



JUSTIS- OG POLITIDEPARTEMENTET

Ministry of Justice and the Police

The Norwegian Government's Plan of Action to Combat Human Trafficking [2006–2009]

Stop Human Trafficking

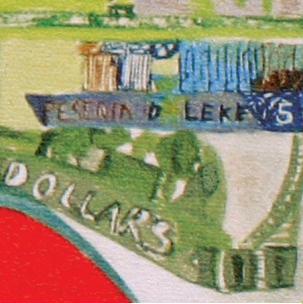


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Stop human trafficking!



The Soria Moria Declaration shows the way in the fight against human trafficking. Trafficking in human beings entails serious abuse of human dignity. We will not sit still and allow increasingly widespread trafficking, especially trafficking in women and children, to develop into a modern slave trade. The Government is therefore presenting a new plan of action that contains stronger and updated measures. We are doing so because we realise that reality changes quickly and there is a need for stronger focus in this area. Human trafficking for prostitution is the dominant area in this plan of action, but we also wish to place stronger emphasis on the children's perspective in human trafficking and to focus more strongly on the victims of organ removal and forced labour. We recognise the work that has been done by previous governments and many of the measures that have been initiated will continue.

The fight against trafficking in women and children requires a long-term effort, not least to reduce the underlying causes, such as poverty, conflicts, inequitable social distribution and marginalisation. The Government has therefore chosen to increase development assistance in order to strengthen the position of women and render them less vulnerable to recruitment. We must work to promote international solidarity and reduce inequalities in the world. Without close international cooperation, among other things under the auspices of the Council of Europe, we will be powerless in this struggle.

In the fight against human trafficking there are no easy solutions. The reasons for human trafficking are complex. The measures we implement must therefore be numerous and wide-ranging. The characteristics of Norway's efforts must be a police force that gives priority to the prevention and investigation of these types of cases, support services that take the victims of human trafficking seriously, and international commitment that will help to strengthen the international framework, prevent recruitment and give the victims of human trafficking the possibility to lead a dignified life, free of coercion and exploitation.

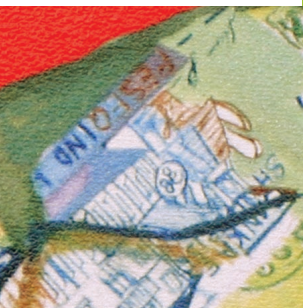
Like the boy in the fairy-tale about Soria Moria, we are dependent on good partners. It is therefore gratifying to note that aid organisations and other non-governmental organisations are committed to this effort.

With this plan of action, the Government is paving the way for coordinated, coherent efforts to stop human trafficking and ensure that victims are helped and protected. The plan of action has been drawn up by the Ministry of Labour and Social Inclusion, the Ministry of Children and Equality, the Ministry of Defence, the Ministry of Health and Care Services, the Ministry of Justice and the Police and the Ministry of Foreign Affairs. The Ministry of Justice and the Police has the main responsibility for coordinating the Government's efforts to combat human trafficking. The work of preparing the plan has been headed by State Secretary Anne Rygh Pedersen.

May this plan of action and the associated debate motivate us all to fight human trafficking and, not least, persuade customers to refrain from being customers. This is the responsibility of all of us!

Knut Storberget

Minister of Justice and the Police



You can run away, but where do you go?

“You refuse to do it, but in the end you have to accept reality. Yes, you can run away, but where do you go?

You want to talk, but who do you talk to?

You are totally confused.

I cried constantly for five days they put me on Tarquin Street in Rome.”

A young woman from Nigeria who has been a victim of human trafficking from Nigeria to Italy tells about when she first realised that she would have to sell sex instead of working in a restaurant as she had been told. . .

Source: Världskulturmuseet (the Swedish Museum of World Culture) brochure on trafficking. *Trafficking of Nigerian Girls to Italy* by F. Prina, 2003



1 The fight against human trafficking will be intensified

Human trafficking is a modern form of slavery and a serious form of crime that entails gross abuse of victims' human rights. Thousands of children, women and men become victims of human traffickers each year. We have also exposed human trafficking in Norway, and we have discovered that Norway is used as a transit country for trade in children. This trade appears to be increasing, both nationally and internationally, and it is estimated that human trafficking has become the second largest illegal business in the world after the arms trade.

