective, and among other things presented good communication techniques.

In addition to running KOM's working groups, KOM is a permanent representative in the police's national group of experts on human trafficking. This is run by the National Police Directorate and in 2014 a two-day seminar was held for the expert group.

## 3.2 Police conference on human trafficking

In 2014, KOM's national seminar on human trafficking was not held due to the staffing situation. Instead, KOM assisted POD in organising and implementing the national police conference, which was held in Stavanger in October 2014.

Important goals for the seminar were to better equip the police to uncover cases, identify potential victims and ensure that human traffickers are prosecuted.

There were more than 150 participants at the conference, representing 19 police districts and three special units. KOM started with a presentation of human trafficking in Norway. Other contributors included Rogaland Police District, which spoke about the training module OP 224 South/West. The National Criminal Investigation Service

presented information about its national responsibilities and role in regard to human trafficking and also discussed collaborations with external actors in the field of labour market crimes. Choice Hotels talked about the measures they have taken to prevent and hinder human trafficking and the Police Academy spoke about its pilot study on human trafficking and exploitation in forced labour.

The second day of the seminar started with the Department of Economics at the University of Oslo, which discussed its research on prostitution, human trafficking, law and attitudes. The seminar concluded with a review of a criminal case in which the focus was on the collaboration between the police, the National Criminal Investigation Service, NAV and Skatt Øst.

### 3.3 Participation in other meetings, seminars and courses

In addition to meetings and seminars organised by KOM, KOM also participates in a number of external meetings, seminars, courses, etc. In the course of 2014, KOM participated in nearly 30 meetings and conferences. These included both smaller inter-agency meetings and larger local, national or international conferences. Meetings that were especially important and useful included:

- Nordic network meeting for children exploited in human trafficking: The meeting focused on challenges related to children exploited in human trafficking, and how to best collaborate in the Nordic countries regarding transfers of experiences.
- Inter-agency meeting at Bufdir, where collaboration routines for victims who are minors were reviewed with the police, Child Welfare Service and UDI.
- The ROSA Project's two-day seminar for employees who assist potential victims in shelters.
- Two Police Council conferences in which KOM held presentations about the human trafficking situation in Norway.
- Meeting with the office of the County Governor of Oslo and Akershus, reviewing guidelines and training packages for representatives.
- National seminar organised by Bufdir in which KOM held a presentation about the human trafficking situation in Norway.
- Interpol conference in which experts from around the world discussed their measures to combat human trafficking, and which also focused on challenges related to potential human trafficking at sea.
- Meeting with the Embassy of the Philippines, focusing on identifying au pairs who are potential victims of human trafficking.
- Presentation at the Hamar state reception centre, where KOM discussed the human trafficking situation in Norway together with UDI and the National Police Directorate.

### 3.4 Competence development and information measures

KOM's mandate states that it shall continue the work on increasing knowledge about human trafficking. Furthermore, in cooperation with other authorities and organisations, KOM shall develop tools and other materials that can be used in efforts to detect cases and to identify and assist victims. A central goal is for competence and information to spread and be embedded in public and private enterprises.

In KOM's view, important contributions to competence development include the status report, the national seminars, the KOM Conference and the joint meetings in the working groups. In addition to these, KOM receives

many requests for talks about the work on combating human trafficking in Norway. In 2014, KOM gave about 15 talks for different authorities and organisations/associations. The talks were held in local, national and international forums, and among other things included different meetings and seminars for the police, seminars in other directorates, child welfare institutions and foreign delegations.

In 2014, KOM worked with the Ministry of Foreign Affairs, UDI and IOM to prepare a brochure for private servants of diplomats who have residence permits in

Norway. The brochure contains information about what human trafficking is, indicators of human trafficking, brief information about the rights of victims of human trafficking and who to contact in Norway in order to get help.

Beyond this, due to its capacity KOM has not been able to initiate further developments of information campaigns, tools or information materials.

The media play an important role in the dissemination of

knowledge and information about trafficking. Information via the media can be an important tool in creating awareness among Norwegian consumers. However, use of the media as an information channel can present different challenges, including protection of victims' identity and integrity. In 2014, KOM received nearly 20 media enquiries. Several of these resulted in articles that illuminated different aspects of the human trafficking phenomenon and the assistance to and protection of victims.

### 3.5 General guidance and assistance

Providing adequate assistance and protection to victims of trafficking poses complex and cross-disciplinary problems. The issues often require very thorough knowledge of various laws. KOM will therefore provide general guidance and assistance in the human trafficking field, and if necessary refer individuals or organisations to agencies that possess this expertise.

KOM finds that there is a need for a body that has an overarching overview of the field and the various actors, and as in previous years, KOM has had a high number of enquiries in 2014 as well. In 2014, the tendency was almost the same as in previous years, with about 450 enquiries in the course of the year. KOM receives the most enquiries from: service providers and others who work actively on a daily basis to assist and protect victims of trafficking, police and prosecutors, ministries with relevant responsibilities and other directorates and municipalities.

Enquiries from assistance measures often focus on principled discussions of cases and challenges they encounter in their work. This is also true of the police and prosecutors and the ministries and directorates, but these enquiries are also often about different forms of clarification, input regarding issues, and reporting. Enquiries from municipalities often relate to clarifications regarding the rights of victims during the reflection period.

KOM also receives a number of enquiries from international organisations during the year. These organisations wish to exchange knowledge and experiences and to receive contributions to international reporting in the area, including various statistics.

## 3.6 Development of routines and regulations

As previously mentioned, in cooperation with authorities and organisations, KOM shall document the challenges associated with assisting victims and prosecuting traffickers. It is important that the implemented measures contribute towards strengthening and improving the efficiency of inter-agency cooperation, and to ensuring that all support offered to potential victims is predictable and individually tailored. To achieve this, the framework and procedures for inter-agency cooperation in the areas of identification, assistance and protection must be charted. This also involves developing new procedures where needed.

As mentioned in the Introduction, KOM does not have any instruction authority over other authorities and organisations, but KOM and the working groups can set the premises for changes. An important task for KOM is therefore to highlight challenges and needs and to request (and possibly propose) changes. In this context, the focus meetings have turned out to be especially useful. Due to KOM's resource situation, no focus meetings were held in 2014, but the following issues were highlighted in a number of meetings and through dialogues with relevant partners and agencies:

The Norwegian Tax Administration issued circular no. 4 2013 Schengen-standardisert oppholdskort som legitimasjonsdokument ved tildeling av fødselsnummer og D-nummer ("Schengen - standardised residence card as identification document in the allocation of national identity numbers and D numbers") which stipulates that

persons who have been given a residence permit based on human trafficking can document their identity using the standardised Schengen residence card. The challenges related to the allocation of national identity numbers to potential victims of human trafficking, which in turn makes it possible for the person to register their address and access a GP, have largely been solved.

However, another issue emerged in the aftermath of this: when reflectants with national identity numbers make an application for asylum, they cannot be allocated a D number like other asylum seekers, which means that the person is again without access to a GP, for instance.

In 2014, KOM has worked on this issue without finding a solution, but the process continues and KOM hopes to solve the situation in 2015 in collaboration with Helfo and others.

Further, in 2014 KOM has participated in a working group appointed by Bufdir to develop a routine to strengthen inter-agency collaborations on victims of human trafficking: This routine is expected to be completed in the autumn of 2015.

## 4. The extent of human trafficking

In Norway, a distinction is made between persons identified as potential<sup>14</sup> victims of trafficking and persons verified as victims<sup>15</sup>. In accordance with Article 10 of the Council of Europe Convention, Norwegian authorities shall ensure that there are competent authorities and organisations that are qualified to identify victims of human trafficking. Article 10 also requires that, if there are reasonable grounds for believing a person has been a victim of human trafficking, that person shall receive assistance and protection<sup>16</sup> on Norwegian territory until it has been established that he or she has been the victim of a criminal act pursuant to section 224 of the General Civil Penal Code. In other words, persons identified as *potential* victims of human trafficking are entitled to assistance and protection provided by the Norwegian authorities until it is established whether the person in question is/has been in a human trafficking situation<sup>17</sup>.

The threshold for identification is lower than for verification. Consequently, the number of persons identified as potential victims of human trafficking is higher than the number of persons verified as victims by the police and prosecution authorities, the Directorate of Immigration or child welfare services. For adults (persons above the age of 18), the offer of assistance and protection is voluntary. This is also true for a possible report to the police. Victims of human trafficking may have many good reasons for not accepting assistance from Norwegian authorities and for not reporting the violation they have been subjected to. It may also be difficult to prove trafficking in criminal cases, and the burden of proof will often rest heavily on the victim's testimony. This means that not all reports end with a conviction. Additionally,

the standard of proof in Norwegian criminal law is very high. For these reasons, the number of criminal cases handled by Norwegian courts and the number of persons convicted of human trafficking are therefore much lower than the number of persons identified as potential victims.

<sup>14</sup> In this report, we use the terms possible, potential, presumed victims. The choice of terminology does not reflect whether the victims status has been more or less determined.

<sup>15</sup> For more information about the differences between identification and verification, see KOM (2008) Veileder – identifisering av mulige ofre for menneskehandel. Oslo : Politidirektoratet.

<sup>16</sup> Jf Europarådskonvensjonens artikkel 12, nr 1 og 2.

<sup>17</sup> St.prp.nr. 2 (2007–2008) Om samtykke til ratifikasjon av Europarådets konvensjon 3. mai 2005 om tiltak mot menneskehandel, side 31.

## 4.1 Persons identified as potential victims of human trafficking

As is the case for most other countries, Norway has difficulty in determining the exact extent of trafficking. KOM has been compiling annual reports since 2007. The reports provide a picture of what we can say about the extent and nature of human trafficking in Norway. Reporting to KOM is voluntary, but we have collected information from organisations and agencies represented in the network and/or with which the unit cooperates. Each agency and organisation also report in their respective lines.

Since 2009, KOM has been using a reporting form that to some degree allows comparison of anonymised data<sup>18</sup> and reporting on the extent of potential victims of trafficking. As shown previously, Norway was criticised by GRETA for not having an adequate and reliable system for collecting and comparing data, among other things. To get an accurate overview, a national system for identifying, reporting and registering victims must be established. A centralised overview of the extent of potential victims of human trafficking, and victims' gender, age and form of exploitation requires reporting by all agencies and organisations at the level of the individual. This type of register will therefore be challenging given the rules regarding the duty of confidentiality, privacy laws and data registration.

To improve data quality and estimates of the extent of human trafficking, in 2013 KOM sought to survey the options available within current legislation, after which the section for studies of legal positions in the National Police Directorate reviewed current legislation and reached the following conclusion: KOM cannot require its partners to provide information that will improve the quality of the

data, but the duty of confidentiality does not prevent the information from being submitted to KOM. See appendix II for an explication of the legal reasoning. On this basis, KOM's 2013 reporting form gave the option of entering personal data such as name, date of birth and DUF number<sup>19</sup>.

Nevertheless, for various reasons several central partners have chosen to not submit this information in 2014 as well. With anonymised data, it is still necessary to take sources of errors such as under and over reporting into consideration. The sources of errors will also stem from KOM not being in contact with all agencies and organisations in Norway that may identify potential victims. However, the reporting from the actors that have chosen to submit personal data is useful. First, because the quality is obviously more reliable, but also because the review shows that several victims of human trafficking are reported by different cities, regions or districts. A third issue is that the review shows that several victims have contact with and/or receive services from different actors.

### 4.1.1 Reporting to KOM on persons identified as potential victims in Norway

Table 1 provides a summary of information reported to KOM in the years 2012, 2013 and 2014. Many issues determine the extent to which authorities and organisations are able to identify and assist victims of human trafficking. However, information spanning a period of time can tell us something about developments. We have therefore chosen to include reporting for the last three years.

<sup>18</sup> See appendix 1 for an overview of the categories in the reporting form.

<sup>19</sup> DUF numbers are twelve-digit numbers given to everyone who applies for a residence permit in Norway. The number is the applicant's registration number in UDI's computer system.

The column “Report submitted by” shows the agency or organisation that reported figures to KOM. At the outset, the intention was that the column “Number of persons identified who accepted assistance as potential victims of human trafficking” would indicate the number of persons the agency/organisation had identified as a potential victim for the first time in the current year and who had wanted assistance. However, for various reasons, some of the reporting bodies have not provided, or do not have, information about when a person was first identified as a potential victim. In these cases we have decided to specify the total number reported by the agency or organisation. For several of the police districts, the figures include the number of victims in cases under investigation under section 224 of the General Civil Penal Code. The column “No. of potential victims receiving assistance from reporting body in reporting year” provides figures for the number of persons the reporting body assisted in the year in question. The term “assistance and protection” is defined as one or more of the rights of potential victims of human trafficking under the Council of Europe Convention. This may include entitlements to a period of reflection, legal aid, housing, living expenses and/or

medical care etc. More detailed information on the rights and obligations of potential victims can be found in the brochure entitled *Informasjon til deg som er identifisert som mulig offer for menneskehandel* (“Information for persons identified as potential victims of human trafficking”)<sup>20</sup>. However, it is our experience that some agencies and organisations also choose to report persons they have identified as potential victims, but who do not receive the above rights. In these cases, assistance consists of contact, conversations and other forms of follow-up by agency/organisation staff. Some reporting bodies have also reported persons they consider to be potential victims, but where there is very inadequate information. The group of persons for whom the reporting body has implemented measures will therefore comprise a mix of persons identified in 2014 or previous years, but who all received some form of assistance from the reporting agency/organisation during the reporting year. Several police districts have not reported the type of assistance that has been provided to victims in the cases. Normally, the police will inform the victims of their rights, and if appropriate refer victims to assistance measures or legal aid.

**Table 1: Reports submitted to KOM on persons identified and assisted as potential victims of human trafficking in the period 2012–2011 See footnotes from the table on page 31.**

Reporting body	No. of persons identified as potential victims of human trafficking and who accepted assistance			No. of potential victims receiving assistance from reporting body in report year			Region
	2012	2013	2014	2012	2013	2014	
Bufdir <sup>21</sup>	13	11	3	23	17	3	National
Directorate of Immigration (UDI)	128	151	179 <sup>22</sup>	128	151	179 <sup>23</sup>	National
UNE	3	2	3	3	2	3 <sup>24</sup>	National
ROSA Project	146 <sup>25</sup>	52	41	42	82	53	National
Au Pair Center	-	2	4	-	2	5 <sup>26</sup>	National
IOM Oslo	15	5 <sup>27</sup>	7	13	5	14 <sup>28</sup>	National
National Criminal Investigation Service	50	0	0 <sup>29</sup>	50		0	National
Oslo Police District <sup>30</sup>	No report	9	18 <sup>31</sup>	No report	9	18	Oslo
EXIT, Hordaland Police District	See figures from Bergen IAOT <sup>32</sup>	6	10	See figures from Bergen IAOT	8	13	Police District + several municipalities
Østfold Police District	5	2	1	6	2	1	Police District + several municipalities
Rogaland Police District	7	6	7	7	6	7	Police District + several municipalities
Asker and Bærum Police District	2	6	No report	2	6	No report	Police District + several municipalities
Romerike Police District	No report	2	No report	No report	2	No report	Police District + several municipalities
Vestfold Police District	No report	2	0	No report	2	0	Police District + several municipalities
Søndre Buskerud Police District	No report	2	0	No report	3	3	Police District + several municipalities

<b>Nordre Buskerud Police District</b>	No report	1	No report	No report	1	No report	Police District + several municipalities
<b>Nord-Trøndelag Police District</b>	No report	1	No report	No report	1	No report	Police District + several municipalities
<b>Sør-Trøndelag Police District</b>	No report	-	2	No report	-	4	
<b>Troms Police District</b>	No report	1	No report	No report	1	No report	Police District + several municipalities
<b>Midtre Hålogaland Police</b>	No report	No report	1	No report	No report	1	
<b>Follo Police District</b>	2	No report	No report	2	No report	No report	Police District + several municipalities
<b>Pro Centre</b>	9	9	_ <sup>33</sup>	32	34	-	Oslo
<b>Church City Mission</b>	28	20	11	87	53	29 <sup>34</sup>	Oslo
<b>IAOT Oslo<sup>35</sup></b>	No report	No report	No report	No report	No report	No report <sup>36</sup>	Oslo
<b>Grünerløkka social service<sup>37</sup></b>	26	27	31	52	53	60	Oslo
<b>Oslo Outreach Service</b>	15	6	10	18	8 <sup>38</sup>	12 <sup>39</sup>	Oslo
<b>ADORA Project</b>	-	-	-	16	18 <sup>40</sup>	16	Oslo/ National
<b>Bergen IAOT<sup>41</sup></b>	12	See figures from EXIT, Hordaland PD	See figures from EXIT, Hordaland PD	26	See figures from EXIT, Hordaland PD	See figures from EXIT, Hordaland PD	Bergen
<b>FREE Project, Church City Mission</b>	See figures from Bergen IAOT	1	7	Se tall fra TOT Bergen	13	14 <sup>42</sup>	Bergen
<b>Kristiansand IAOT<sup>43</sup></b>	2	0	3	5	4	4 <sup>44</sup>	Kristiansand
<b>Trondheim IAOT</b>	2	No report	No report	3	No report	No report	Trondheim
<b>TOT Stavanger IAOT<sup>45</sup></b>	No report	2	No report	No report	8	No report	Stavanger
<b>Albertine Church City Mission</b>	0	See figures from IAOT	9	5	See figures from IAOT	9	Stavanger
<b>Shelter in Stavanger</b>	4	See figures from IAOT	7	11	See figures from IAOT	7	Stavanger
<b>Oslo municipality, BFE<sup>46</sup></b>	-	-	17	-	-	17	

- 21 Reports relate to children placed in a child welfare institution, care centre for unaccompanied minor asylum seekers, foster home or other placement run by the Regional Offices for Children, Youth and Family Affairs (Bufetat). The figures do not include Oslo. Placements in Oslo are handled by the City of Oslo Child and Family Affairs Agency (BFE).
- 22 The reported figures relate both to applications and/or permit decisions under chapter 83 of the Immigration Regulations (applications for reflection period and limited residence permit) and to asylum decisions in the first instance where human trafficking was cited as a basis for the application. The figure also includes reports from the reception centre system about potential victims of human trafficking and the registration of asylum seekers in ROSA's housing. Further, the figure includes persons who have returned through the IOM return programme for victims of human trafficking. The figure also includes persons who were identified earlier than 2014.
- 23 Assistance here means that the permit application has been assessed and/or information has been given about the rights potential victims of trafficking may have in Norway.
- 24 The case has been dealt with by UNE, and UNE has identified the persons as being or having been in a trafficking situation. However, this does not mean that the persons have been granted asylum/residence in Norway.
- 25 Number of first-time enquiries in 2012. Not all of these will be victims of human trafficking.
- 26 Eight persons were reported, of whom five received assistance and/ or were followed up on in 2014.
- 27 Does not indicate how many were identified in 2013 and in previous years.
- 28 Seventeen persons were reported, of whom 14 received assistance and/ or were followed up on in 2014.
- 29 The National Criminal Investigation Service has not investigated its own cases in 2014, but it has assisted police districts in their investigations of human trafficking cases.
- 30 The figures for the police districts include the number of victims in cases under investigation under section 224 of the General Civil Penal Code.
- 31 The figures for Oslo Police District for 2014 do not include cases regarding exploitation in forced labour.
- 32 Bergen IAOT has reported on behalf of the various actors in the inter-agency collaboration in Bergen.
- 33 The Pro Centre reported a total of 96 persons in 2014. Of these, 30 were new in 2014. None wanted to receive assistance. Reporting from the Pro Centre for 2014 was deficient, which caused the rest of the statistics to not be comparable to other reports. It is thus not included in KOM's total estimate of the extent of human trafficking in 2014.
- 34 A total of 31 persons were reported. Twenty-nine persons received assistance and/or follow-up from social workers and other personnel during 2014.
- 35 Consists of Grünerløkka child welfare services, Grünerløkka NAV (Norwegian Labour and Welfare Administration), the borough of St.Hanshaugen, Oslo Outreach Service, Oslo Police District/STOP, the Directorate of Immigration (UDI), the ROSA Project and the Church City Mission/Nadheim.
- 36 Several of the representatives in Oslo IAOT report directly to KOM.
- 37 Concerns benefits under the Act on Social Services in the Labour and Welfare Administration (Act 18-12-2009, no. 131).
- 38 Assistance can also consist of reporting concerns to the child welfare services, and calls and information to the person whom the Outreach Service is concerned might be subject to human trafficking.
- 39 Sixteen people were reported, of whom 10 were presumed to be minors.
- 40 Funds for the ADORA Project are applied for in collaboration with the ROSA Project and the Secretariat of the Shelter Movement. ADORA's places are therefore earmarked for women who receive assistance from the ROSA Project, and the reporting is consequently carried out by the ROSA Project.
- 41 Bergen IAOT generally consists of representatives from the police and the public welfare services. However, depending on the issues in the cases, other agencies and organisations could be invited to the meetings.
- 42 Fifteen persons reported, of whom 14 accepted the offer of assistance/protection.
- 43 Consists of Kristiansand Municipality, Agder Police District and Pro Help.
- 44 A total of 12 persons were reported. Four persons received assistance and/or follow-up from social workers and other personnel during 2014.
- 45 Consists of City of Stavanger, Rogaland Police District and the Church City Mission.
- 46 Placements in Oslo of victims who are minors are handled by the City of Oslo Child and Family Affairs Agency (BFE). BFE is a new actor that has reported to KOM in 2014.

Since KOM started its annual status reports in 2007 there have been relatively large variations in the number of persons identified as potential victims of human trafficking. The variations may relate to both differences in the individual agencies/organisations' reporting and/or differences in the number of actors that have reported. For more detailed information about reporting in previous years, see KOM's other status reports.

There will be many, different and complex explanations for these variations in the reported figures. One explanation relates to the different reporting bodies' tasks and functions. Several of the reporting bodies, such as Nadheim, the Pro Centre and Oslo Outreach Service, engage in outreach activities in communities which experience shows can have a relatively large number of victims. In contrast, other organisations work more in the second and third line, under the assumption that the first-line agencies refer potential victims for further follow-up. This is true of the ROSA Project and NAV Grünerløkka, for example. Reporting from several actors in the last three years illustrate this.

In 2014, the following reports stand out:

- Nadheim reports a relatively large decline in the number of persons identified as potential victims and wishing to receive assistance in 2014 and in the number of persons it has followed up on in 2014. Nadheim's Annual Report states that it does not think these figures are a reflection of fewer people being subject to human trafficking in Norway, but rather that many people do not find the assistance offered to be relevant to or adequate for the situation they are in.<sup>47</sup>
- In 2014, like in 2013, the ROSA Project has seen a decline in the number of women choosing to receive assistance, despite their having seen an

increase in the number of first-time enquiries.<sup>48</sup>

- Measures in cities other than Oslo, such as for instance Project FREE in Bergen, the Bergen Outreach Service, Albertine and the Church City Mission in Stavanger, have seen an increase in the number of active cases in 2014.
- In 2014, the Au Pair Centre and IOM have also reported an increase in the number of potential victims of human trafficking who have received measures from the organisations.
- The Oslo Police District had an increase in the number of cases being investigated as human trafficking in 2014. As the figures reported by the Oslo Police District for 2014 do not include cases investigated as forced labour or forced services, the number of total cases in the Oslo Police District have increased more than KOM's reporting indicates.

One explanation of the variations in reporting may be that different agencies have defined "received measures" differently. The explanatory section of the reporting template makes it clear that by "measures" we mean the rights that potential victims may have under the Council of Europe Convention and that victims have accepted one or more of these. Some reporting bodies have also chosen to report on persons they are/have been in contact with and believe to be/have been in a trafficking situation. "Measures" may consist of conversations with social workers or other types of follow-up to motivate the person in question to accept help or get out of the situation, or a notification of concern to the child welfare services if the person is believed to be under 18. Some agencies also report that it can be difficult to assess when they should stop reporting a person who has received measures as a potential victim. Though the person is no longer in a trafficking situation, they may have significant needs for assistance. It can be difficult to distinguish between what

<sup>47</sup> For more information, see Nadheim's Annual Report 2014.

<sup>48</sup> For further details, see the ROSA Project's 2014 Annual Report.

constitutes assistance to a victim of human trafficking and what constitutes assistance to another marginalised group, such as beggars and prostitutes.

In addition, it is our experience that different reporting bodies have different thresholds for the identification of potential victims. It seems that some agencies and organisations have a lower threshold for identification than others. Different perceptions in the identification process and criteria for defining who is a victim of human trafficking are a consequence of the Norwegian system, in which anyone who may come in contact with potential victims more or less has a duty to identify and refer them to the appropriate agency or organisation. The Norwegian model can help more victims to be identified and offered assistance and protection. However, several agencies have pointed to the importance of a critical approach to the identification process to ensure that those who are actually being exploited in trafficking are identified and helped.

It is very important to emphasise that the totals in table 1 do not reflect the actual number of victims of human trafficking in Norway. The same person often has contact with several agencies and organisations and will thus be registered and reported by multiple authorities and organisations. Consequently, the probability of double reporting is high.

#### **4.1.2 Estimated extent of potential victims of human trafficking receiving assistance and protection in Norway**

For 2014, KOM has estimated that 324 persons received assistance as potential victims of human trafficking. Of these, 157 were reported as having been identified in 2014. In addition, 96 persons were reported as having an unknown identification date. All persons over 18 accepted the offer of assistance and protection. Many of those below the age of 18 have not wanted or have evaded assistance and protection, but we have nevertheless chosen to include them in the calculations. This is because children are

considered to be in a vulnerable situation and must not be able to opt out of assistance and protection. In this report, the terms child and minor refer to persons presumed to be under the age of 18.

Through comparisons of the reported data, KOM has uncovered many instances in which one and the same person is presumed to be reported by several different agencies. This is especially true in Oslo, but we have also uncovered several persons who were reported in different cities, regions or districts. As long as the comparisons are also based on anonymised data, there will also be some level of uncertainty. To prevent over-reporting as much as possible, in cases of doubt KOM has therefore assumed that it is a case of over-reporting. Taking this into consideration and keeping in mind the probability of under-reporting on a national basis, we nevertheless believe that the number of potential victims represented by this report can be considered a minimum figure. Though the minimum figure is not exact, in our opinion it is indicative of the extent of and trends in human trafficking in Norway.

Table 2 shows the estimated number of persons identified as potential victims who wanted assistance and protection in the years 2008–2014. It is important to specify that the figures only include persons who have received assistance and protection in the year in question. The table shows that the number of victims has been relatively stable in recent years.

As shown in table 1 and in KOM's previous status reports, both the number of actors reporting to KOM and the number of persons the various actors have assisted have varied in recent years. These variations will of course affect our calculations. In 2014, slightly fewer actors have reported to KOM than in 2013, but the majority of these have reported more identified potential victims in 2014 than in previous years. Furthermore, an unprecedented number of police reports were reported in 2014. In combination, these factors may have contributed

**Table 2: Potential victims of human trafficking receiving assistance in Norway 2007–2014.**

Year	Potential victims of human trafficking receiving assistance arranged by agencies and organisations which submit reports to KOM	Number of “new” persons identified as potential victims of human trafficking in the year in question by authorities and organisations which submit reports to KOM
2007	203	Data not available
2008	256 (26 % increase since 2007)	Data not available
2009	292 (13 % increase since 2008)	Data not available
2010	319 (9 % increase since 2009)	127 (included in 319)
2011	274 (14% decline from 2010)	134 (included in 274)
2012	349 (27 % increase since 2011)	136 (included i 349)
2013	300 (16 % decline from 2012)	124 (included in 300) 52 listed with unclear year of identification
2014	324 (8 % increase since 2013)	157 (included in 324) 96 listed with unclear year of identification

to the number of potential victims receiving assistance having increased in 2014 compared to 2013. Again, it is important to specify that the calculation is based on manual counts and partly anonymised data.

On the other hand, under-reporting can occur in the figures with regard to the agencies and organisations that report to KOM. There are therefore good reasons to believe that there are still hidden figures with regard to the actual number of victims of human trafficking in Norway. KOM has also requested that the agencies and organisations report how many persons identified as potential victims decided to reject the offer of assistance and protection.

In view of the functions of the different actors, reporting

on this point would be expected to be variable.

Consequently, it is not possible to ascertain with certainty whether the proportion accepting offers of assistance and protection has increased, decreased or is stable. However, several agencies find that many of those identified as potential victims of human trafficking choose to decline the offer of assistance and protection.

The annual reports from the ROSA Project show that between 30 and 40 percent of the women identified as potential victims choose to accept the offer of assistance and protection from the Project. However, these estimates are based on figures for first-time enquiries and the number of people who accept. ROSA specifies that the figures for first-time enquiries are uncertain<sup>49</sup>. In

2014, ROSA experienced an increase in the number of first-time enquiries, but the share of those who accepted offers of assistance and protection declined compared to previous years. Regardless of the exact calculations, ROSA finds that a large number of women choose to decline assistance and protection from Norwegian authorities.

Nadheim has reported 31 persons as having been identified in 2014, but of these only two declined the services offered. In its 2014 Annual Report, Nadheim says that the number of people they identify and assist has declined in recent years, and that this may be related to the fact that when the reflection period has expired, several people have said that they ended up in a more challenging situation than before they accepted assistance.<sup>50</sup> The Oslo Outreach Service has reported that they were in contact with 16 people, of whom 10 are presumed to be minors. The Outreach Service reports that many of the presumed minors evade assistance and protection. Of the 10 presumed minors, four have disappeared. Other reporting bodies also report that they encounter persons who do not want or who evade assistance and protection in Norway.

There are many and complex reasons why persons identified as potential victims of human trafficking do not wish to accept an offer of assistance and protection. In the summary report *Leaving the past behind? When victims of trafficking decline assistance*, Anette Brunovskis and Rebecca Surtees refer to three main reasons victims exploited in prostitution do not accept assistance<sup>51</sup>:

- Personal circumstances that cause victims of human trafficking to not wish to receive assistance.
- The design and content of the assistance and protection.
- Personal experiences and the social context prevent assistance.

Under "personal circumstances", Brunovskis and Surtees point out that some victims do not wish to receive assistance and protection because it might mean that they cannot migrate again. Victims may have a more or less voluntary wish to travel again to work or as an independent prostitute. The victim's relationship to their family may also impact the desire to receive help. Brunovskis and Surtees also found that some victims did not need assistance and protection that specifically targeted victims of human trafficking. Some thought they could manage on their own, while others received help from family, friends or the local community.

The content of the rights and how the assistance is designed will also affect whether or not victims wish to accept assistance and protection. According to Brunovskis and Surtees, information provided to victims is often inadequate, unclear or confusing, and/or the victim is in a state where they are unable to understand what is being offered. Victims also find that they do not receive the assistance most appropriate for them. This may relate to the housing being offered, the work opportunities or special needs. Or, such strict requirements may be imposed for using the services offered that the user cannot fulfil them. Victims may also fear that if they accept help, they or their family members will be targets of retaliation by traffickers.

Many victims of human trafficking decline help because they have previously had negative experiences or because of the social context. In the study, Brunovskis and Surtees found that trust is crucial to whether victims want help. Two aspects are addressed: suspicion or uncertainty regarding some forms of assistance, and previous experiences. Victims may be suspicious and/or uncertain of whether there are hidden agendas behind the assistance offered, or whether there are costs related to help from psychologists

<sup>49</sup> For further details, see ROSA project annual report 2014.

<sup>50</sup> See Nadheim's annual report 2014.

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

or lawyers, for example. Others may have previously found that assistance measures and personnel have behaved unprofessionally and in the worst case breached the duty of confidentiality. Alone or in combination with the fear of stigma and rejection, this may contribute to victims not wishing to receive help. Furthermore, some victims do not want to be identified as victims because the very terms "victim", "human trafficking", "prostitution" etc. can have negative associations.

These three main categories have some overlap, but Brunovskis and Surtees' findings correspond to the experiences of Norwegian authorities and organisations in the work on assisting victims of human trafficking.

Most of the women we help are still from Nigeria, and it is well-known that most Nigerians are not granted residence permits in Norway.

The ROSA Project notes that several women say that they find it meaningless to receive help from aid organisations, as they do not see that this can help in the long run. ROSA also has the clear impression that the decline in the number of victims who accept assistance is also caused by the effects the prohibition on purchasing sexual services have in the market. To a large extent, the women who decline assistance and protection say that this is because they fear threats and retaliation. This includes the fear that they will not be able to pay debts to traffickers or settle other financial obligations. There is also the fear of intimidation and retaliation with regard to any cooperation with the police and other Norwegian authorities after the expiry of a period of reflection<sup>52</sup>.

Project FREE and the Au Pair Centre report similar situations. Project FREE finds that women have great fear that their families will be targets of retaliation if the

women accept help. Several of the victims' families have been threatened with being killed and some have had to flee the traffickers and settle elsewhere in their home country. Project FREE also sees that many women have such strong ties to the traffickers that they do not manage to keep their address secret, for instance. The traffickers are often portrayed as criminals, violent individuals and cynical strangers, but experience shows that they are also close family members, boyfriends or spouses.

The Au Pair Centre also reports that financial obligations and fear of retaliation prevent victims of human trafficking from accepting help. Most au pairs come from the Philippines and their main motivations are work and an income.

Most of the au pairs have children and/or other family who depend on their income. For many au pairs, applying for a reflection period is therefore not a real option, as they then cannot meet the expectations of their families in their home country. Other reasons include a fear of retaliation, whether against themselves or their family, and fear of being punished by Norwegian authorities through having their residence permit withdrawn. This may be because they have worked too many hours a day or because they cannot find a new host family.

The Pro Centre and Nadheim have pointed out that the design and content of the assistance make potential victims decline help. The assistance and protection are temporary, and when the temporary assistance is over, several victims find that they are in a more unsafe situation than before they asked for help. As previously, Nadheim finds that the number of people they identify and assist is declining, and that this may be because victims do not find the assistance sufficient or sufficiently long-term.

Researchers emphasise that it is important to gain more knowledge about the reasons why victims do not want help. They point out that the offers currently available have been designed on the basis of experience gained from victims who have accepted an offer of assistance and protection. If we assume that persons who decline the offer have different needs from persons who accept the offer, then it is crucial to gain more knowledge of what needs the decliners feel the assistance offered does not cover.

Potential victims of trafficking who are presumed minors cannot in principle reject offers of assistance and protection. Under section 4-29 of the Child Welfare Act, child welfare authorities can implement measures for

a child even if the child does not want assistance from child welfare services. However, one significant challenge is that minors often do not see themselves as victims of human trafficking. Actors in the KOM network have reported that these are children and youth who instead perceive themselves to be independent, tough and "street smart". They perceive the exploitation as help and fail to understand that they require protection by being placed in a child welfare institution. They do not trust that child protection authorities or other agencies act in their best interest and often feel a strong sense of loyalty to the traffickers. However, assistance measures have found that after some time, some children may understand that they need assistance and protection from child welfare services.

## 4.2 Who are the potential victims?

We will now look more closely at where the presumed victims come from, their gender, age and the type of exploitation that they are presumed to be subjected to.

Table 3 shows the distribution of the 324 persons under follow-up as potential victims of human trafficking in

Norway in 2014 by presumed type of exploitation, gender and age.

The majority of victims identified are still women (above the age of 18) exploited in prostitution. One reason may be the strong international and national focus on women

**Table 3: Potential victims of human trafficking by presumed type of exploitation, gender and age 2014**

Type of exploitation	Total	Women, over 18	Girls, under 18	Men, over 18	Boys, under 18
Prostitution and other sexual purposes	209	193	14	2	0
Forced labour and forced services	103	33	3	50	17
Prostitution etc./Forced labour etc., combined	6	4	1	0	1
Removal of organs	0	0	0	0	0
War service	0	0	0	0	0
Unknown	6	4	0	2	0
<b>Total</b>	<b>324</b>	<b>234</b>	<b>18</b>	<b>54</b>	<b>18</b>

exploited in prostitution and that different agencies working within the prostitution area wear "human trafficking lenses" in their work. This is also reflected in KOM's working groups, where no representative has men and/or forced labour as their primary area of responsibility. Other European countries report having the same trend<sup>53</sup>.