The Government's goal is to combat all types of human trafficking. We stated this goal in the Soria Moria Declaration and we are emphasising it again by presenting this plan of action, which is intended to ensure stronger focus on and reinforced efforts in the fight against human trafficking, both nationally and internationally. Norway has made an international commitment to prevent and combat trade in human beings by ratifying the UN Convention on Transnational Organised Crime and the associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. In May 2005, Norway signed the Council of Europe Convention on Action against Trafficking in Human Beings. The Government intends to ratify this Convention shortly.

This plan is based on the experience gained from previous plans of action and on the lessons learned from projects and initiatives that have been implemented, nationally and internationally. Since the trafficking exposed in Norway has primarily concerned the exploitation of women and young girls for prostitution or other sexual purposes, our efforts will continue to target this type of human trafficking. At the same time, the Government wishes to focus on male victims of human trafficking, and on human trafficking in the form of forced labour and trade in human organs. These are areas to which little attention has been paid in Norway up to now, but where the Government wishes to intensify its efforts, especially through its work at the international level.

Child victims of human trafficking have a special need for protection and assistance and they must be ensured appropriate follow-up. The government will therefore place special emphasis on efforts aimed at this group.

Children under the age of 18 have special rights which are laid down in the UN Convention on the Rights of the Child and associated optional protocols. The Convention and the

optional protocols have been incorporated into the Human Rights Act and apply as Norwegian law. Particular attention is paid to the special situation and vulnerability of children in Chapter 6 of this plan of action.

The Government recognises the work that has already been initiated to combat human trafficking, among other things through two previous plans of action. In order to ensure the continuity and predictability of this work, many of the measures described in the previous plans will be continued, while new measures and instruments will be introduced. In accordance with international recommendations, human rights and gender equality have been the overarching principles in the Government's work on this plan of action, and these principles will continue to provide the guidelines for further work and for the implementation of the measures outlined in the plan.

The Government's goal of combating all forms of human trafficking can only be achieved through close and committed cooperation between responsible players. In this plan of action, there is therefore focus on increasing knowledge and inter-departmental cooperation in order to ensure that activities are well coordinated and coherent. At the same time, international efforts to ensure a good international framework and international cooperation will be intensified.

“There was just a bang and my friend collapsed.
He shot her.
She died one metre away from me.
The rest of us were forced back into the apartment because the police were on their way.

When I called the pimp in Romania and said that I wanted to go home, the Italian pimp went crazy. He hit me and put a gun to my head. He threatened to kill me too if I did not do as he said.

Afterwards he forced me out onto the street again.....”

Nicoletta, aged 14. Sold from Romania to Italy. Source: Världskulturmuseet (the Swedish Museum of World Culture) brochure on trafficking, 2006

Today's slaves don't pick cotton.

2 Main goals and measures in the plan of action

2.1 Main goals

The Government's overarching goal is to combat all forms of human trafficking, nationally and internationally, through measures that will:

- limit recruitment and demand
- ensure appropriate assistance and protection for victims
- ensure that child victims of human trafficking receive appropriate follow-up services
- ensure a greater degree of exposure and prosecution of human traffickers
- ensure more knowledge and stronger inter-disciplinary cooperation
- strengthen the international framework and international cooperation.

2.2 Measures

The plan contains 37 measures, several of which are aimed at continuing and strengthening the work that has already been initiated, while sixteen of the measures are new. They are marked (new).

Human trafficking will be prevented by introducing measures to limit recruitment and demand

- Measure no. 1** Strengthen and continue efforts to reduce recruitment in countries of origin
- Measure no. 2** Ensure that personnel on international operations help to combat human trafficking
- Measure no. 3** Implement information measures to limit the demand for and purchase of sexual services
- Measure no. 4** Prevent the growth of an illegal market for human organs (new)

Victims of human trafficking will be ensured assistance and protection

- Measure no. 5** Improve outreach activities among prostitutes
- Measure no. 6** Continue work on designing tools to identify victims of human trafficking
- Measure no. 7** Extend the reflection period (new)
- Measure no. 8** Further develop efforts to encourage self-help and self-organisation
- Measure no. 9** Strengthen health and social services for victims of human trafficking
- Measure no. 10** Offer safe housing and appropriate follow-up (new)
- Measure no. 11** Ensure safe repatriation and resettlement in the country of origin