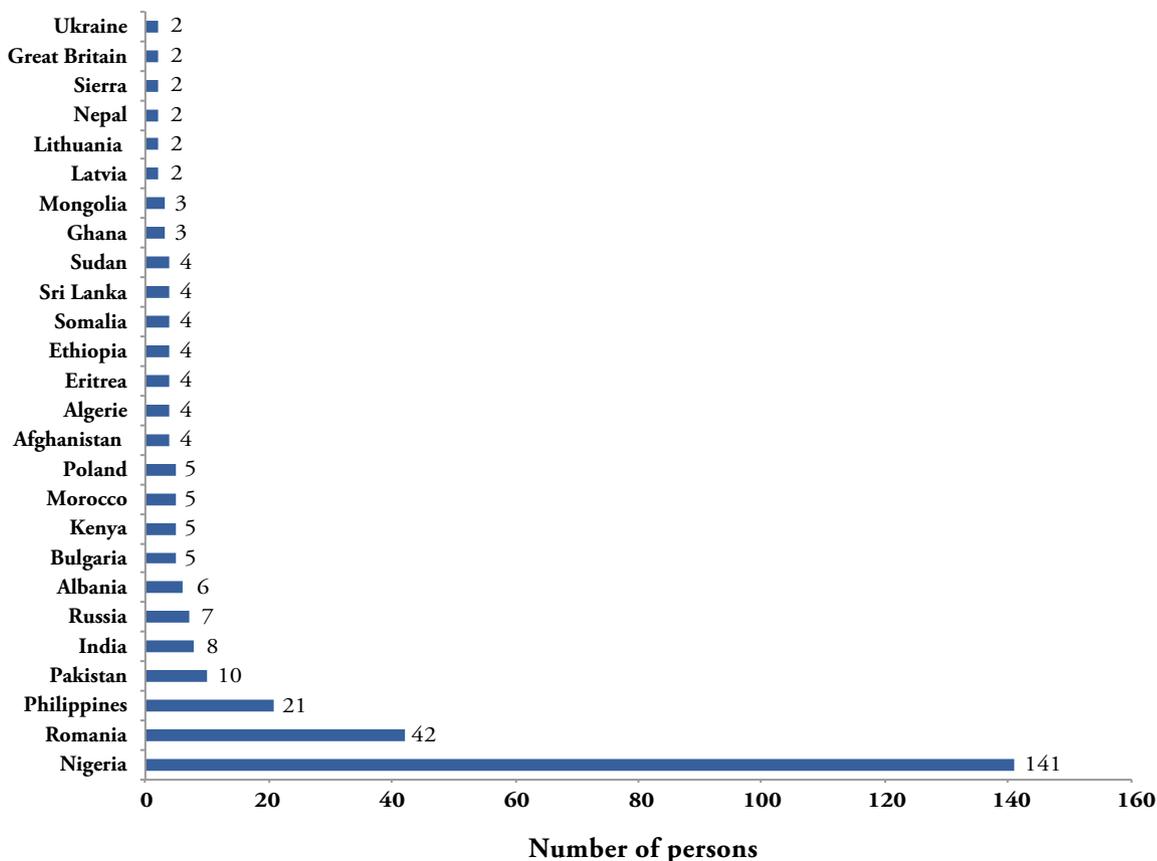
These initiatives are reflected in KOM's estimates, though the increase in the number of police reports regarding forced labour is relatively larger than the increase in the number of identified victims of human trafficking in

forced labour. This may be because many actors that have assisted victims of forced labour are not represented in KOM's working groups or other networks. Another explanation may be that victims of forced labour have not been identified despite the police complaints.

Table 3 shows that the type of exploitation was unknown for six persons. This may be because the reporting body had not reached the stage of identifying the type of exploitation in the identification process.

#### 4.2.1 Nationality

**Diagram 1: Persons being assisted as potential victims in 2014, by nationality**



<sup>53</sup> Eurostat (2013) *Trafficking in Human Beings*. Luxembourg : Publications Office of the European Union, Europol (2011) *Trafficking in Human Beings in the European Union*. The Hague : Europol.

### Comments to diagram 1:

- The 324 persons who received some form of assistance as potential victims of trafficking in Norway represented 37 nationalities. The number of different nationalities has declined from previous years, but remains high and corresponds to the immigration situation generally<sup>54</sup>.
- The diagram shows all nationalities with two or more persons represented in the reporting to KOM. To ensure protection of privacy, we have not included the nationalities of 11 people from 11 different countries in the diagram. Additionally, 12 persons of unknown identity have been reported.
- Like in recent years, Nigeria is the nationality that is most frequently represented, with 141 persons.
- As in 2013, Romania and the Philippines are relatively well represented. Romania has had a relatively large increase, from 25 identified potential victims in 2013 to 42 in 2014.
- Pakistan and India are more represented in 2014 than previously, which must be viewed in light of the increase in the number of cases of forced labour.

### 4.2.2 Presumed types of exploitation

In section 224 of the General Civil Penal Code, human trafficking is categorised into four main types of exploitation:

- Prostitution or other sexual purposes.
- Forced labour or forced services, including begging
- War service in a foreign country.
- Organ removal.

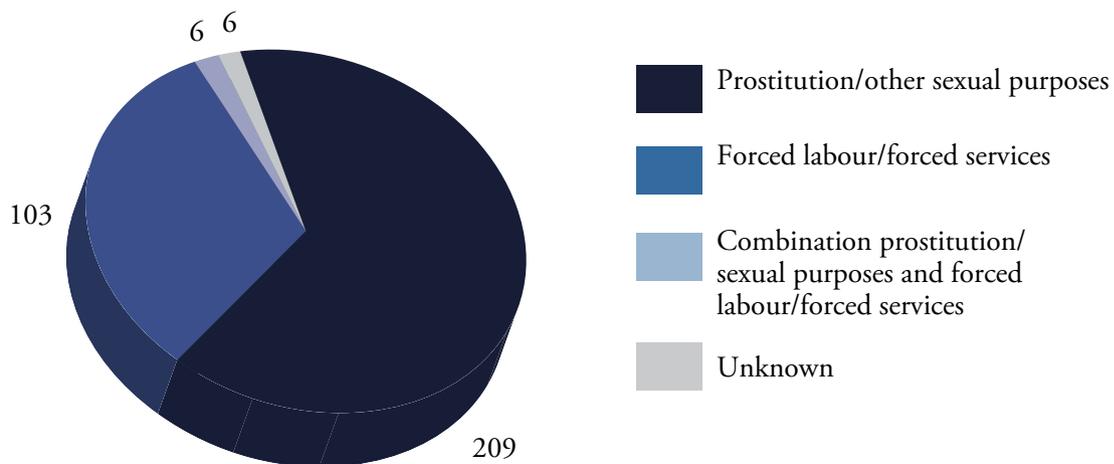
KOM's identification guidelines<sup>55</sup> provide an overview of some general factors that could indicate that a person may be a victim of trafficking. In addition, a specific list of indicators has been developed for exploitation in prostitution or other sexual purposes, forced labour and forced services and for the exploitation of children. These indicators are based on international experiences and have been adapted to Norwegian conditions and experience.

In their reporting to KOM, we have asked the reporting bodies to specify the presumed type of exploitation. Diagram 2 illustrates the distribution by the main forms of exploitation in section 224 of the General Civil Penal Code.

<sup>54</sup> See UDI's Annual Reports 2012–2014.

<sup>55</sup> KOM (2008) *Veileder – identifisering av mulige ofre for menneskehandel* ("Guide – identifying potential victims of human trafficking"). Oslo: National Police Directorate.

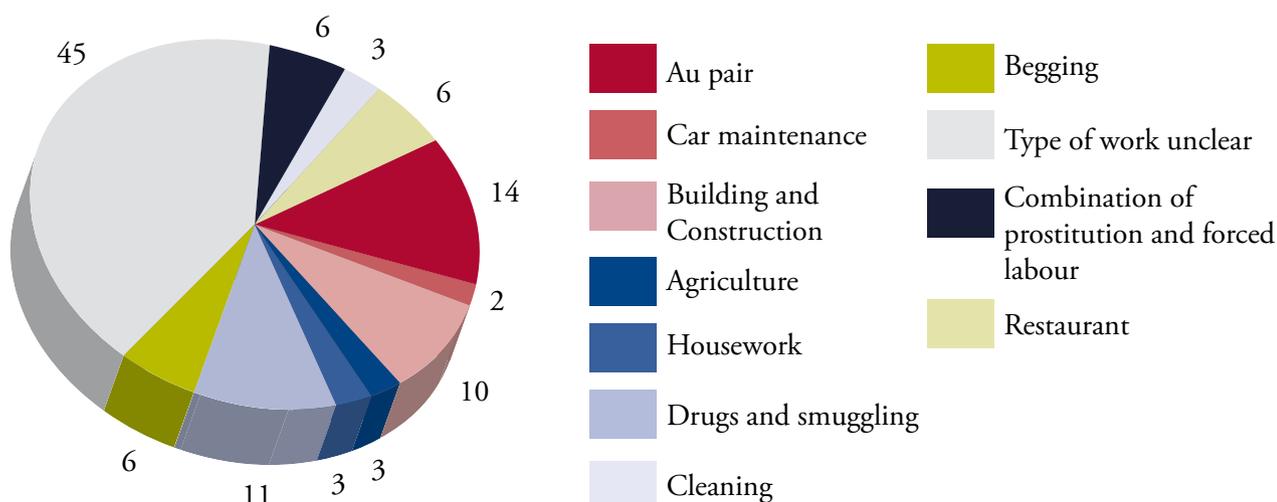
**Diagram 2: Total victims in 2014, by form of exploitation**



The category "forced labour and forced services" is an umbrella category for many different forms of exploitation. Diagram 3 provides an overview of the types of forced labour and forced services reported to KOM in 2014. The diagram shows a total of 109 persons, because

in addition to the 103 persons exploited in forced labour/forced services, we have chosen to include the six potential victims reported to be exploited in a combination of prostitution/sexual purposes and forced labour/services.

**Diagram 3: Types of forced labour and forced services**



### Exploitation in crime

In recent years, several actors have reported concerns about potential victims of human trafficking being forced to sell, transport or store illegal drugs. Drug crimes can either be part of various forms of exploitation or be the "principal type of exploitation". In 2009, there were no reports in which drug-related crimes were listed as the form of exploitation. However, in 2010 and 2011, sale of drugs was reported as the dominant form of exploitation within forced labour/services, at 40 and 30 percent, respectively. From 2012 to 2014, this trend has not been as dominant. In 2013, about 14 percent were presumed exploited in the growing, smuggling and/or sale of drugs. In 2014, 11 persons (the same figure as for 2013) are presumed exploited in various types of drug-related crimes. As in previous years, in 2014 as well boys (presumed to be minors) and men from North Africa dominate this category.

Several actors who work in relation to drug scenes and/or with children and young people (especially in Oslo and Bergen) have reported concerns about unaccompanied minor asylum seekers and other children and young people with no ties to Norway being in these communities and selling and/or using drugs. Actors fear that several of these children and youth may be exploited in human trafficking.

However, the fact that the exploitation victims of trafficking are subjected to involves committing crimes presents special challenges. The Council of Europe Convention has a separate non-punishment provision, Article 26, which states that penalties shall not be imposed on victims who were compelled to be involved in unlawful activities. The provision is generally referred to as the non-punishment principle. GRETA recommends that Norway ensures that this provision is used more. Norway was relatively strongly criticised for not being attentive

enough to possible human trafficking in relation to certain violations of the Immigration Act<sup>56</sup>. In Norway, the obligation is followed up in the National Public Prosecutor's Circular no. 1/2008, *Mål og prioriteringer i straffesaksbehandlingen for politiet* ("Objectives and priorities in criminal proceedings for the police"). Where there is a report in place, the prosecuting authority may settle the case with a waiver of prosecution. In 2013, OSCE (Organization for Security and Co-operation in Europe) launched a report with recommendations for how countries could implement the non-punishment principle<sup>57</sup>. Among other things, the report emphasises that early identification is crucial and that as long as there are reasonable grounds to believe that a person is exploited in human trafficking, the person shall be treated as a victim. However, OSCE specifies that the crimes have to be part of the exploitation in order for the non-punishment principle to be applicable.

In many respects, exploitation in criminality, and especially in drug-related crimes, holds a unique position. Service providers have found that potential victims who have been involved in drug-related crime encounter greater mistrust from the police and prosecution authorities than those exploited in other ways. In addition to the legal challenges, there are challenges related to the assistance and protection of victims. In recent years, Norway has also had experience with children and young people – both from countries within and outside the Schengen area – "drifting" around in Europe. The mobility makes it difficult to survey the situation each of them is in. Furthermore, various (outreach) services find that it is difficult to establish contact and trust with

the presumed minors. There may be adults who prevent contact from being established. However, this is also about the children and youth not perceiving themselves as victims and they appear secure and experienced in the crime they are performing<sup>58</sup>. This makes it difficult to reach a position in which it is possible to encourage change and get sufficient information for child welfare services and other actors to initiate measures<sup>59</sup>.

For more detailed descriptions of the challenges related to follow-up and assistance for this group, see especially the reporting by the Oslo Outreach Service and the Bergen Outreach Service for 2014<sup>60</sup>.

### **Exploitation in begging**

Until 2006, there was a prohibition on begging. Following a proposal from the penal code commission, begging was decriminalised from 1 July 2006. The Schengen collaboration came into force in 1995, and has gradually expanded to include more countries. Today, 27 countries in Europe are part of the collaboration, which among other things means that citizens can move freely between member countries. In accordance with section 9 of the Immigration Act, citizens of Schengen countries can stay in Norway for up to 90 days in any six-month period.

In recent years, there has been much focus on begging, and the question of reintroducing a national prohibition on begging has been broadly debated. In 2014, municipalities were given the option of introducing local bans.

In terms of the extent of trafficking in beggar

<sup>56</sup> GRETA (2013) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway. Strasbourg : Council of Europe, page 60.

<sup>57</sup> OSCE (2013) *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking*.

<sup>58</sup> Vollebæk, Line Ruud (2013) *Sosialt arbeid med sårbare migranter. Mindreårige og voksne asylsøkere, papirløse, EØS-borgere og mulige ofre for menneskehandel*. Oslo: Oslo municipality/Velferdsetaten.

<sup>59</sup> Oslo municipality, Borough of St.Hanshaugen (2011) *Bydel St.Hanshaugens koordinerende tiltaksenhet for mindreårige i Oslo sentrum 2011/2012* ("Borough of St.Hanshaugen's coordinated response unit for minors in Oslo centre 2011/2012"). Oslo: City of Oslo/Borough of St.Hanshaugen.

<sup>60</sup> KOM's status report 2014, pp. 13–14.

communities, until recently there has been limited systematic mapping or research. Previously, researchers have uncovered or verified relatively few human trafficking cases related to exploitation in begging.<sup>61</sup>

However, in 2014 FAFO started an extensive research project in the Scandinavian countries. The report from the project, *"When poverty meets affluence. Migrants from Romania on the streets of the Scandinavian capitals"* was launched on 17 June 2015<sup>62</sup>. It is based on data consisting of 1,269 interviews with poor visitors from Romania. The interviews were conducted in Oslo, Stockholm and Copenhagen. The report draws the following main conclusions:

- there are no signs of ringleaders
- there is no clear connection between begging and criminality
- beggars are people who live in extreme poverty both in Norway and Romania.

There has been quite a bit of discussion about the report's conclusions. In the police, some police districts have said that they are still worried about and suspect that human trafficking may occur among beggars. Other police districts say that they do not have clear indicators that beggars are victims of human trafficking. A couple of police districts have started analyses precisely to obtain more information in this area. In two police districts, persons have been convicted of human trafficking for having exploited people in begging and theft (Hordaland in 2012 and Oslo in 2015).

KOM's partners appear to have varying experiences and views. Some claim that beggars are not exploited in human trafficking, while others fear that there is extensive human

trafficking among beggars. The individual stories point in both directions. Some individual stories indicate that people are being exploited in begging, while other stories tell of people in poverty and difficult living situations but do not indicate trafficking.

The significant focus on and debate about begging and related challenges, including the extent of human trafficking, seems to have had limited effect on the number of people wishing to receive assistance and protection. Of reports submitted to KOM in 2014, six people were presumed to be exploited in begging. All of these are listed as from Romania, of whom two are presumed minors. The figures are too uncertain to draw conclusions, but it is reasonable to think that the significant focus would have contributed to an increase in the number of identified victims. However, it is possible that persons exploited in begging are also exploited in other services and thus end up in other categories. In 2012, the Bergen Outreach Service conducted a survey which it argued showed clear connections between organised crime and human trafficking<sup>63</sup>. Another possible explanation may be that the court cases in 2012 and 2013, in which parents or other guardians were convicted of exploiting children in begging, may have had some preventative effects.

### **Exploitation within the au pair scheme/households**

From 2012, exploitation within households, and especially within the au pair scheme, has become a more prominent category of victims of human trafficking. As shown in diagram 3, in 2014 14 persons were reported as presumed exploited in the au pair scheme. Additionally, three persons were presumed exploited in households. For 13 of the 14 persons presumed exploited in the au pair scheme, this is for exploitation in forced labour. We thus see that reporting regarding forced labour related to au pairs has

<sup>61</sup> Engebriksen, Ada I. (2012) Tiggerbander og kriminelle bakmenn eller fattige EU-borgere? Myter og realiteter om utenlandske tiggere i Oslo. Oslo: NOVA.

<sup>62</sup> <http://www.faf.no/images/pub/2015/954-innmat-trykk.pdf>

<sup>63</sup> <http://www.nrk.no/hordaland/akademikarar-med-tiggarforslag-1.11065668>

increased compared to previous years. This is also true of exploitation in households, where two of three were presumed exploited in forced labour.

Of the six potential victims reported exploited both in prostitution/sexual purposes and forced labour/forced services, one person is exploited in a combination of housework, the au pair scheme and sexual purposes.

The au pair scheme is subject to recurring debates. According to the Council of Europe's *European agreement on au pair placement of 1969*, the au pair scheme is to promote cultural exchanges. In exchange for light housework, the au pair is to live with a family, receive room and board, and get to know the language and culture of a different country<sup>64</sup>. JURK, legal aid for women, points out that the scheme is based on a dilemma: "the au pair is a mixture of worker and family member"<sup>65</sup>. JURK believes this makes the au pair's role unclear, and thus the scheme opens for different degrees of exploitation and in the worst case, human trafficking.

As a consequence of the challenges related to the au pair scheme, the Au Pair Center – On Equal Terms was opened in January 2013. The centre is to be a place where au pairs and host families can find information and advice, and the objective is first and foremost safeguarding the rights of the au pair. According to the centre, only 20 percent of au pairs arrive through an au pair agency<sup>66</sup>. The agencies interview and check both au pairs and host families. In other words, as many as 80 percent arrive privately, for example through online advertising. Since its start-up in 2013, the Au Pair Center has uncovered many cases that

are so serious that they may constitute human trafficking. The Center's reporting to KOM for 2014 includes nearly double the number of potential victims exploited in the au pair scheme.