Child victims of human trafficking will be ensured appropriate follow-up

- Measure no. 12** Collate the experience gained by the welfare services in following up victims who are minors (new)
- Measure no. 13** Provide regional training courses on victims who are minors (new)
- Measure no. 14** Develop tools for identifying child victims (new)
- Measure no. 15** Arrange a Nordic conference on child victims of human trafficking (new)

- Measure no. 16** Strengthen Norway's international efforts to combat trafficking in children (new)
- Measure no. 17** Improve information on the rights and right to protection of unaccompanied minors who are asylum-seekers or refugees
- Measure no. 18** Prevent and investigate disappearances of minors from reception centres (new)

Human traffickers will be exposed and prosecuted

- Measure no. 19** Review legislation relating to human trafficking in order to clarify any need for amendments (new)
- Measure no. 20** Consider permitting the use of special investigative methods in human trafficking cases (new)
- Measure no. 21** Consider the need for anonymous testimony and special forms of judicial examination (new)
- Measure no. 22** Expand the counsel for the aggrieved party scheme and the right to free legal aid for victims of human trafficking (new)
- Measure no. 23** Strengthen bilateral and multilateral cooperation between police forces
- Measure no. 24** Consider organisational changes in the police force that may improve the follow-up of human trafficking cases (new)
- Measure no. 25** Intensify outreach activities among prostitutes to ensure that criminal offences are exposed and to improve the collection of data relating to these groups (new)
- Measure no. 26** Strengthen inter-departmental cooperation to expose human trafficking for forced labour (new)
- Measure no. 27** Strengthen the efforts of the Oslo police to combat human trafficking (new)
- Measure no. 28** Improve the competence of the police, the prosecuting authority and the courts of law

Improved knowledge and inter-disciplinary cooperation

- Measure no. 29** Continue the Coordination Unit for Assistance and Protection
- Measure no. 30** Strengthen cooperation between authorities and non-governmental organisations
- Measure no. 31** Improve knowledge and understanding of human trafficking
- Measure no. 32** Strengthen research and studies on human trafficking

Strengthen the international framework and cooperation

- Measure no. 33** Help transit countries and countries of origin to implement international agreements through political focus, project activities and the transfer of expertise
- Measure no. 34** Support the efforts of the ILO to combat human trafficking and forced labour (new)
- Measure no. 35** Ensure that the fight against human trafficking is a theme in the human rights dialogue and political discussions in which Norway is engaged in several countries
- Measure no. 36** In accordance with the Government's Europe Report, Norway will seek to engage in close cooperation with the EU and EU member states, both within and outside the framework of Schengen Cooperation
- Measure no. 37** Strengthen efforts to combat trade in human organs (new)

3 What is human trafficking?

3.1 Human trafficking is slavery in our time

There is no simple, easily understandable definition of the term human trafficking, which is often called the slavery of our time. According to Article 3 of the Palermo Protocol, human trafficking entails a person gaining control over another person by using various types of threat, violence, coercion, deception or abuse of a vulnerable situation. Such control is exercised by making a person engage in prostitution, forced labour, organ removal or military service in a foreign country.

3.2 Human trafficking is a serious crime

Human trafficking is a global, trans-national problem. It is a serious form of crime that in many cases is organised by international criminal networks. These activities often take place as a part of other serious, organised crime and are characterised by the perpetrators being multi-criminal, i.e. they are often involved in drug trafficking and arms dealing across national borders. There are possibilities for making substantial profits, while most of the victims are in a vulnerable situation due to poverty and repression. The networks (main perpetrators) are usually based abroad, often in the victims' home countries. Consequently, the victims are often scared of providing information for fear of reprisals against themselves or their families in their countries of origin.

3.3 Human trafficking is contravention of section 224 of the Penal Code

In Norway, human trafficking comes under section 224 of the Penal Code. This provision is based on the Palermo Protocol and covers exploitation for the purpose of prostitution, forced labour, including begging, or trade in human organs. Human trafficking for the removal of organs is covered both by section 10a of the Transplantation Act and section 224 of the Penal Code.

The Norwegian Penal Code distinguishes between prostitution, procurement (pimping) and human trafficking. Prostitution is legal in Norway, but purchasing sexual services from persons under the age of 18 is prohibited (section 203 of the Penal Code). In the case of prostitution, it is the sexual service that is the product and not the person, as is the case in human trafficking. Procurement, i.e. promoting and earning money from the prostitution of others, is covered by section 202 of the Penal Code. In practice, it may be difficult to distinguish between victims of human trafficking and other persons engaged in prostitution, and between human trafficking and procurement.

There may also be similarities between human trafficking and human smuggling, but there is an important difference in that the intention of human smuggling is to cross borders illegally, while the purpose of human trafficking is to exploit the victims after they have arrived in the country

to which they have been transported. In contrast with human smuggling, human trafficking does not necessarily cross national borders but may also take place within a country's borders.

Human trafficking often takes place in connection with irregular migration, and women and children are especially vulnerable in this situation.

The people involved in human trafficking will often have contravened several provisions in the Penal Code, such as section 202 (the procurement section), section 222 (coercion), section 223 (deprivation of liberty) and section 225 (slavery), section 227 (threats), section 228 et seq. (physical abuse), section 192 et seq. (sexual crime) and section 47 of the Immigration Act.

3.4 Human trafficking is exploitation for the purpose of prostitution

Trade in women and minors who are exploited for the purpose of prostitution is the type of human trafficking on which there has been particular focus, both internationally and in Norway. Although there are major individual variations as to how women and minors become victims of human trafficking, in connection with the exploitation of women in particular it is possible to describe certain general patterns for how they are recruited and transported.

Women who are already prostitutes in urban centres are often recruited to work abroad, or girls are recruited directly from rural areas, often with the help of a neighbour or relative¹. Many women know that they are to work as prostitutes, but are misled with respect to their working conditions. Others are tricked into leaving their country of origin, believing that they will be working as home helps, dancers, waitresses, etc.. Some are tricked into marriage on false premises and then forced into prostitution. Women who are taken to a destination, with or without their consent, are often required to pay large sums of money for "travel expenses" and thereby become indebted to the perpetrators. This debt may be equivalent to the sum that is paid to the woman's family, transport costs, bribes for policemen and other public servants, advance payment for the woman's day-to-day expenses and in some cases the woman's "market value". With the help of violence and threats, the women are prevented from returning home until the debt is repaid. Their passports and other travel documents are confiscated. Since the perpetrators take their cut of the revenues to cover the alleged debt and add interest, living expenses, etc. to this debt, in practice it continues to grow and the women are trapped in a spiral of violence and ever-increasing debt. If the woman is arrested, she is expelled and risks being sold into prostitution and forced labour again because she still owes money to the perpetrators.

1. E/CN.4 1997, Sandvik 2003

Trade in women for the purpose of prostitution is often organised through a variety of criminal networks. The small, informal networks organise their activities through “orders” from a club owner in the recipient country and help to transport women over the border. The contact recruits the woman, accompanies her to her destination and delivers her to the buyer. The medium-sized networks operate along fixed routes and the women are not sold on but put to work in the network’s own brothels and clubs. Many different methods of recruitment are used and the women are often transported through several transit countries. These networks are capable of equipping the women with stolen or false documents and can quickly change their routes and means of transport if obstacles arise². Bribery is common³.

The journey from the woman’s country of origin through a transit country to the recipient country may take place legally or illegally. The perpetrators often use the same routes as are used for human smuggling. The perpetrators and pimps pretend to be the brother, boyfriend or husband⁴. In cases where the transport takes place legally, the women are equipped with official legal identities as asylum-seekers, cabaret dancers, au-pair girls, students, wives, etc.

It is important to note that fear of expulsion, sanctions against the family or fear of being socially excluded at home are important prerequisites for perpetrators’ and pimps’ ability to control trafficked women. Moving a woman to an environment where she is culturally, linguistically or physically isolated and cut off from a legal identity and access to social security and the rule of law makes her vulnerable and socially isolated⁵. In a foreign country, they may find it difficult to turn to crisis centres and seek other forms of assistance due to language problems and fear of expulsion. A lack of knowledge of the law and of their legal rights and a lack of faith in the judicial system make the victims feel powerless and legally defenceless.