As in previous years, the category "unclear" is large in 2014 as well. This category includes a combination of missing specifications from the reporting body and the fact that the reporting body has not reached the stage of the process in which the type of exploitation is identified.

### 4.2.3 Children

In 2014, a total of 36 presumed minors (persons under 18) were receiving assistance as potential victims of human trafficking in Norway. We refer to these persons as presumed minors, as identity and age have not been conclusively ascertained for all of them. These persons shall be treated in line with Article 10(3) of the Council of Europe Convention. This Article stipulates that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be considered a child and be covered by special protective measures until age has been verified.

In this section, we provide an overview of where the presumed minors come from, their gender and age, as well as what they are suspected of being exploited in.

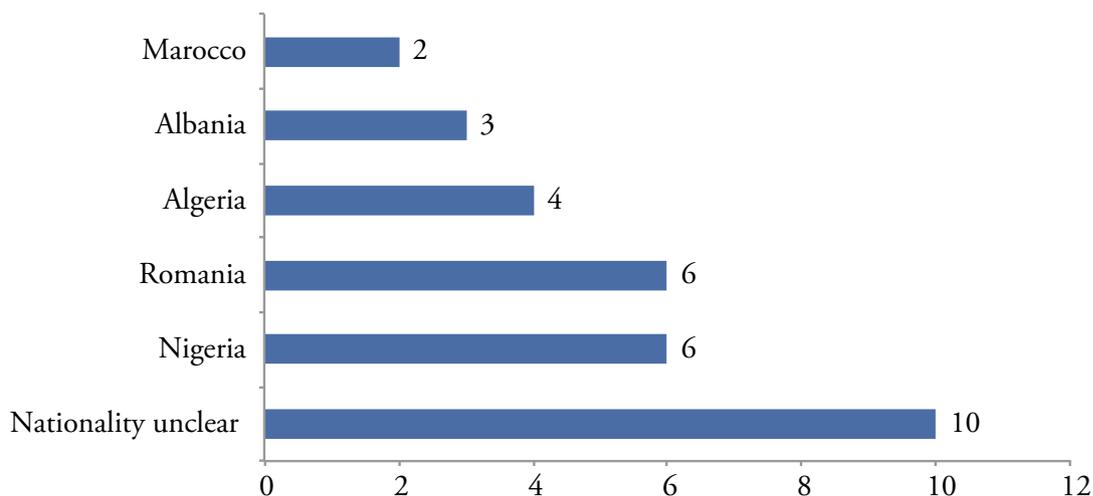
Diagram 4 provides an overview of which nationalities are represented by two or more child victims in 2014.

<sup>64</sup> Jakhelln, Henning and Anne, Helga (2013) *Betenkning om au parenes arbeidsrettslige stilling – krav på lønn for utført arbeid*.

<sup>65</sup> Løvdal, Lene (2012) *Au pairer i Norge. Rettigheter og rettighetsinformasjon*. Oslo: JURK, page.

<sup>66</sup> <http://www.folkkehjelp.no/Vaart-arbeid/Asyl-og-integrering/Au-Pair-Center/Nyheter/Au-pair-Eventyrer-eller-hushjelp>.

**Diagram 4: Presumed minors by nationality, 2014**



Comments to diagram 4:

- In total, 10 nationalities are represented among the presumed minors.
- Five nationalities are represented by two or more children.
- For 10 presumed minors, nationality was unclear at the time of reporting.
- To ensure protection of privacy, we have not included the nationalities of five children from five different countries.

In recent years there has been some fluctuation in the representation in the statistics. In 2014, the largest nationality was "unclear" at the time of reporting for the first time. Further, Nigeria is one of the most frequently represented nationalities for the first time in 2014. The table below presents an overview of the past four years.

**Table 4: Overview of the most frequently represented nationalities for presumed minors in the period 2010–2014.**

Year	The three most frequently represented
2010	1. Algeria 2. Romania 3. Afghanistan and Lithuania
2011	1. Romania 2. Somalia 3. Democratic Republic of Congo
2012	1. Romania 2. Afghanistan 3. Algeria
2013	1. Algeria and Romania 2. Mongolia
2014	1. Nigeria and Romania 2. Algeria 3. Albania

In the report *Menneskehandel med barn. Barnevernets kunnskap om og arbeid med barn utnyttet i menneskehandel* ("Human trafficking in children. The child welfare services knowledge of and work with trafficked children"), Line Ruud Vollebæk emphasises that some groups of children and youth are especially vulnerable to being recruited for and exploited in human trafficking. This is especially true for unaccompanied minor asylum seekers, minor "street children" drifting around Europe, children and youth from Eastern Europe and Baltic countries, and children and youth from the Roma population<sup>67</sup>. The dominant countries in the past four years largely coincide with the groups of children and youth who Vollebæk highlight as being especially vulnerable to human trafficking. As an exception to this, the reporting for 2014 shows that Nigeria is the most frequently represented nation. The majority of the presumed minors from Nigeria are girls exploited in prostitution/other sexual purposes.

Diagram 5 provides an overview of the main types of exploitation to which the 36 children are presumed to have been subjected.

**Diagram 5: Number of presumed minors by gender and presumed type of exploitation, 2014**

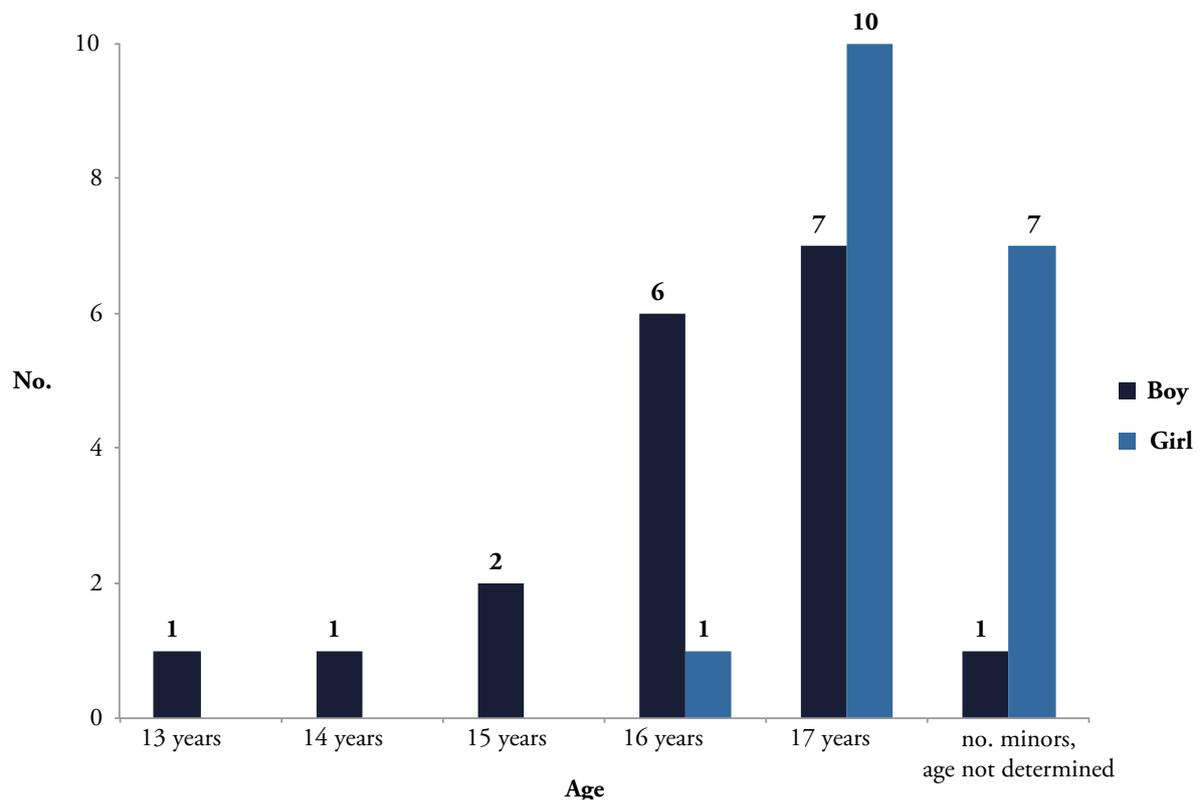


Comments to diagram 5:

- New this year is that the category prostitution/other sexual purposes is now the largest, while previously forced labour and forced services were the dominant forms of exploitation.
- About 39 per cent of the presumed minors are exploited in prostitution/other sexual purposes.
- Of the 14 children in this category, all are girls.
- More than half of the children presumed exploited in forced labour/services are suspected of being exploited in drug related crime and/or crimes for gain.

Diagram 6 shows the presumed minors distributed by gender and age.

**Diagram 6: Number of presumed minors by gender and age, 2014**



Comments to diagram 6:

- Like in previous years, the age groups 16 and 17 years constitute the majority.
- The 16 and 17-year-olds constitute nearly 67 percent of the minors.
- The age groups 14 and 15 years constitute nearly 23 percent.
- In 2014, the distribution between boys and girls is 50 percent.
- The reporting for 2014 has for the first time included quite a large category of presumed

minors for whom age has not been determined. Of these eight reported persons, the majority are presumed minors who have disappeared from reception centres.

- With the caveat that there may be weaknesses in the data, the reporting for the last three years shows that in Norway children who are approaching 18 years of age have the highest vulnerability with regard to exploitation in trafficking.

With regard to the reception of and assistance for unaccompanied minor asylum seekers, Norwegian authorities have chosen a scheme that assigns responsibility and care according to age. Children under 15 are the responsibility of the child welfare services and are placed in special care centres. Children between 15 and 18 are the responsibility of the immigration authorities and are given placements through the Directorate of Immigration's reception system. The main task of the child welfare services is to look after the "best interests of the child", while the immigration authorities' primary responsibility is to administer immigration policy. Several agencies are sceptical about the scheme and believe it leads to unequal treatment of children. In the report, *Child Trafficking in the Nordic Countries. Rethinking strategies and national response*, UNICEF makes a clear recommendation to Norway that all unaccompanied children under the age of 18 should be under the care of the child welfare services<sup>68</sup>. GRETA makes the same recommendation in its evaluation report<sup>69</sup>.

A report issued by NTNU Social Research on the child welfare services' work with children in the asylum-seeking process also contains a clear recommendation that care for unaccompanied minor asylum seekers above the age of 15 should be transferred from the immigration authorities to the child welfare services (NTNU Social Research (2015) *Barnevernets arbeid med barn i asylsøkerfasen* ("The child welfare services' work with children in the asylum-seeker phase").

Since 2009, children accompanying victims of human trafficking have been raised as a special challenge. In 2014, as in 2013, 31 women had the care of one or more accompanying children, and 25 women and men had one or more children in their home country.

Norwegian authorities have not yet decided whether

the accompanying children should have the status of potential victims of human trafficking. The UN Convention on the Rights of the Child (incorporated into the Human Rights Act) and the Child Welfare Act also apply to accompanying children. Regardless of their residence permit, all children in Norway have the same rights and some of the accompanying children have received assistance from child protection services. In 2012, a provision was incorporated into section 8-2 of the Immigration Regulations which stated that accompanying children can be granted the same residence permit as the parents, cf. section 8-3(4) of the Immigration Regulations. However, the different service providers face major challenges in their efforts to assist mothers and the children accompanying their mother (or father). The ROSA Project has found that the children are often invisible and have a non-status in relation to different regulations. It is unclear how important conventions ratified by Norway are to be weighted. ROSA has particularly emphasised the challenges related to how important or central concepts, such as for instance "best interest of the child" and "immigration policy considerations", are to be understood and weighted in the work on assisting mothers and children<sup>70</sup>.

The UNICEF report discusses the importance of what status children are assigned. The study found that the child's situation and needs to a great extent are controlled by the category in which the child is placed – "victim of trafficking", "unaccompanied minor asylum seeker", "vulnerable migrant" or similar – and that this has consequences for the assistance and protection the child receives. Consequently, the report proposes using the UN Convention on the Rights of the Child (for Norway, the Human Rights Act) to better protect children's needs – whether they are victims of trafficking, children of victims of trafficking, in vulnerable groups or the like. "*The study thus proposes the Convention on the Rights of the Child as an*

<sup>68</sup> UNICEF (2011) *Child Trafficking in the Nordic Countries. Rethinking strategies and national responses*. Italy: UNICEF Innocenti Research Centre.

<sup>69</sup> GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway*. Strasbourg : Council of Europe, pages 58 and 59.

<sup>70</sup> *The ROSA Project's 2014 Annual Report*, pages 33–34.

*alternative framework for meeting the needs of child victims of trafficking and other vulnerable child migrants in a way that matches services to individual needs, while reducing the importance of categorization”<sup>71</sup>.*

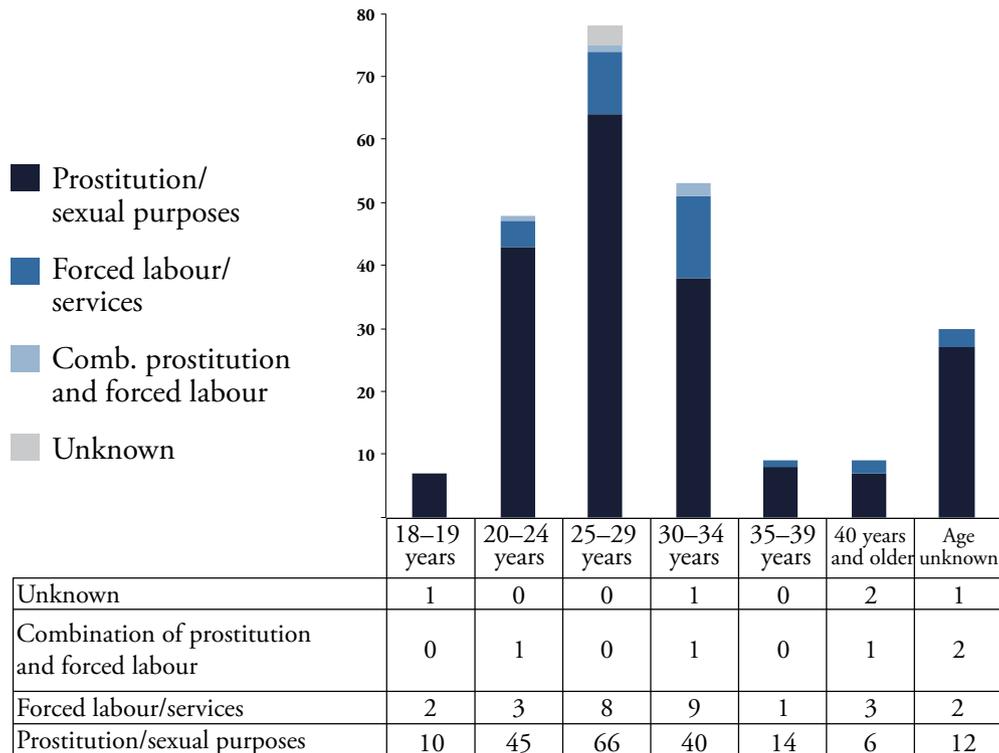
The action plan to combat human trafficking states that measures for children born in Norway and whose mother is a victim of human trafficking will be prioritised. According to measure 28 of the action plan, the Ministry

of Children, Equality and Social Inclusion has initiated work on collecting more research-based information about victims of human trafficking who are minors. It is important to know more about victims who are minors and their special needs for assistance, including the needs of the accompanying children. Any concerns regarding children accompanying a mother or father identified as a potential victim of human trafficking must be reported to the municipal child welfare services.

#### 4.2.4 Women

As shown in table 3, a total of 234 women over 18 years of age were assisted as potential victims of trafficking in 2014. Diagram 7 below shows that the majority of women presumed to be exploited in human trafficking are between the ages of 20 and 34.

**Diagram 7: Women by age and presumed type of exploitation**

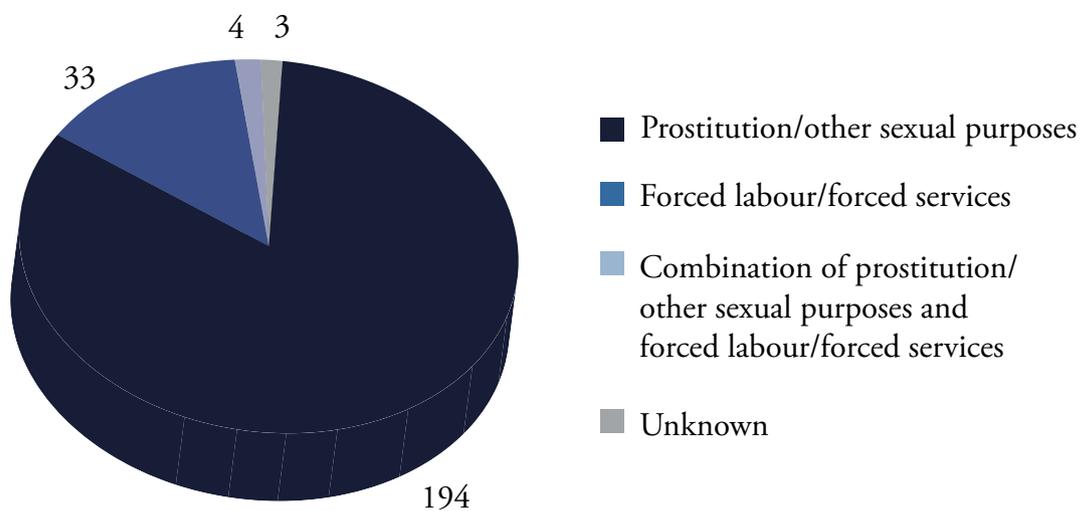


Comments to diagram 7:

- The youngest women were 18 years old, and the oldest nearly 50.
- Women between the ages of 20 and 34 comprise 76 percent of the total figure, while women under 20 comprise 3 percent and women over 34 comprise 8 percent.
- For 30 women, or 12 percent, age is unknown to the reporting body. These may be women who have told a human trafficking story and who receive assistance measures, but whose age remains unclear.
- The distribution may signal that the youngest women are the most attractive to traffickers, and the ones most vulnerable to being recruited and exploited.

Diagram 8 provides an overview of the women's distribution by main form of exploitation, regardless of age.

**Diagram 8: Women by presumed type of exploitation, 2014**

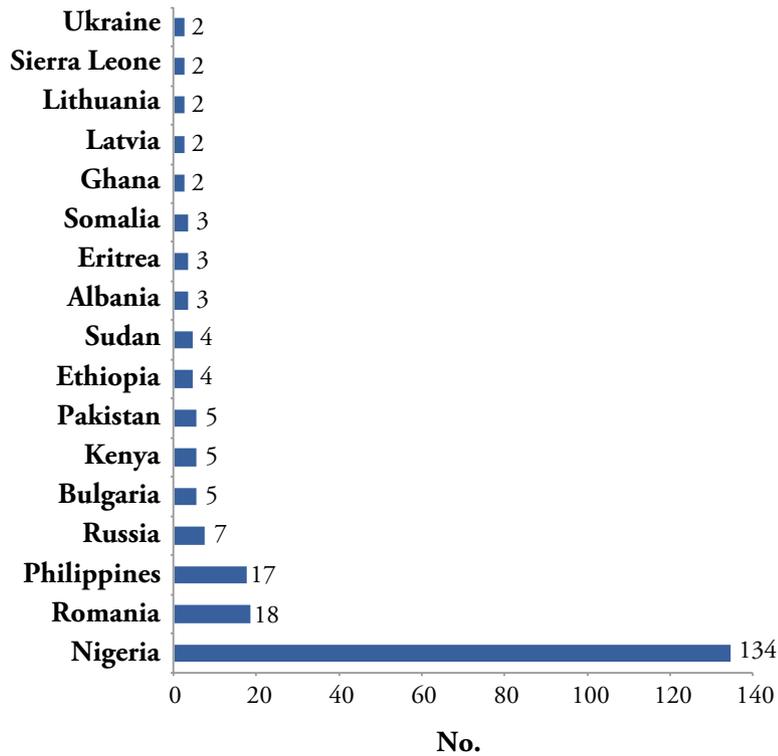


Comments to diagram 8:

- As in previous years, women presumed to have been exploited in prostitution or other sexual purposes represent approximately 83 percent of all women reported.
- Fourteen percent are presumed exploited in forced labour/services. This is an increase over previous years.
- Within forced labour/services, exploitation in the au pair scheme and other forms of exploitation in the home dominates.

Diagram 9 provides an overview of the countries with two or more women in 2014.

**Diagram 8: Women by nationality, 2014**



Comments to diagram 9:

- In addition to the 17 nationalities represented in the diagram, there were 16 women from 16 other countries who also received assistance as potential victims.
- As in previous years, of the 33 countries women from Nigeria dominate, accounting for almost 57 percent of the total number of identified women.
- All 134 Nigerian women are presumed exploited in prostitution/other sexual purposes.
- One explanation of why Nigeria is so strongly represented in the figures is that Nigerian women, and men, comprise the majority in street

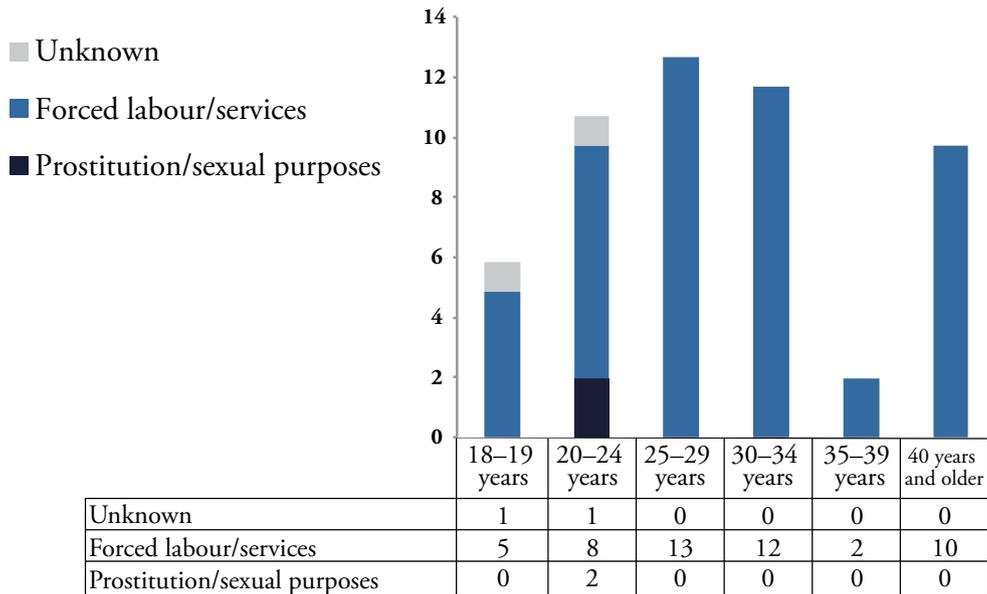
prostitution, and several of the bodies that report to KOM are engaged in outreach services among prostitutes.

- Nearly, 78 percent of Romanian women are also presumed exploited in prostitution/other sexual purposes, and 21 percent are presumed exploited in forced labour/services, primarily begging.
- Eleven of the 17 women from the Philippines are exploited in the au pair scheme, which means nearly 65 percent.
- In the 2014 reporting, Ethiopia has nearly halved the number of potential victims compared to the previous year.

#### 4.2.5 Men

In 2014, 54 men above the age of 18 (about 17 percent of the total) received assistance as potential victims of human trafficking. Diagram 10 shows the distribution of the men by age group.

**Diagram 10: Men by age and presumed type of exploitation, 2014**

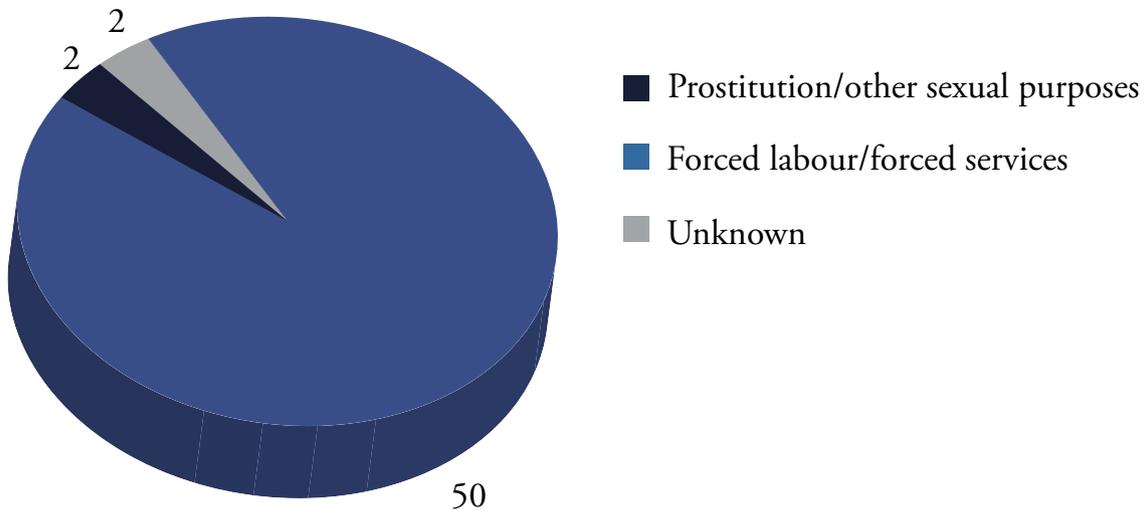


Comments to diagram 10:

- The youngest men are 18, and 10 men are above the age of 40.
- The men between the ages of 20 and 34 comprise 67 percent of the total, while men below the age of 20 comprise 11 percent and the men above 34 comprise 22 percent.

Diagram 11 provides an overview of the men's distribution by the main forms of exploitation, regardless of age.

**Diagram 11: Men by presumed type of exploitation, 2014**

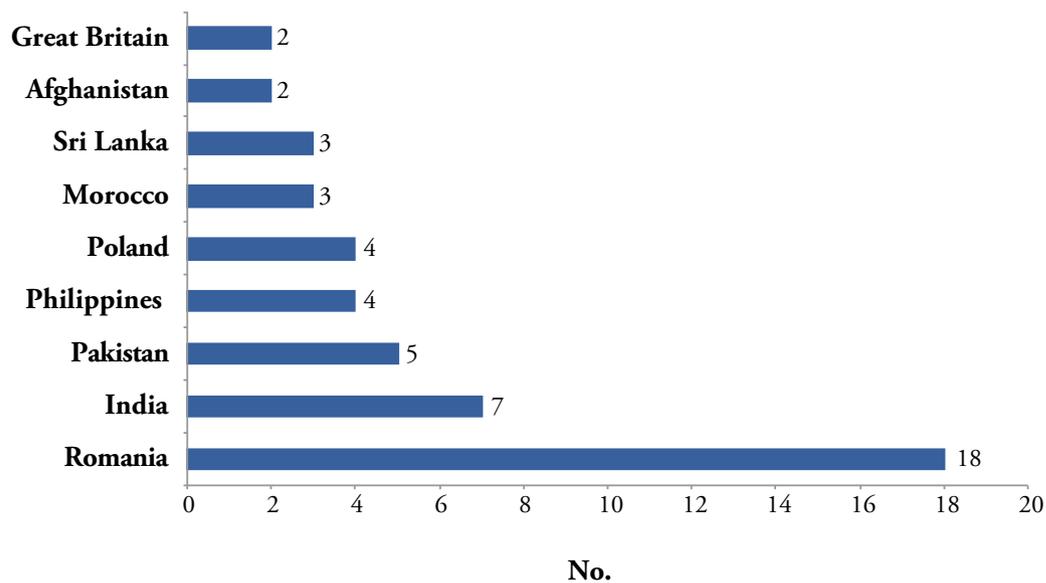


Comments to diagram 11:

- 50 of 54 men, or 92 percent, are presumed exploited in forced labour/services.
- For 20 of the 54 men, the reporting body has not specified the industry or type of work they have been exploited in.
- 11 men, or 20 percent, are presumed exploited in the construction industry, while six men, or 11 percent, are exploited in the restaurant industry.
- Two men are presumed exploited in prostitution or other sexual purposes.
- In recent years, the proportion of men identified and assisted within forced labour/forced services has increased from 50 percent in 2010 to 92 percent in 2014.

Diagram 12 provides an overview of the countries with two more men in 2014.

**Diagram 12: Men by nationality, 2014**



Comments to diagram 12:

- In total, the 48 men represent 15 nations.
- In addition, six men from six different nations were assisted as potential victims.
- Eight of the 18 Romanian men are presumed exploited in the construction industry.
- In 2013, men from the Philippines, India and Poland were relatively new groups. In 2014, men from the Philippines and India are still frequently represented and Pakistani men are now at the same level. It still seems that these nationalities are exploited in legal businesses. In 2012, young men from Romania or African countries suspected of being exploited in various forms of criminality dominated the picture.

## 4.3 Developments 2007–2014

Table 5 provides an overview of the development in numbers of potential victims by gender, age and presumed type of exploitation in the period 2007–2014.

**Table 5: Potential victims of trafficking by gender, age and presumed type of exploitation 2007–2014.**

Year	Girls presumed under 18	Boys presumed under 18	Women over 18	Men over 18	Total	Prostitution and other sexual purpose	Forced labour and services, Begging	War service	Organ trade	Unknown + Other
2007	35 17 %	19 9 %	139 68 %	10 5 %	203	162 80 %	32 16 %	0	0	9 4 %
2008	49 19 %	45 18 %	146 57 %	16 6 %	256	180 70 %	71 28 %	0	0	5 2 %
2009	50 17 %	19 7 %	191 65 %	32 11 %	292	198 68 %	80 27 %	1 0,5 %	1 0,5 %	12 4 %
2010	19 6 %	60 19 %	198 62 %	42 13 %	319	194 61 %	112 35 %	0	0	13 4 %
2011	32 12 %	33 12 %	191 70 %	18 6 %	274	187 68 %	72 26,5 %	2 1 %	0	6 + 7 2 + 2,5 %
2012	33 9 %	37 11 %	255 73 %	24 7 %	349	239 68,5 %	84 24 %	10 3 %	0	9 + 7 2,5 + 2 %
2013	16 5 %	18 6 %	231 77 %	35 12 %	300	201 67 %	88 <sup>72</sup> 29 %	0	0	11 4 %
2014	18 5,5 %	18 5,5 %	234 72,2 %	54 16,6 %	324	209 64,5 %	103 31,7 %	0	1 0,3 %	6 + 6 1,8 + 1,8 %

Since KOM began to indicate the extent of human trafficking in Norway, adult women have comprised the majority of persons who are/have been receiving assistance as potential victims. In the entire period, women have comprised about 68 percent of the total number of victims. In 2014, the percentage share rose to 72.2 percent. Until 2010, the number

of adult men increased each year, from 5 percent in 2007 to 13 percent in 2010. From 2010 to 2011, there was a relatively large decline to six percent, while from 2011 to 2012 there was a slight increase. From 2012 to 2013, the percentage share rose from 7 percent to 12 percent. In 2014, the percentage share of 16.6 percent is higher than ever.

<sup>72</sup> As in previous years, the figure also includes those who were reported as exploited in both forced labour and prostitution. To prevent double reporting, we have chosen to enter them under the column for forced labour/forced.

As we have pointed out, most victims are identified as exploited in prostitution and other sexual purposes. Until 2010, the share of identified victims presumed exploited in forced labour and forced services seemed to grow. From 2010 to 2011, there was a decline and in 2012 the percentage share was about the same as in 2011, at 24 percent. In 2013 and 2014, the share grew to 29 and 31.7 percent, respectively. Again, we see that the percentage share in 2014 is higher than ever before.

With regard to the presumed minors who have been assisted as potential victims, there have to some degree been significant fluctuations since 2007. In 2008, 2011 and 2012, girls and boys comprised about the same percentage of the total number of potential victims. In 2007 and 2009, girls comprised 17 percent, while boys comprised 9 and 7 percent, respectively. In 2010, the picture was reversed, as boys comprised 19 percent of the total number, while girls only comprised 6 percent.

In 2014, the total share of minors is low, with only 18 girls and 18 boys. Converted to percentages, girls and boys comprised only 11 percent of the total number of potential victims. This is marginally higher than in 2013, but a relatively large decline compared to previous years.

There may be several reasons why minors comprise a smaller share of the total number of potential victims of human trafficking than previously. Bufdir has reported significantly fewer victims than previous years. Several of the other agencies/organisations have also reported fewer minors than previously. However, new this year is that Oslo municipality, represented by its Child and Family Affairs Agency, reports directly to KOM. The latter reporting has probably contributed to the number of reported minor victims in 2014 being marginally higher than in 2013.

Several agencies and bodies have been very alert to the exploitation of minors in human trafficking in recent

years. In 2012, a large court case took place in the Bergen District Court, in which six Romanians of Roma descent were convicted of, among other things, having exploited Roma children in begging. In the summer of 2012, two Lithuanian men were convicted in the Gulating Court of Appeal of having exploited Lithuanian minors in crimes for gain. Bergen police and prosecutors used both cases to focus on the vulnerability of children and youth to being recruited and exploited in human trafficking, and the cases received a lot of coverage in national media. In both Oslo and Bergen, municipal outreach services have focused on communities in which they fear minors are exploited, including in prostitution, begging and drug scenes. An increased focus on these communities, inter-agency cooperation, conversations with and information for potential victims and possibly measures by the child welfare services as well as police prosecutions of traffickers may have contributed to it being less attractive to exploit minors.

In KOM's view, it is important that the focus and collaborations are maintained and further developed. Europol has pointed out that trafficking and exploitation of children is increasing within the EU<sup>73</sup> The same message is reflected in UNODC's global report from 2014<sup>74</sup>, which states that the number of child victims of human trafficking globally has grown steadily since 2004. According to UNODC, minor victims comprised a third of the total number of victims globally in 2011. Exploitation of minors in human trafficking subjects children to harm and trauma, and violates children's basic rights. At the same time, the exploitation of children, in both sexual purposes and forced labour/services, can provide substantial financial profits for traffickers. In a British case from 2005, it was revealed that more than 1,000 children had been trafficked from one Romanian village in a single year. Economic calculations showed that the children collected huge sums of money for the traffickers. Each child potentially earned £100,000 in the course of a year, or more than one million Norwegian kroner.

<sup>73</sup> Europol (2011) *Trafficking in Human Beings in the European Union*. The Hague : Europol.

<sup>74</sup> United Nations Office on Drugs and Crime, [http://www.unodc.org/documents/human-trafficking/2014/GLOTIP\\_2014\\_full\\_report.pdf](http://www.unodc.org/documents/human-trafficking/2014/GLOTIP_2014_full_report.pdf).

The comparison in table 5 still largely corresponds to EU's calculations of identified and potential victims of human trafficking within the EU: *"The percentage of child victims of trafficking in human beings is close to 15 % [...] The vast majority of all victims (80 %) are female, and 20 % of the victims are male."* Further, the report emphasises that: *"Data on identified and presumed victims distinguished by different forms of exploitation [...] showed that the majority (around 62 %), of the victims are trafficked for the purpose of sexual purposes, around 25 % for labour exploitation [...]".*<sup>75</sup>

Trends in the distribution of potential victims by gender, age and type of exploitation must be read with caution. It is again important to emphasise that the figures are

based on voluntary reporting to KOM, and that it is first and foremost partners in Oslo and the major Norwegian cities that have reported on their work. Variations – both in terms of which agencies reported to KOM and what they reported – will impact the pictures or trends given in this report. The reporting must also be seen in the light of manual counts and interpretations of the material. Therefore, it is not possible to say how representative the pictures and trends are, but as we have pointed out previously, we believe the estimates of the extent of human trafficking in Norway can be considered minimums. There are good reasons to assume that there are unrecorded numbers related to the extent of human trafficking.

## 4.4 What happens to persons identified as potential victims?

Persons identified as potential victims of human trafficking have the right to assistance and protection pursuant to the Council of Europe Convention. In Norway, potential victims may be entitled to:

- Legal aid (min. three hours of free legal aid to assess important legal matters)
- Period of reflection (limited permit of six months)
- Necessary security measures (according to risk assessment)
- Safe and tailored housing.
- Living expenses.
- Necessary health care.
- Activities and/or work-related measures.
- Safe return and re-establishment in home country.

In the request, KOM asks the agencies to report on some of these issues. However, the reports are very deficient. We have therefore chosen to discuss residence permits and

tailored returns.

### 4.4.1 Residence permit

#### Reflection period and limited residence permit

Persons identified as potential victims of human trafficking may be entitled to a temporary residence permit for six months, referred to as a reflection period. The assessment is to emphasise whether there are grounds to believe that the person is subject to human trafficking and whether they plan to accept help and participate in the measures that are offered<sup>76</sup>. They may also be granted a limited residence permit for up to 12 months. The criteria for this permit are that the foreigner has broken with the traffickers, that the trafficking has been reported to the police and that the police have started investigating or prosecuting the traffickers, and that police/prosecutors consider the foreigner's presence in Norway to be necessary to the completion of the case<sup>77</sup>. A limited residence permit

<sup>75</sup> Eurostat (2013) *Trafficking in Human Beings*. Luxembourg : Publications Office of the European Union, page 10.