3.5 Human trafficking is forced labour

According to the International Labour Organisation (ILO), forced labour is found to some extent on all continents, in most countries and in every economy. It may be difficult to distinguish human trafficking for forced labour from social dumping. Social dumping is characterised by breaches of health, environmental and safety regulations, including regulations relating to working hours, and unacceptably low wages. Despite possible grey areas, social dumping will not usually entail coercion or deprivation of liberty.

2. IOM 1996, Sandvik 2003, Interpol; Red Route Report, Europol reports, TIWAC report (new KRIPOS)

3. Wijers and Lap-Chew 1999, E/EN.4 1997, Sandvik 2003. The Norwegian term “bakmenn” (lit. men behind, i.e. the main perpetrators) is often used as a common term for both men and women who organise human trafficking.

4. EC/N.4/1997, Sandvik 2003

5. Sandvik 2002

The ILO estimates that at the global level there may be 12.3 million forced labourers, approximately 2.4 million of whom are victims of human trafficking. Most of the victims are found in the private sector, and a considerable proportion of them are women. According to the ILO, the type of forced labour found in western industrialised countries is largely related to human trafficking. This is due to countries’ demand for cheap labour, restrictive immigration regimes and the existence of criminals who regard human trafficking as an extremely lucrative business. The Organisation for Security and Cooperation in Europe (OSCE) has also put forced labour on the agenda in connection with general efforts to combat human trafficking, but at the same time points out that there is little data on forced labour in Europe. This is in accordance with EU policy. The Council of Europe has been particularly concerned about the gender dimension in human trafficking and refers to the fact that the sex industry is not the only area where women are over-represented.

While people who are illegally resident in a country are particularly vulnerable to exploitation, legal residents may also be victims of human trafficking. International experience indicates that there is reason to keep an especially watchful eye on the building and construction industry, the agricultural industry, the hotel and restaurant industry and other service industries. Human trafficking for forced labour often takes place within an apparently legal framework, such as a recruitment agency or contract labour. The need for manpower in certain sectors and subcontractor systems are regarded by the ILO as being factors that may contribute to the incidence of human trafficking. Private households may also provide a framework for human trafficking. Women who come to a country to work in families or private households may suffer abuse in a situation similar to slavery in private homes, and it has been maintained that au-pairs have been exploited as cheap labour.

In the revised national budget of 12 May 2006 the Ministry of Labour and Social Inclusion presented a Plan of Action to Combat Social Dumping.

3.6 Human trafficking is illegal trade in human organs

Trade in human organs and human tissue is a complex area that covers technical, legal, ethical and medical considerations on which different countries have different views. However, non-governmental organisations, such as Organs Watch, maintain that several thousand illegal organ transplantations take place each year. The trade goes from poor countries to rich countries, from poor donors to wealthy recipients. This is a disturbing trend in countries that have little respect for or understanding of human rights. In autumn 2005, the United Nations Office on Drugs and Crime (UNODC) carried out an investigation among



member states which indicates that the illegal trade in human organs and human tissue is growing strongly.

Apart from the Palermo Protocol, international legislation to ban the removal of and illegal trade in human organs is weak. Many countries have no legislation that sets limits for the sale of and trade in organs. Trade in human organs is prohibited in the statutes of all international transplantation associations.

3.7 The causes of human trafficking

Human trafficking is profit-motivated crime that is dependent on market demand for human beings as “consumer goods” for exploitation in prostitution, forced labour or organ removal. The growing gap between rich and poor countries, urbanisation and minority issues are all factors that facilitate and support human trafficking. Wars and conflicts, poverty, unemployment, views on women, discrimination, ethnic and religious differences and strict immigration regulations are also factors that may provide a basis for human trafficking.

Prostitution

Trade in women for the purpose of prostitution is often based on exploiting the traditionally weak position of women and their subordination to men that are found in many societies. The combination of unemployment and a low level of education increases the likelihood of women becoming victims of human traffickers. In countries where major social differences and widespread poverty prevail, women and children are often the losers in the fight for work and the opportunity to earn a living. They are at the bottom of the ladder and are at particular risk of being exposed to human trafficking. A lack of gender equality and the view of some men that they have a “right” to sex, plus the fact that they regard women and children as “consumer goods”, are factors that support human trafficking.