<sup>76</sup> [http://www.udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2013-014/#\\_Toc371409817](http://www.udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2013-014/#_Toc371409817)

<sup>77</sup> [http://www.udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2013-014/#\\_Toc371409823](http://www.udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2013-014/#_Toc371409823)

may be granted without there having been a prior period of reflection, and, unlike the period of reflection, it may be renewed. The criteria for granting a period of reflection and limited residence permit are listed in section 83(1) and (2) of the Immigration Regulations and the Directorate of Immigration's Directive RS 2013-014.

■ **Thirty-nine of the decisions were in regard to a reflection period (section 8-3(1) of the Immigration Regulations)**

- 27 applications were granted (one applicant was a minor)
- 12 applications were rejected

Six of the decisions were made by UNE, which upheld UDI's decisions.

■ **Fifty-nine of the decisions were in regard to limited residence permits (section 8-3(2) of the Immigration Regulations)**

- 41 applications were granted
- 18 applications were rejected

Thirteen decisions were made by UNE, and UNE reversed one decision.

In addition to these decisions, decisions were also made for seven accompanying children. The children were granted permits on the same terms as their parents, pursuant to section 8-3(4) of the Immigration Regulations.

Of the 98 decisions made pursuant to section section 83(1) and (2) of the Immigration Regulations, 61 applicants were women and 12 were men. There was also one minor boy<sup>78</sup>. Most (60 percent) of the cases were in regard to exploitation in prostitution or other sexual purposes, or prostitution in combination with another form of exploitation<sup>79</sup>. Forty percent of the cases

related to forced labour or forced services. Thirty-nine applicants were from Nigeria, nine from other African countries, 21 from eastern European countries, 19 from Asian countries and two from western Europe. Most applicants say that they have been subject to human trafficking in Norway. About a third of the applicants had applied for asylum prior to applying for a residence permit under section 8-3 of the Immigration Regulations. The asylum application was either dropped in connection with the application for a reflection period or a decision had already been made (i.e. it had been rejected).

Applications pursuant to section 8-3(1) and (2) of the Immigration Regulations that were submitted in 2014 but for which no decision had been made by the end of the year, are not included in the above decisions.

Decision after application for protection The right to seek protection (asylum) is enshrined in international conventions. Norway is obliged not to return persons to their home country if they are in genuine danger of serious assaults. A consideration is first made as to whether the applicant meets the conditions for protection. If these conditions are not fulfilled, an assessment is made of whether the applicant meets the conditions for a residence permit as a witness in a human trafficking case. Victims of human trafficking who have given testimony in a legal case may have the right to a permit that can provide grounds for a permanent residence permit. As of 1 January 2010, the criteria for being granted such a residence permit were regulated in section 8-4 of the Immigration Regulations (residence permit for witnesses in human trafficking cases)<sup>80</sup>. This type of permit is evaluated upon application for protection (asylum). If the applicant does not meet the terms for protection or a residence permit as a witness in a case about human trafficking, an assessment is made of whether the applicant fulfils the criteria for a residence permit based on strong humanitarian considerations or

<sup>78</sup> The 98 decisions concerned a total of 85 persons.

<sup>79</sup> Manual counting, caused some uncertainty to the figures.

<sup>80</sup> <http://www.udiregelverk.no/no/rettskilder/sentrale/utlendingsforskriften/kap8/8-4/>

a particular connection to Norway, cf. section 38 of the Immigration Act.

In 2014, UDI made 45 decisions on asylum applications where the applicant had been identified as a potential victim of human trafficking <sup>81</sup>.

■ **Eleven applicants were granted residence permits**

- Two were entitled to a residence permit on the basis of a need for protection pursuant to section 28 of the Immigration Act.
- Nine were granted residence permits due to strong humanitarian considerations or particular connections to Norway pursuant to section 38 of the Immigration Act. Of these, seven had been witnesses in a criminal case regarding human trafficking (section 8-4 of the Immigration Regulations and instructions 2010-031-GI).
- UNE has granted one permit based on the applicant having provided witness testimony in a case about human trafficking, cf. section 8-4 of the Immigration Act.

■ **15 applications were rejected in accordance with the Dublin Regulation**

■ **19 applications were rejected after having been assessed on their merits**

Of the 45 persons who applied for protection, 39 were women and five were men. There was also one minor boy. Prostitution and other sexual purposes was claimed by 34 applicants, all women. Nine persons claimed forced labour and/or forced services, of whom four were men and one a minor boy. Twenty-four applicants were from Nigeria. Eleven were from other African countries, one from an eastern European country and nine from Asian countries. Fifteen of the applicants had a period of reflection or

limited residence permit pursuant to section 83 of the Immigration Regulations prior to the application for protection.

Decisions were also made for 10 accompanying children.

Presumed victims among residents in reception centres

In 2014, UDI received reports of 20 presumed victims of human trafficking among residents in reception centres, including centres for unaccompanied minors between the ages of 15 and 18. Eleven of the 20 were minors, of whom eight were girls and three were boys, and all were reported by transit centres for unaccompanied minors. Five of the 20 were presumed exploited in forced labour/forced services, all of whom were minors.

The figures are manual reports, and there is a risk that reception centres under-report to UDI.

**Decisions on appeals to the Immigration Appeals Board (UNE)**

UNE processes appeals of rejections made by UDI in the first instance. UNE therefore finds that most of those who appeal rejections of applications for a reflection period, limited residence permit or protection have already been in touch with other authorities, agencies or organisations. In general, UNE is rarely the first authority to identify someone as a potential victim of human trafficking.

In 2014, as parts of its appeals processing UNE identified two persons as potential victims of human trafficking. One case was in regard to an unaccompanied minor asylum seeker who was presumed exploited for sexual purposes. UNE returned the case to UDI, which conducted an additional interview but maintained its decision. UDI accepted that the appellant had been subjected to sexual assaults in his home country, but did not think he was

<sup>81</sup> UDI points out that no record is made in DUF as to whether human trafficking is claimed in applications for protection. The figures presented are therefore based on manual counts and the figures provided are somewhat uncertain. UDI specifies that human trafficking cases in the Asylum section are reported after a decision is made in the case, and that the figures therefore do not give a complete picture of the number of asylum seekers who have been identified as potential victims in 2014. The figures do not include cases where there are indicators of human trafficking but the applicant has not themselves said they are a victim.

at risk of further assaults on return. UNE agreed with UDI's assessment. The other case involved a woman with children, exploited in prostitution. The woman had a residence permit in Italy when she applied for protection. In connection with UNE's processing of a request to set aside the previous decision, information was provided regarding the appellant's exploitation in prostitution in Italy. This had not previously been a topic in the case. UNE assumed that the appellant could access protection and follow-up in Italy. She was encouraged to contact Italian authorities on return. The appellant had herself contacted supporters in the Salvation Army, who assisted her in relation to the return to Italy and with follow-up in regard to prostitution there.

In 2014, UNE provided assistance to one appellant who had previously been identified as a victim of human trafficking by UNE or another authority. The appellant came to Norway as an unaccompanied minor asylum seeker. She was promised schooling, but after arrival she was, among other things, forced to work as a cleaner without pay. The UNE case was decided by the Appeals Board, where further information emerged about her status as a victim of human trafficking. The appellant was considered especially vulnerable, and after a concrete assessment a social worker and a previous guardian were allowed to attend the Appeals Board meeting. They were also given the opportunity to make statements. The lawyer was given extensive opportunities to ask questions of the appellant. The appellant was granted protection. An assessment was made of whether UNE should provide information to the appellant about her rights etc. as a victim of human trafficking, but it was concluded that these were already properly attended to by the child protection services, her guardian and lawyer.

In a small number of cases where there was only a general suspicion that the appellant might be a potential victim

of human trafficking, a letter was sent to the appellant with questions designed to help illuminate whether the appellant was subject to human trafficking.

#### **4.4.2 Facilitated return to the home country**

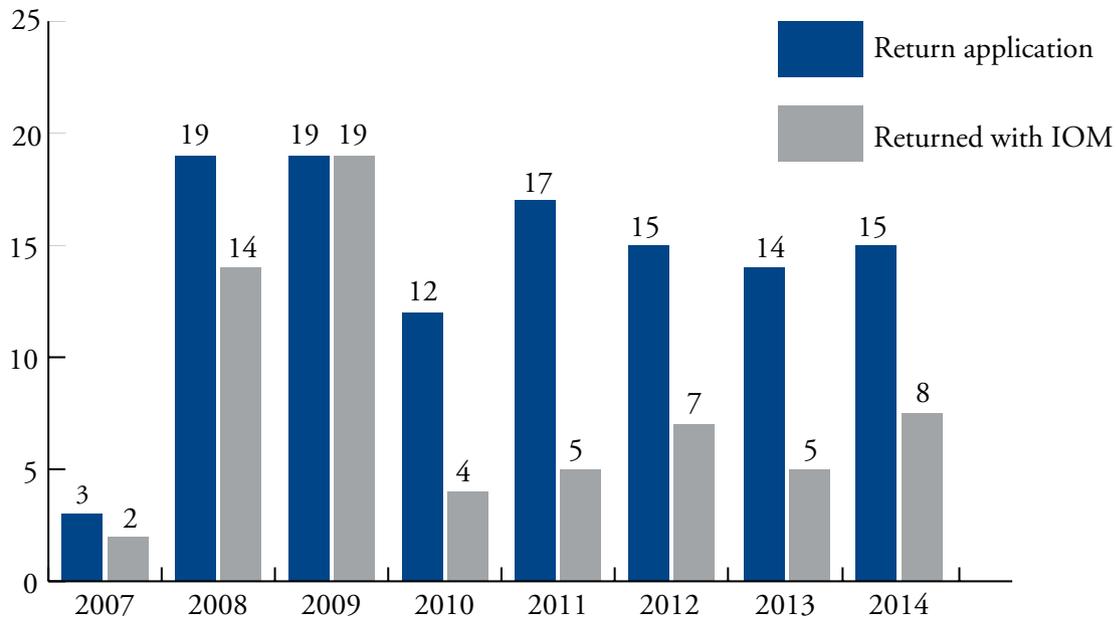
Some of those who have been identified as potential victims of human trafficking choose to return to their home country, or to another country where they have a permit to stay, without assistance from Norwegian authorities or organisations. Some disappear without it being known where they have gone. Some are returned by the police to another European country following a decision by the Directorate of Immigration under the Dublin Regulation, while others are forcibly repatriated after receiving a final rejection of their asylum application and overstaying.

Some of those identified as potential victims apply to return under IOM's assisted voluntary return programme. The Ministry of Justice has the overarching responsibility for Norwegian authorities' offers of assisted return and reintegration for victims exploited in human trafficking. IOM in Oslo, in collaboration with UDI, administers and facilitates the programme. From 2007 to 2012, IOM had a separate return programme for potential victims of human trafficking, called the Counter Trafficking Programme. However, IOM found that in many cases it was difficult to make a final determination of whether the person was exploited in human trafficking or not, but that in any case the person was in a vulnerable position or belonged to another vulnerable group. In 2012, IOM collaborated with UDI to establish a programme for assisted return and reintegration for several groups of vulnerable migrants (the Vulnerable Groups Project), including potential victims of human trafficking<sup>82</sup>.

for return and have returned through IOM since 2007.

Diagram 13 provides an overview of the number of potential victims of human trafficking who have applied

**Diagram 13: Overview of number of return applications and returns through IOM in the period 2007–2014**



There are various reasons for the variations in the number of applications and the number of completed returns. The decline from 2009 to 2010 was largely due to a lack of funding from the Norwegian authorities. In anticipation of this, IOM Oslo had to stop assisted voluntary return and reintegration of presumed victims. In September 2010, the funding was settled and IOM Oslo was able to resume the work. Since the autumn of 2010, the number of applications and the number of returns have been relatively stable.

A 2011 evaluation report from Norad recommends that Norwegian authorities finance IOM's work to combat

human trafficking for longer periods than one year<sup>83</sup>. Funding on a year-by-year basis prevents long-term planning and creates less continuity and predictability in the work.

When returning and being reintegrated through IOM's Vulnerable Groups Projects, the returnee is offered reintegration support of USD 7,800 (about NOK 61,000). This is composed of USD 1,500 in cash and in-kind support of USD 6,300 per person. The in-kind support is divided into the categories housing support, medical support and "education, occupational training, business start-up or subsistence allowance".

<sup>83</sup> Norad (2011) *Evaluation of the International Organization for Migration and its Efforts to Combat Human Trafficking*. Oslo: Norad.

The latter category of reintegration support is by far the largest, as emphasis is placed on support being sustainable and for the person to be able to support themselves after the end of the reintegration support. The use of this support is based on a reintegration plan that the returnee develops together with IOM and other partners<sup>84</sup>. If the returnee is accompanied by a child, the child is also entitled to the same reintegration support, as well as about NOK 10,000 (USD 1,270) cash per child as extra support for accompanying minor children.

When comparing the number of applications for returns with the number of persons receiving assistance as presumed victims of human trafficking, it is clear that few presumed victims choose to use the offer of assisted return and reintegration. There were 324 potential victims and 15 applications in 2014. Under section 2.3, IOM discussed the challenges it faces in the work on returns.

Furthermore, service providers report on both personal and practical hindrances for presumed victims who wish to make use of IOM's Vulnerable Groups Project. In its Annual Report<sup>85</sup> for 2014, ROSA reports that the women it assists perceive assisted return to be difficult. The practical preparations around a return with IOM must take place quickly, as it is important that those who want to return do not have to wait long once they have chosen to return. Other service providers have found that unclear procedures and long processing times mean that presumed victims wishing to return voluntarily decide to leave the country on their own while the case is pending.

An important objective of the return and reintegration program is to prevent re-trafficking. However, to date we have little knowledge about what has happened to those who have chosen to return. According to the ROSA Project, there is too much *"uncertainty around what will happen in the home country on return. There is also great*

*uncertainty about the future and safety of the children when the mother returns without having paid off her debts to traffickers*<sup>86</sup>. It will be easier and perceived as safer for the service providers to provide information about IOM's return and reintegration programme if we have more (and hopefully positive) knowledge of what happens to those who have returned to their home country.

Returns under the Dublin Regulation can also be challenging. In principle, asylum seekers have their application for protection dealt with in the first safe country they come to. However, the Directorate of Immigration must consider each Dublin case specifically and individually. When rejecting applications, Norwegian authorities assume that the person in question will receive assistance and protection in the first country of entry. UDI and the National Police Immigration Service facilitate information exchanges with the recipient country regarding possible human trafficking, can notify the recipient country ahead of the return and provide information to the applicant about services in the recipient country. However, service providers are concerned that potential victims do not receive appropriate assistance, particularly in countries affected by the financial crisis. Service providers also find that many victims are afraid to return to the first country of entry because they believe the traffickers are still there<sup>87</sup>. Potential victims of human trafficking, who generally shall return to the first country of entry, may have the option of applying to return to their home country through IOM. The provision of assisted return and reintegration is assessed individually by the Directorate of Immigration.

<sup>84</sup> For more information, see: [http://www.iom.no/images/VARP\\_docs/VM\\_norsk.pdf](http://www.iom.no/images/VARP_docs/VM_norsk.pdf)

<sup>85</sup> ROSA-annual report 2014, p. 21.

<sup>86</sup> ROSA-annual report 2014, p. 46.

<sup>87</sup> ROSA-annual report 2013.

## 5. Prosecution of human trafficking

All three action plans to combat human trafficking in Norway, from 2003 to 2014, have had two overarching and equal goals: to protect and assist victims and to investigate and punish traffickers. The goals are partly mutually dependent: in order to give victims the best protection possible, traffickers must be prosecuted, and in order to prosecute traffickers, victims must be protected and safeguarded as witnesses. In addition, it is important to the government that trafficking is prevented both nationally and internationally.

Human trafficking as a criminal offence in the context of criminal law is relatively new. A statutory prohibition of human trafficking was incorporated into the General Civil Penal Code as its section 224 in 2003.

A new General Civil Penal Code (General Civil Penal Code 2005) has been adopted and is expected to come into force in October 2015. The code deals with trafficking in sections 257 and 258. The new Code expands penalties for human trafficking to six years, while penalties for aggravated human trafficking remain the same, 10 years.

### 5.1 Reports filed

Table 6 provides an overview of the number of reports filed pursuant to section 224 of the General Civil Penal Code over the last nine years. The information was collected from the police register of criminal cases, STRASAK, table jus065.

**Table 6: Reports filed pursuant to section 224 of the General Civil Penal Code 2006–2014.**

Year	REPORTS FILED PURSUANT TO SECTION 224				Total
	Prostitution/other sexual purposes	Forced labour/services	Removal of organs	War service	
2006	34	1	-	-	35
2007	19	4	-	-	23
2008	41	4	1	-	46
2009	31	7	-	-	38
2010	30	10	-	-	40
2011	32	12	-	-	44
2012	26	22	-	-	48
2013	30 <sup>88</sup>	39 <sup>89</sup>	-	1	70
2014	37 <sup>90</sup>	68 <sup>91</sup>	1	-	106
<b>Total</b>	<b>280</b>	<b>167</b>	<b>2</b>	<b>1</b>	<b>450</b>

<sup>88</sup> Including two reports for aggravated human trafficking.

<sup>89</sup> Including two reports for aggravated human trafficking.

<sup>90</sup> Including three reports for aggravated human trafficking.

<sup>91</sup> Including 48 reports for aggravated human trafficking.

The number of reports grew steadily from 2009 to 2012. From 2013 to 2014, there was an increase of 51.4 percent. For the second time, the number of reports for exploitation in forced labour/forced services is higher than the number of reports for exploitation in prostitution/other sexual purposes.

Since 2006, police reports about forced labour and forced services have gradually increased each year. One possible cause of this is the increased focus, acknowledgement and knowledge of forced labour as something that exists in Norway. There is now more awareness that human trafficking is not only about women exploited in prostitution. Experience from specific cases makes it easier to define new cases as human trafficking, including for police and prosecutors.

Additionally, several big media stories about social dumping and crime in the workplace have helped highlight the exploitation of human beings. Since 2009, police reports about human trafficking for prostitution and/or other sexual purposes have constituted about 30–35 a year. In 2014, one police report was registered for human trafficking for organ trade.

It is difficult to identify concrete reasons for the variation in numbers of reports filed through the years. The reasons are complex and may be caused by issues within the police and prosecution authorities, and with the victims and their lawyers. However, police and prosecutors, municipal services, service agencies and organisations have found that some factors have a positive effect, while others have a negative effect on victims' willingness and ability file a report and testify in criminal proceedings. We have summarised some of these:

*Factors which inhibit a victim's cooperation with the police:*

- Fear of reprisals from traffickers in the form of threats of violence and/or economic sanctions against actual victims and/or their families.
- Lack of knowledge of the rights of victims of human trafficking.
- Fear of punishment or expulsion as a result of it emerging that the victim has broken the law in the course of the human trafficking situation human trafficking situation.
- Feelings of shame and guilt at finding themselves in such a situation.
- Connection and/or loyalty to the traffickers.
- Mistrust of the authorities and a fear of being tricked once again.
- A sense that they are better off in the trafficking situation than before the exploitation.
- Financial obligations to family in the home country, and few options for income-generating work.
- Lack of confidence in the future.
- Unclear and complex information on the support offered by Norwegian authorities if victims cooperate with the police
- No guarantee of permanent protection, residence permit, work and housing. Assistance and protection are often temporary or time-limited.
- Knowledge or rumours that others who have acted as witnesses have not received sufficient assistance and protection.
- Knowledge or rumours that police often dismiss reports.
- Knowledge or rumours that the traffickers will be acquitted or be given minor sentences.

*Factors which promote a victim's cooperation with the police:*

- Frequent conversations with lawyer and support groups regarding victim's rights and opportunities if they cooperate with the police.
- Written information from Norwegian authorities about rights and options when cooperating with the police.
- Equivalent and unambiguous information from all agencies and organisations assisting presumed victims.
- Bilateral cooperation between the police and support groups in Norway and the home country to prevent any reprisals against the family, to facilitate return and reintegration and to prosecute traffickers in the home country.
- Meeting policemen or policewomen who have expertise in human trafficking and who understand the victim's situation.
- Knowledge that the traffickers will be prosecuted and convicted.
- Knowledge that other victims have received reparations and assistance.
- Adapted housing and follow-up and work-related activity that adds content and meaning to daily life.
- Necessary medical care, including mental health care.
- Desire to help prevent others from falling into the same situation
- Desire for compensation.

As mentioned in section 4.1.2, there is a need for more knowledge about the reasons why potential victims

of human trafficking decline offers of assistance and protection. This includes a need for more knowledge about the factors that will encourage victims themselves to take the initiative to ask for assistance and protection. The same applies to the factors which inhibit or encourage the decision to cooperate with police and prosecutors on the prosecution of the traffickers.

In the report *Balancing protection and prosecution in anti-trafficking policies*, Anette Brunovski discusses precisely the issues that can encourage people who are victims of trafficking to cooperate with police and prosecutors, as well as issues that prevent such cooperation<sup>92</sup>. Brunovskis' point of departure is the reflection period and related residence permits in the Nordic countries, Belgium and Italy, and she discusses the dualism that these contain. On the one hand, the reflection period and related residence permits shall meet victims' needs for assistance, and on the other hand, they are to help the authorities prosecute traffickers. In reality, Brunovskis seems to perceive the goal of prosecuting traffickers to take precedence over the needs of the victim. At the same time, Brunovskis points out that:

'There is remarkably little systematic knowledge about the circumstances under which victims decide to cooperate, in spite of the high international profile of the issue. The findings of this report indicate that for the reflection period to be a useful tool for prosecuting traffickers there needs to be some form of contact between victims and police at a stage where their information is still "fresh" and thus provides leads that can be followed up and investigated.'<sup>93</sup>

<sup>92</sup> Brunovskis, Anette (2012) *Balancing protection and prosecution in anti-trafficking policies. A comparative analysis of reflection periods and related temporary residence permits for victims of trafficking in the Nordic countries, Belgium and Italy*. København: Nordic Council of Ministers.

<sup>93</sup> Ibid. page 71.

## 5.2 Investigation

KOM wants to briefly describe the scope of criminal cases under section 224 of the General Civil Penal Code, and the challenges police and prosecutors face. For this status report, KOM has requested that Norwegian police districts and specialised units as well as the Public Prosecution Offices provide information on the extent and characteristics of the cases. The request has been sent to both police districts and Public Prosecution Offices, as the police are authorised to make decisions to not prosecute cases in which no one has been charged or detained. In addition to an overview of specific cases, we requested a brief summary of the police district's assessment of what the challenges are in this type of case and the main reasons cases are not pursued under section 224 of the General Civil Penal Code. In total, 11 of 27 police districts responded to the request, as did one specialised unit.

Table 7 shows the police reports in 2014 divided by police district. The information was obtained from the police register of criminal cases, STRASAK, table jus063. The overview shows that Oslo Police District has 26 percent of all reports. Søndre Buskerud Police District has about 33 percent and Hordaland and Romerike police districts have about 10 and 9 percent, respectively.

Table 7: 2014 reports by police district:

POLICE DISTRICT	REPORTS FILED PURSUANT TO SECTION 224				TOTAL
	Prostitution/other sexual purposes	Forced labour/ services	Removal of organs	War service	
Oslo Police District	22	6	-	-	28
Follo Police District	-	1	-	-	1
Østfold Police District	1	-	-	-	1
Asker and Bærum Police District	-	1	-	-	1
Søndre Buskerud Police District	-	35	-	-	35
Rogaland Police District	1	4	-	-	5
Haugaland and Sunnhordland Police District	1	4	-	-	5
Hordaland Police District	3	8	-	-	11
Midtre Hålogaland Police District	1	-	-	-	1
Sogn og Fjordane Police District		1	-	-	1
Agder Police District		1	1		2
Nordmøre and Romsdal Police District		1	1		2
Hedmark Police District	2	-	-	-	2
Nordre Buskerud Police District	5	-	-	-	5
Romerike Police District		10	-	-	10
Telemark Police District	1	-	-	-	1
<b>Total</b>	<b>37</b>	<b>68</b>	<b>1</b>	<b>-</b>	<b>106<sup>94</sup></b>

<sup>94</sup> The national overview in table 7 shows a total of 106 reports. The statistic is "frozen" on 01/01 each year; the figure may change along the way due to changes in the status.

Some police districts have created specialised units, projects, or groups that are responsible for investigating trafficking cases.

### **National Criminal Investigation Service (Kripos)**

Kripos has one police officer working full time on human trafficking cases. In 2014, Kripos has not investigated its own cases, but the unit has assisted several police districts in human trafficking cases. Most of these are about exploitation in forced labour. The assistance has mainly consisted of coordinating activities and passing on information, as well as advising and providing assistance locally. Most human trafficking cases have international aspects or branches. Kripos plays a central role in international police collaborations and is a point of contact for several international channels, such as Europol and Interpol.

In 2014, Kripos has increasingly focused on the phenomenon of labour-related crimes. Exploitation of workers is a significant part of labour-related crimes. The crimes are usually systematic, intentional and aim to achieve increased profits and to undercut those who operate legally. The most aggravated forms of exploitation have a clear interface with human trafficking, and Kripos finds that forced labour exists at this intersection.

Kripos finds that there are multiple challenges in cases about human trafficking for forced labour.

- Basic cultural differences and language barriers create challenges in the investigation.
- The traffickers are often from the same country as the victims, and they can control the victims by working with others in their home country.
- Potential victims are often reluctant to cooperate. Kripos finds that there may be many different reasons for the lack of trust in Norwegian

authorities, including fear of reprisals, fear of a loss of income and that victims do not perceive themselves as victims.

- It is difficult to uncover cases and identify victims, as the potential victims often have short-term work and residence permits in Norway (for instance seasonal permits).
- Potential victims are often from countries with which collaborations are difficult in terms of exchanging information and collecting evidence. The reason for this may be how the concept of "forced labour" is interpreted but can also be due to serious issues such as corruption.

Kripos also faces several challenges in cases of human trafficking for prostitution/other sexual purposes:

- How to identify the victims of human trafficking and motivate them to cooperate.
- Victims' debts to traffickers and their general situation make it difficult for them to be in contact with/cooperate with Norwegian authorities.
- Victims' fear of reprisals against their family in the home country if they do not do what the traffickers want.

Kripos generally finds that many cases regarding human trafficking require a lot of resources and that the police districts have limited resources and must prioritise. Additionally, Kripos finds that some police districts lack competence in the field. Knowledge about human trafficking is necessary for the police to be able to uncover cases and start investigations. Kripos also emphasises the importance of inter-agency collaborations in the fight against human trafficking.

### **Oslo Police District**

The STOP project started in Oslo Police District in January 2007 as one of the measures in the then-current

action plan to combat human trafficking (2006-2009). The mandate stipulated that the project was to have a preventive focus and use problem-oriented police work as a method. In 2012, STOP was discontinued as a project, and was incorporated into the regular organisational structure under the section for organised crime.

Since the project was discontinued, there have been discussions both within the District and among the actors in the KOM network about whether it served its function. In February 2014, the District decided to re-establish a separate group that is to investigate cases about human trafficking for prostitution or other sexual purposes. Cases about human trafficking for forced labour, forced services and begging are handled by the Department of Immigration in the Oslo Police District. KOM has not received any reports from this section for 2014.

In 2014, Oslo Police District's section for organised crime handled 22 cases about possible human trafficking for prostitution/other sexual purposes. Eighteen potential victims were women.

In the work on human trafficking cases related to prostitution/other sexual purposes, Oslo Police District encounters several challenges, the most important of which are:

- Victims often have a relationship or close association with the exploiter. The exploiter may be a boyfriend or someone the victim perceives to have helped her out of a situation that was worse. This means that victims often make statements that are to the advantage of the traffickers.
- The quality and suitability of interpreters can create challenges.
- In some cases, the police report is filed at the end of the reflection period. Getting evidence is then

challenging. Electronic evidence has been deleted. This can contribute to a loss of credibility for the witness statements and/or to the statements becoming imprecise.

- The statements of the victims have little to no credibility and may contain lies. Investigators find that the motivation for this may be to cover up other issues, or may have reasons they are not able to get to the bottom of or understand.
- The varying quality of assistance from other countries and evidence collection abroad are especially demanding.

### **Rogaland Police District**

Rogaland Police District has three police officers who work full-time with human trafficking cases. The officers are employed in the section for organised crime, which is part of the joint investigative unit. Further, the immigration section, which is part of the joint public administration unit, has amassed considerable experience in preventing and uncovering human trafficking for forced labour.

Rogaland Police District finds that the focus on trafficking has led to more trafficking cases, both cases under investigation and convictions. There has been increasing interest among District staff in recent years. The human trafficking group receives a lot of intelligence, and the feedback from others in the District is that they see providing intelligence as more useful when they know that specialists in the field are in charge of handling the information. The dedicated officers are also used for advice and guidance at the start of criminal cases, especially in regard to the threshold for registering a case as human trafficking.

In general, Rogaland Police District finds that the greatest challenge in human trafficking cases is competence about the phenomenon, indicators for the identification of

potential victims, how to get the victim to talk and provide information, and the important steps to take at the start of an investigation. Like Kripos, Rogaland points to the importance of the police having special resources for processing the cases.

Additionally, Rogaland finds that it is important to get informants in trafficking cases as well.

In 2014, Rogaland Police District had three cases about potential human trafficking. One was about exploitation in prostitution/other sexual purposes and one was about exploitation in begging. The cases included:

- Seven potential victims, of whom one was a woman and the rest were men.
- Five potential traffickers, of whom one was a woman and the rest were men.
- Most victims and traffickers were of the same nationality.
- One case has been dropped for various reasons: insufficient information about the perpetrator and no verifiable information.
- Two cases were still under investigation.

### **Hordaland Police District**

In 2009, Hordaland Police District started a special group, the EXIT Project. The purpose of the group was to combat human trafficking, violations of the prohibition on the purchase of sexual services and pimping. In 2012, EXIT was incorporated into the regular organisational structure under the section for organised crime. From August 2014, EXIT consisted of four investigators and prosecution lawyers, as well as one advisor. The latter works closely with the intelligence division, so that resources and capacities are utilised.

In 2014, EXIT has investigated and prosecuted several

cases. Two cases ended in convictions under section 224, while others remain under investigation. Relevant tips and enquiries regarding human trafficking have been collected and assessed. Some have been followed up on through investigations or other measures.

### **Østfold Police District**

In Østfold Police District, the central investigative and immigration unit (SEUT) investigates all cases in the District in which human trafficking and human smuggling are suspected. The unit includes investigative and prosecutorial competencies in both the immigration field and in cases involving organised crime.

The District finds that many human trafficking cases often come down to "she said, he said", as it does in similar cases such as those involving domestic violence. There is often little evidence to support the victim's statement. Like the Oslo Police District, the police in Østfold find that police reports in cases about exploitation in prostitution are filed too late to collect electronic evidence.

In 2011, Østfold Police District initiated the creation of local inter-agency collaboration forums. There is one forum for adult trafficking victims and one for trafficking victims who are presumed to be minors. The collaboration forums are actively used as arenas for inter-agency collaboration in specific cases and to exchange information, create or revise routines for caseflow and collaboration, and to discuss various issues.

In 2014, Østfold Police District handled one case about possible human trafficking. The case was dropped as the victim disappeared from a shelter.

### **Sør-Trøndelag Police District**

Sør-Trøndelag Police District has created a project called "Pimpit", which has investigators doing outreach among

prostitutes. The investigators have expertise in human trafficking and focus on this area. Due to the resource situation in the District, the investigators in "Pimpit" were ordered to serve elsewhere in the latter half of 2013. "Pimpit" resumed its work in October 2014.

"Pimpit" has identified four potential victims of human trafficking in 2014. None of these were later verified as potential victims.

Sør-Trøndelag Police District works well with Trondheim municipality. In 2014, it made several assessments (not criminal cases) in cases involving foreign women.

### **Søndre Buskerud Police District**

In Søndre Buskerud Police District both Lier police station and Nedre Eiker police station investigated human trafficking cases in 2014.

Nedre Eiker police station started investigating a human trafficking case in the autumn of 2013. This case was about the possible exploitation of Vietnamese citizens in the agriculture and greenhouse industries. Thirty-four Vietnamese citizens had status as victims in the case, but all have returned to Vietnam. The case is with the Public Prosecutor.

In 2014, Lier police station has also investigated a human trafficking case centred on the greenhouse/gardening centre industries. The case related to the possible exploitation of seasonal workers from India. Three Indian men are victims in the case. Court proceedings in the case start in 2015.

Lier police station has gained many experiences through the investigation. In addition to the very time-consuming work, investigators and prosecutors have found that:

- Victims perceive the poor working conditions in Norway to nevertheless be better than the alternatives at home, which means that they accept the poor conditions.
- The cost of hiring interpreters is high.
- The international aspect of human trafficking cases is challenging. It has been necessary to collect evidence in India from several witnesses.
- The potential victims are reluctant to cooperate with and make statements to the police.

Like Østfold Police District, Søndre Buskerud Police District draws parallels to cases regarding intimate partner violence. In these cases it is also often common for the victim to live under a lot of pressure, not seeing alternatives to living with the violence and hoping for improvement, and for these reasons not wanting to make statements to the police.

### **Summary**

The review of cases that the police have reported to KOM shows that human trafficking cases are complex and very challenging for Norwegian police and prosecutors in terms of uncovering cases and investigating them. In summary, the following challenges can be highlighted:

- The police encounter many of the same challenges as service agencies: victims have debts and close connections to or relationships with traffickers, they do not trust the authorities and they fear reprisals. The challenge for the police lies in how to get the victims to cooperate with the police and provide the necessary information.
- Human traffickers often come from the same country as the victims, and they can control the victims by working with others in their home country.
- The international aspect of the cases and the need

to collect information in other countries.

- Police reports, especially in cases regarding exploitation in prostitution/sexual purposes come too late in terms of evidence collection. Evidence has often deteriorated and cannot be recreated. Electronic evidence has been deleted.
- The police often lack information to proceed in the cases. In particular, the police find that this is true of information about the perpetrator, or that information that is provided cannot be verified.
- There is a need for more focus on and use of intelligence and informants to survey and possibly uncover human trafficking in communities in which exploitation may take place.
- Human trafficking cases are wide-reaching, require a lot of resources and often need long-term investigations.
- Several police districts also emphasise the importance of police officers having competence about human trafficking and for specialist units, groups or persons to be established to work in the area.

- At the same time, several districts say that the police can draw parallels to and use experiences from other types of cases, especially intimate partner violence.
- It is difficult to draw legal distinctions between different phenomena, especially between social dumping and forced labour but also between pimping and exploitation in prostitution.

One serious consequence of the police districts not having competence in human trafficking and/or resources may be that alternative penal provisions such as social dumping or violations of the Working Environment Act and/or violations of the Immigration Act are used instead of section 224 of the General Civil Penal Code. For police and prosecutors, stopping the exploiters and their activities can be more important than the legal provision used. However, for the potential victims the legal provision determines the rights they may have. Victims of human trafficking under section 224 of the General Civil Penal code have more and better rights than victims of violations of the Immigration Act or Working Environment Act.

## 5.3 Prosecutions and convictions

In collaboration with the Director of Public Prosecutions, KOM has attempted to survey the prevalence of human trafficking cases handled by the Regional Public Prosecution Offices in 2014. Six of the ten regional public prosecutors in Norway have responded to our request, as has the National Authority for Prosecution of Organised and Other Serious Crime. Half have reported that they have had cases under section 224 of the General Civil Penal Code. These are the Oslo, Rogaland and Hordaland public prosecutors.

In 2014, the Oslo Regional Public Prosecution Office received nine individual cases (of which one case was a letter of request to another country) as well as four complex cases consisting of 35, 8, 3 and 1 associated cases regarding possible violations of section 224 of the General Civil Penal Code. Sixty cases had been investigated and coded as possible violations of section 224 of the General Civil Penal Code. Nine cases were about exploitation in prostitution, while 51 cases were about exploitation in forced labour.

Charges have been laid in three of the complex cases, in a total of 15 cases. The most frequently used codes to drop cases are insufficient evidence and lack of information about the perpetrator.

There is a sharp increase in the number of cases compared to previous years. It is especially the number of cases regarding exploitation in forced labour that has grown significantly.