Illegal trade in human organs

As a result of ageing populations and the increasing number of lifestyle diseases, such as high blood pressure and diabetes, more people suffer from organ failure and there is a growing need for organs. Furthermore, the medical advances that have taken place in recent years make it possible to transplant more types of organs and human tissue. There is also a growing demand for organs for research and for the pharmaceutical industry. The gap between demand and the supply of organs in rich countries is therefore increasing. Criminal networks regard trade in human organs as a low-risk, high-profit business.

Forced labour

Countries’ demand for cheap labour, restrictive immigration regimes and the existence of criminal organisations that regard human trafficking as a highly lucrative business are the causes of this type of human trafficking.

3.8 Human trafficking in Norway

Prostitution

Most countries in the world, including Norway, are currently affected by human trafficking, either as countries of origin, transit countries or recipient countries. In the cases that have been exposed and prosecuted in Norway, young women have been exploited for the purpose of prostitution. Cases have also been exposed in which the police have assumed that Norway has been the transit country for victims of forced labour.

Norway is an attractive market for human trafficking for prostitution because it is a rich country with strong purchasing power and few cases have been exposed or prosecuted. It is difficult to obtain systematic information about the scope of the problem, since most of the arenas where prostitution occurs are secretive and are not easily accessed by the authorities or researchers. However, figures and information from the police, Europol, Interpol, the Pro Centre and aid organisations give a certain indication of the numbers and trends, and it now appears that human trafficking and organised prostitution are also increasing in Norway.

The experience of the police indicates that criminal networks that organise trade in women and children for the purpose of prostitution are already established or being established in Norway, and this appears to be taking place in close cooperation with Norwegian nationals.

Forced labour

So far there is no evidence that human trafficking for forced labour or labour similar to slavery takes place in Norway. However, international trends indicate that this probably occurs in Norway too.

Illegal trade in human organs

No cases of human trafficking for the removal of organs have been exposed in Norway.

In the Soria Moria Declaration, the Government emphasises that it will reinforce efforts to increase the number of organ donors. Norway is in a favourable situation compared with most other countries because it has a stable supply of organs and a well-established transplantation system involving the donation of all types of organs from deceased persons and the donation of kidneys from live donors. Kidney transplants from live donors have been taking place since the Norwegian transplantation programme was initiated in 1969. Approximately 40 per cent of all kidney transplants involve a kidney from a live donor, usually a family member. This is a high percentage in international terms and it has been a contributory factor towards Norway having the shortest waiting lists for kidney patients in Europe. Countries with long waiting lists are currently considering adopting Norway’s practice in this area.

4 Human trafficking will be prevented by introducing measures to limit recruitment and demand

4.1 Limiting recruitment

Victims are usually recruited outside Norway's borders. Through its international activities and efforts to improve the living standards and quality of life of vulnerable women and children in countries of origin, Norway can help reduce some of the factors that facilitate and support recruitment for human trafficking. This is in accordance with Norway's national policy, which requires the principle of gender equality to be reflected in all policy areas, and with development policy as expressed in Norway's Strategy for Women and Gender Equality in Development Cooperation.

There are certain indications that victims may also be recruited in Norway by persons living in reception centres for asylum-seekers. Other countries have also found that unaccompanied young persons whose application for asylum has been refused are vulnerable to recruitment for purposes such as forced labour.

“Human trafficking is profit-motivated crime.”

Norwegian Bureau of Crime Investigation [KRIPOS]



What is the price of a human being?
Who buys and sells people?
Is it a human right to buy sex ?

4.2 Limiting demand

Demand and the considerable possibilities for making a profit are the foundation for human trafficking. The demand for women and children for sexual exploitation is a prerequisite for the criminal sex market, and the customers of prostitutes may thereby indirectly support the organised slave trade. The same applies to customer demand for illegal labour and illegal human organs.

Last June, the Government launched a three-year information campaign targeting the public at large and the purchasers or potential purchasers of sexual services. Through this wide-ranging information campaign, the Government will seek to increase awareness of what human trafficking entails for the individual and for society, and awareness of the connection between prostitution and human trafficking. Through this campaign, the Government also wishes to influence men's attitudes to purchasing sexual services. The goal is to stop men buying sex for the first time and to stop continued demand by changing the attitudes of established customers.

Implementation of the various measures in the campaign requires cooperation between various parties. A team of experts has therefore been established comprising representatives of the authorities, non-governmental and official organisations, and business and industry. The goal is to achieve cooperation on measures that are relevant to the various areas.

As part of this campaign the Resource Centre for Men (REFORM) has established a website for debate and information on prostitution and human trafficking, and an information project has been carried out in cooperation with the taxi company Norges Taxi. Cooperation has been agreed with the Defence Forces on information activities at the Norwegian Military Academy, and with the education authorities in Oslo and Trondheim on measures aimed at pupils in upper secondary schools. An NGO called Natteravnene (the Night Ravens) will provide information to people on the streets in the evening and at night.

In 2002 Norway introduced ethical guidelines for state employees. The authorities and the state, as an employer, thereby wish to prevent the abuse of human beings as the objects of sale of sexual services.

4.3 MEASURES:

MEASURE NO. 1

Implementation: 2006-2009

Responsible ministry:

Ministry of Foreign Affairs

MEASURE NO. 2

Implementation: 2006-2009

Responsible ministries:

Ministry of Defence, Ministry of Foreign Affairs

MEASURE NO. 3

Implementation: 2006-2009

Responsible ministry:

Ministry of Children and Equality

MEASURE NO. 4

Implementation: 2006-2009

Responsible ministry:

Ministry of Health and Care Services

Strengthen and continue efforts to reduce recruitment in countries of origin

Norway will continue to finance projects in transit countries and countries of origin and will support the authorities' efforts to combat human trafficking. NOK 90 million has been earmarked under the Ministry of Foreign Affairs' budget for project activities in the period 2006-2009.

Norwegian foreign missions will help to identify projects and measures in cooperation with national authorities and NGOs. In development cooperation, there will be emphasis on strengthening the rights of children and women in general and vulnerable groups in particular. There will also be emphasis on women's opportunities for work and their participation in political and economic processes.

Within the framework of the EEA financing mechanism and in cooperation with recipient countries, the Norwegian authorities will support efforts to combat human trafficking in the new EU member states.

Ensure that personnel on international operations help to combat human trafficking

The Defence Forces will contribute to the implementation of UN and NATO policies to combat human trafficking by providing education at all levels for military and civilian personnel at military training institutions and in connection with training programmes prior to participation in international operations.

Norway will actively support the efforts of the UN Secretariat to prevent unacceptable attitudes and behaviour that tolerate sexual abuse of the local population, the purchase of sexual services and human trafficking among all categories of personnel on UN-led operations. Norwegian civilian UN personnel, including the police, will be trained to help combat human trafficking when they are on assignment abroad. These goals are also included in the Government's Plan of Action for the Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security.

Implement information measures to limit the demand for and purchase of sexual services

The Government's three-year information campaign aimed at the general public and the purchasers/potential purchasers of sexual services will continue. The goal is to reduce demand by increasing knowledge and understanding, and by raising awareness. The effects of the campaign will be measured during the period.

The Government introduced ethical guidelines prohibiting the purchase of sexual services by state employees on assignment abroad in 2002. Initiatives have been taken to persuade state-owned enterprises to introduce similar guidelines.

Prevent the growth of an illegal market for human organs (new)

There will be focus on reducing waiting lists for transplantations in Norway. Increased access to organs and shorter waiting lists will prevent patients from travelling to an illegal market abroad. Under the auspices of the Directorate for Health and Social Affairs, a study will be carried out of the potential number of donations from deceased persons in Norway's intensive care units. The Directorate for Health and Social Affairs has also been asked by the Ministry of Health and Care Services to complete its work on the guidelines for this area in 2006.

Norway will make efforts to ensure that the international framework relating to trade in human organs and transplantation is strengthened.

5 Victims of human trafficking will be ensured appropriate assistance and protection

Human trafficking entails gross violations of human rights. Taking care of the victims is one of the main goals of the Government's programme. The Government will seek to ensure that victims are offered coordinated assistance and protection services, adapted to the situation and needs of the individual. Many victims have been exposed to serious mental and physical strains, both before and after they came to Norway. Access to health services and social assistance will therefore be fundamental elements of a coherent follow-up programme. The Government wishes to continue and reinforce the measures that have already been implemented and planned.