In 2014, the Rogaland Regional Public Prosecution Office received five cases in which human trafficking was a topic. Two cases ended in charges and convictions. Two cases were dropped due to insufficient evidence. One of these was appealed and is not completed. The last case was in regard to a violation of section 222 of the General Civil Penal Code (forced marriage). A decision was made to drop this case due to insufficient evidence, but a human trafficking case was filed. The case is currently under investigation.

In cooperation with the National Criminal Investigation Service, KOM has in recent years prepared a list of criminal cases resulting in a conviction. In cases heard by the courts, there may be several victims (witnesses/aggrieved parties) and several traffickers (defendants), and the same case can be heard in several courts. Bearing in mind that the Lovdata database is only complete for Supreme Court judgements, a total of 37 different human trafficking cases resulting in a conviction have been dealt with in Norwegian courts. Cases in which the defendant has been acquitted of trafficking have also been dealt with. Table 8 below provides an overview of the cases resulting in convictions since the prohibition of human trafficking was introduced in 2003.

**Tabell 8: Criminal cases resulting in convictions, see § 224 of the General Civil Penal Code.**

	<b>Year Submit</b>	<b>Police District /specialist</b>	<b>No. and nationality of victim(s)</b>	<b>No. and nationality of defendants</b>	<b>Type/purpose of exploitation</b>	<b>Legally valid</b>
<b>1</b>	2005 Trondheim District Court	Sør-Trøndelag	9 women Estonia 2 girls Estonia	1 man Estonia	Prostitution	YES
<b>2</b>	2006 Trondheim District Court	Sør-Trøndelag	1 woman Albania	1 man Albania	Prostitution	YES
<b>3</b>	2005 Trondheim District Court 2005 Frostating Court of Appeal 2006 Supreme Court	Sør-Trøndelag	5 women Estonia 1 girl Estonia	1 man Estonia 1 man Norway	Prostitution	YES
<b>4</b>	2006 Bergen District Court 2007 <sup>96</sup> Gulating Court of Appeal	Hordaland	1 woman Nigeria	1 man Norway	Prostitution	YES
<b>5</b>	2007 Bergen District Court	Hordaland	1 woman Thailand	2 women Thailand	Prostitution	YES
<b>6</b>	2008 Bergen District Court	Hordaland	5 women Romania	1 woman Romania 3 men Romania	Prostitution	YES
<b>7</b>	2008 Jæren District Court <sup>97</sup>	Rogaland	2 man Great Brittain	1 man Great Brittain	Forced labour	YES
<b>8</b>	2007 <sup>98</sup> Oslo District Court 2007 Borgarting Court of Appeal 2008 Supreme Court	Kripos	1 boy Thailand	1 man Norway	Sexual purposes	YES
<b>9</b>	2008 Oslo District Court	Oslo	--	1 man Lithuania	Prostitution	YES
<b>10</b>	2008 Oslo District Court 2008 Borgarting Court of Appeal	Oslo	1 woman Bulgaria	1 man Turkey	Prostitution	YES
<b>11</b>	2008 Oslo District Court 2009 Borgarting Court of Appeal	Oslo	3 women Brasil	1 man Nigeria	Prostitution	YES

<sup>95</sup> Lovdata (Law data) was established in 1981 as a private foundation by the Ministry of Justice and the Faculty of Law at the University of Oslo. The purpose of Lovdata is to establish and operate legal information systems. The Lovdata website contains important and key sources of law which are freely available. The information includes statutes in force, regulations and new decisions by the Supreme Court and Courts of Appeal.

<sup>96</sup> The appeal was dismissed by the Gulating Court of Appeal.

<sup>97</sup> First conviction for forced labour.

<sup>98</sup> First conviction for exploitation abroad.

12	2009 Bergen District Court	Hordaland	1 woman Nigeria	1 man Nigeria	Prostitution	YES
13	2008 Bergen District Court 2009 Gulating Court of Appeal	Hordaland	1 woman Nigeria	1 woman Nigeria	Prostitution	YES
14	2010 Stavanger District Court 2011 Gulating Court of Appeal	Rogaland	2 women Slovakia	1 man Slovakia	Prostitution	YES
15	2010 Oslo District Court 2011 Borgarting Court of Appeal	Oslo	2 women Kenya	1 man Norway <sup>99</sup>	Sexual purposes	YES
16	2010 Bergen District Court	Hordaland	1 woman Nigeria	1 man Nigeria	Prostitution	YES
17	2010 Bergen District Court 2010 Gulating Court of Appeal	Hordaland	12 boys Brazil, Norway, Romania, Sri Lanka, Czech Republic	1 man Norway	Sexual purposes	YES
18	2010 Bergen District Court	Hordaland	1 woman Nigeria	1 man Norway 1 woman Nigeria	Prostitution	YES
19	2010 Bergen District Court	Hordaland	1 woman Nigeria	1 man Nigeria	Prostitution	YES
20	2009 Bergen District Court 2009 Gulating Court of Appeal 2010 Supreme Court	Hordaland	1 girl Albania	3 men Albania	Prostitution	YES
21	2010 Oslo District Court 2011 Borgarting Court of Appeal	Oslo	2 women Lithuania	1 man Lithuania	Prostitution	YES
22	2010 Oslo District Court	Oslo	1 woman Nigeria	1 woman Nigeria	Prostitution	NEI
23	2011 Oslo District Court	Oslo	--	1 man Nigeria	Prostitution	YES
24	2011 <sup>100</sup> Bergen District Court 2012 Gulating Court of Appeal 2013 <sup>101</sup> Supreme Court	Hordaland	1 boy Lithuania 3 girls Lithuania	2 men Lithuania	Forced services (crimes for gain)	YES

<sup>99</sup> The man was convicted of having "loaned" the women to friends, but was not convicted of the exploitation he committed.

<sup>100</sup> The first conviction for forced services, exploitation in crime for gain.

<sup>101</sup> The appeal was dismissed by the Supreme Court.

25	2012 Oslo District Court 2013 Borgarting Court of Appeal <sup>102</sup> 2013 Supreme Court	Oslo	2 women Philippines	1 man USA	Sexual purposes	YES
26	2012 Bergen District Court	Hordaland	4 girls Romania	3 men Romania 3 women Romania	Forced services and begging	YES
27	2012 <sup>103</sup> Bergen District Court 2013 Gulating Court of Appeal	Hordaland	1 man Brasil	1 man Norway	Prostitution and sexual purposes	YES
28	2013 Oslo District Court	Oslo	1 woman Nigeria	1 woman Nigeria	Prostitution	YES
29	2013 Larvik District Court	Vestfold	1 girl Romania 1 boy Romania	1 man Romania	Begging	YES
30	2013 Øvre Romerrike District Court 2014 Eidsivating Court of Appeal 2014 <sup>104</sup> Supreme Court	Romerrike	2 girls Netherland	1 man Netherland	Smuggling khat	YES
31	2013 Stavanger District Court 2014 Gulating Court of Appeal 2014 <sup>105</sup> Supreme Court	Rogaland	1 woman Philippines	1 man Norway	Sexual purposes	YES
32	2013 Jæren District Court 2014 Gulating Court of Appeal 2014 <sup>106</sup> Supreme Court	Rogaland	1 boy Philippines	1 man Norway	Sexual purposes	YES

<sup>102</sup> One man and one woman were convicted of human trafficking in the Oslo District Court. In the Borgarting Court of Appeal the woman was found not guilty of human trafficking while the man was convicted.

<sup>103</sup> First conviction in which the victim is an adult man.

<sup>104</sup> The appeal was dismissed by the Supreme Court.

<sup>105</sup> The appeal was dismissed by the Supreme Court.

<sup>106</sup> The appeal was dismissed by the Supreme Court.

33	2013 <sup>107</sup> Bergen tingrett	Hordaland	1 woman Romania	1 man Romania	Prostitution	YES
34	2014 <sup>108</sup> Sør-Trøndelag District Court 2014 Frostatting Court of Appeal 2015 <sup>109</sup> Supreme Court	Sør-Trøndelag	1 woman Norway	1 man Norway	Prostitution	YES
35	2014 <sup>110</sup> Bergen District Court	Hordaland	1 woman Nigeria	1 woman Nigeria 1 man Nigeria	Prostitution	YES: Woman NEI: Man
36	2014 Bergen District Court	Hordaland	1 girl Romania	1 man Romania	Forced services, begging, sexual purposes	YES
37	2014 Drammen District Court 2015 Borgarting Court of Appeal	Søndre Buskerud	1 woman Nigeria	1 man Norway	Prostitution	YES

Of the 37 cases, there is still just one conviction for exploitation in forced labour. Four convictions are for exploitation in various forms of forced services, and one conviction is for exploitation in begging. Forced services are about drug-related crimes or crimes for gain, or a combination of crime and begging. In the three convictions for forced services and in the conviction for begging, the victims were minors. The table shows that a total of 12 of the complex cases involve the exploitation of minor boys and girls. A total of 31 children have been exploited for various purposes. One reason for the high number of minors is a case in which a Norwegian man was convicted of exploiting 12 minor boys.

Several police districts have pointed out that the distinctions between different phenomena can be difficult to draw, and that this is particularly the case for the distinction between forced labour and social dumping. Social dumping is not a legal term and does not have

a precise definition. It is an umbrella term for cases in which foreign workers have significantly poorer working conditions and pay than Norwegian workers. Indicators of forced labour and forced services include that workers live in poverty and lack control over their own work/life situation and/or have an employer who violates the Working Environment Act and other important regulations relating to health, safety and environment. These indicators are also found in social dumping and it can be difficult to distinguish between exploitation in forced labour and social dumping. However, it is easier to prove violations of the Working Environment Act than the General Civil Penal Code, which may lead police and prosecutors to use the Working Environment Act to stop the exploiter(s) rather than the General Civil Penal Code.

As shown in table 9, most convictions (31 of 37) involve exploitation in prostitution and/or other sexual purposes. There have been several cases regarding exploitation within

<sup>107</sup> First summary proceeding on the basis of a guilty plea for human trafficking.

<sup>108</sup> First conviction where victim is norwegian ethnical origin.

<sup>109</sup> The appeal was dismissed by the Supreme Court.

<sup>110</sup> First conviction of section §§ 224 and 60a. § 60a is aggravating and is referred to as the "mafia section".

au pair-like situations. In these cases there has been a combination of sexual purposes and work in the home, but in the court the sexual purposes is emphasised.

It is a natural consequence of the Norwegian system that there are far more identified victims of trafficking than there are cases brought before the courts. The threshold for being identified as a potential victim is low, and anyone who comes in contact with a potential victim in the course of their work has a duty to identify and refer the person in question to the support services. The threshold for proving trafficking under the General Civil Penal Code is high. It also turns out that meeting the terms of section 224 of the General Civil Penal Code is challenging. As the review in this chapter shows, both police and prosecutors face a number of challenges.

Norway is not alone in having challenges relating to the prosecution of human trafficking. Reports from international organisations, including the UN, estimate that human trafficking is extensive. The extent of trafficking and the fact that central agencies are focusing on and prioritising trafficking should indicate that a large number of cases are investigated and prosecuted. However, Eurojust, the European Union's Judicial Cooperation Unit, finds that many European countries are struggling to bring criminal proceedings in human trafficking cases. Findings from a Eurojust survey show that it is difficult to uncover cases and identify victims, and it is often difficult to obtain evidence. In particular, the difficulties are caused by victims or other witnesses not daring, wanting or being able to make a statement or appear in court. Furthermore, international ramifications and a lack of resources can impede the process of bringing criminal proceedings.

The statement from the Hordaland Regional Public Prosecution Office in the 2013 reporting to KOM remains a good illustration of some of the difficulties that police and prosecutors face:

*"The victim's vulnerable situation, the fear of the traffickers and the generally high level of threat means that securing*

*and presenting evidence is difficult in this type of case. Furthermore, a lot of evidence must be obtained through investigations abroad. The costs incurred by police and prosecutors when investigating and prosecuting human trafficking cases are therefore high, and it often takes a long time from the time the crime was uncovered to the time the case is heard by the court. In this period, the defendants will be held in remand, with the costs this entails for police and prosecutorial authorities. The need for quick solutions means that it is not possible to pursue the cases with optimal charges. Further, a full investigation will quickly be time-consuming, leading to reduced sentences."*

Hordaland Public Prosecution Office also points out that the investigation is made more difficult because the police are not allowed to use communication surveillance when human trafficking under section 224(1) of the General Civil Penal Code is suspected. (When aggravated human trafficking under section 224(4) of the General Civil Penal Code is suspected, the police may use communication surveillance.) The Prosecution Office appears to think that being permitted to use such surveillance would reduce the need for investigations abroad in many cases, and would probably also save money.

In accordance with measure 35 of the *United against human trafficking (2011–2014)* action plan, police efforts to combat trafficking is to be evaluated. This work has started and is being done by the research unit at the Police Academy. The evaluation will look at which cases are dropped and the factors that have been crucial when an investigation has resulted in a conviction. From KOM's point of view, it would be interesting for such an evaluation to also look at whether, and to what extent, the assistance and protection provided to victims impacts the investigation and any criminal case.

# Appendix I

This report has been prepared on the basis of information reported to KOM in accordance with the requests of 30 January and 19 February 2015. In the requests, the Inter-Agency and Operative Working Groups and other partners were asked to report on which activities they carried out in the field of human trafficking in 2014:

1. Describe the two tasks that your agency finds most challenging in the work on assisting victims of human trafficking (for instance related to activities, housing, information, etc.)
2. Which measures:
  - a) has your agency undertaken to alleviate the challenges
  - b) are required to alleviate the challenges
3. The two most important training measures for personnel (in the agency's view)
4. Internal procedures/regulation development
5. Information measures/campaigns
6. Other relevant measures/figures to be presented

Reporting on these questions varied significantly, so we have chosen to focus on points 1 and 2 in the report.

Agencies/organisations with direct responsibility for follow-up/reporting of potential victims of human trafficking were also asked to fill in an Excel form containing the following categories:

- Gender
- Nationality
- Year of birth
- Age
- Presumed type of exploitation
- Year of initial identification
- Whether the person accepted an offer of assistance and protection (yes/no)
- Status of immigration case (by categories)
- Status of trial (by categories)
- Type of housing offered (by categories)
- Type of qualifying measures
- Number of accompanying children and number of children in home country/other country
- Information about whether the person is being assisted/reported by other agencies/organisations

The requests to police districts, specialist units and public prosecution offices also asked for feedback about the type and extent of cases, and a brief summary of the district/specialist unit/public prosecution office's assessment of where the challenges in this type of case lie and the main reasons that cases are not pursued under section 224 of the General Civil Penal Code.

## Appendix II

### Legal basis for submitting information to KOM.

There are two types of exceptions from the duty of confidentiality: rules involving a right to provide information and rules involving a duty to provide information. When submitting information to KOM, the rules about rights to provide information apply: in other words, rules that mean that the agency or organisation in question itself can determine whether it wants to submit the information.

Various laws apply to submitting information to KOM that is subject to a duty of confidentiality or is sensitive, depending on the organisation in question.

#### *Public agencies*

For public agencies, submitting information subject to a duty of confidentiality is governed by section 13b(1)(4) of the Public Administration Act, which permits the agency to submit the information. The provision states:

”The duty of secrecy pursuant to section 13 shall not prevent: the information from being used for statistical processing, for the preparation of plans and reports, or in connection with auditing or other forms of control of the public administration”.

The word ”used” includes submitting the information to others. The preparatory works state the following about the provision: ”In section 13b(4), permission to use the information for statistical processing and the preparation of plans and reports has been included. As in auditing and control, this means that the information may be passed on to bodies outside of the agency. For instance, Statistics Norway receive information in order to produce statistics.”

For the police, the equivalent provision in section 61c(1) (4) of the General Civil Penal Code may also apply, depending on whether the information has become

available in the course of a criminal case.

In terms of private organisations, their permission to provide personal information distinguishes between organisations that are privately funded and organisations that receive funding from municipal or state authorities. If funding is received from municipal or state authorities, the organisation may be considered a municipal or state organisation. KOM is aware that this applies to several of the organisations, in part because the municipalities assumed responsibility for the shelters in 2010. For these organisations, section 13b(1)(4) of the Public Administration Act permits providing the information, as section 5 of the Crisis Shelter Act stipulates that the duty of confidentiality for shelter staff is regulated by sections 13 to 13 e of the Public Administration Act. Section 5(3) of the Crisis Shelter Act makes the terms for providing information to other public administration bodies as stipulated in section 13b(1)(5) and (6) of the Public Administration Act more stringent. However, the restriction in section 5(3) of the Crisis Shelter Act has not been made applicable to providing information for statistical use in accordance with section 13b(1)(4) of the Public Administration Act.

#### *Non-governmental organisations*

For private organisations with no municipal or state funding, there is no statutory duty of confidentiality. However, for private organisations that register private data, the Personal Data Act applies.

Section 8 cf. section 9 of the Personal Data Act stipulate when personal data can be provided to another agency.

The terms for processing personal data are stipulated in section 8 of the Personal Data Act. Among other things, the provision stipulates that personal data can be processed, including being provided to another party,

where the processing is "necessary in order to perform a task in the public interest", cf. letter d of the provision. The preparatory works<sup>112</sup> list the "processing of personal data as part of an archive or in connection with statistics, historical or scientific activities" as examples of such tasks. When organisations submit personal data to KOM, this will therefore fulfil the terms of section 8 of the Personal Data Act.

Section 9 of the Personal Data Act imposes additional requirements on the processing of sensitive personal data. According to section 9, sensitive personal data can only be processed if the processing fulfils the terms of section 8 and if one of the alternatives in the provision (incorporated in letters a-g) has been fulfilled. Section 9(1)(h) applies to the provision of information to KOM. This provision states that "the processing is necessary for historical, statistical or scientific purposes, and the public interest in such processing being carried out clearly exceeds the disadvantages it might entail for the natural person." KOM notes that the purpose of

the organisation's provision of the information is to form a basis for the status report, which in turn will form the basis for the authorities' priorities in the work on combating human trafficking. The reporting will help the authorities in making their priorities and choosing measures that will help the persons to whom the information applies. KOM understands that the relationships of trust between voluntary organisations and persons with whom the organisations are in touch/assist mean that the organisations generally are very reticent to provide sensitive information. However, the information will not be stored and will only be used for statistical purposes. Section 8 cf. section 9 permits the provision of the information to KOM.

<sup>112</sup> Proposition no..92 (1998–1999) to the Odelsting.



Koordineringsenheten for Ofre for Menneskehandel

For information – call:

**+47 23 36 41 00**

[KOM.pod@politiet.no](mailto:KOM.pod@politiet.no)