5.1 Measures for prostitutes

Victims of human trafficking in Norway have primarily been identified in connection with prostitution. The authorities have therefore supported organisations and official bodies working among prostitutes in the major cities. Through the measures for prostitutes that have already been implemented a number of projects have been initiated in recent years to establish contact with female and male prostitutes on the indoor and outdoor markets. The aim of such outreach activities is to provide information on the services that are available and offer help and assistance.

Experience shows that outreach activities uncover many different needs for information and assistance. Foreign prostitutes come from numerous different countries and cultures, and it has proved highly relevant to use "cultural agents", i.e. people with the same cultural background as the prostitutes, to establish contacts between foreign prostitutes and social and health workers. Experience shows that possible cases of human trafficking are often exposed through a process that primarily starts with the establishment of a trusting relationship between the welfare services and possible victims.

Female prostitutes are socially excluded and often lack a social network. A lack of knowledge of their social rights may prevent women from finding welfare services that could help to improve their life situation and possibly help them to find their way out of prostitution. It is therefore important to increase women's possibilities for developing a different social identity and help them to lay the foundations for a new, different life situation. Raising awareness of their own resources, skills and opportunities can help to improve their knowledge of their social and legal rights.

Organisations in several cities run activities among female prostitutes, such as help for self-help, language courses and help to develop a social identity. Raising awareness of their own resources and skills improves their possibilities for making free choices. Through work and activities, individuals can learn to understand the value of their life experience and develop a belief in their own ability to cope and realise their skills and talents. Help for self-help can enable the

individual to make an active effort to be included in society and on the labour market.

5.2 Identification of victims

One of the main challenges in efforts to combat human trafficking is to identify victims, or potential victims. Victims of human trafficking well seldom tell the police, the immigration authorities or the welfare services about their situation. It is therefore crucial that relevant players have knowledge of human trafficking, of the situation in which victims may find themselves, and how they can be identified. The Ministry of Justice and the Police has taken the initiative for the preparation of inter-disciplinary guidance material to help the public and voluntary services to identify victims. A list of indicators to identify victims of human trafficking who are working as prostitutes is currently being prepared, as well as information on who should be contacted.

5.3 Residence

Many of the victims of human trafficking in Norway are not legally resident in the country. They may have entered the country illegally, have false identity documents, or their visa may have expired. Up to now, victims of human trafficking have been able to have an expulsion order postponed for 45 days. This is known as a "reflection period". During this period, victims are offered information and assistance, and help to report human traffickers.

However, few people have made use of this possibility and it was previously decided that the conditions for this scheme would be clarified. The Government takes the view that it is not sufficient to clarify the reflection period scheme; the scheme must be further developed and to a greater extent ensure that victims receive appropriate help, such as health and social services.

Although the reflection period scheme naturally applies to children as well, it is impractical for this group of victims. According to current practice, child victims of human trafficking are already granted residence in Norway if they are unlikely to receive necessary care if they return to their country of origin.

5.4 Accommodation, health and social services

Ensuring safe accommodation and individual follow-up for victims of human trafficking are important elements of measures for victims. The Ministry of Justice and the Police has financed the ROSA project run by the crisis centre secretariat, which offers safe housing, follow-up and information to female victims of human trafficking. During the 18 months in which the project has been in operation, 24 women have been placed in safe housing. The Directorate of Immigration (UDI) generally focuses on assumed

victims of human trafficking in the reception system. Reception centres are required to facilitate differentiated, adapted follow-up of residents, including those who are identified as possible victims of human trafficking. The UDI has established special accommodation for persons who are identified as victims of human trafficking in the asylum system. However, there has proved to be a need for further housing services in addition to the ones that exist today.

Access to health services and social assistance are fundamental elements of a coherent follow-up programme within and outside the asylum system. Access to easily available and appropriate health services has proved to be the most important gateway to direct contact with aliens working as prostitutes in Norway. At the same time, figures from the Pro Centre's clinic in Oslo and from elsewhere show that a considerable number of serious health problems have been discovered that not only represent a threat to the health of the individual prostitute but may also be a growing public health problem.

The experience gained from the ROSA project shows that it may be difficult to obtain coherent help from the health and social services. The provision of adequate help by the authorities is an important prerequisite for regarding the reflection period as a relevant service for possible victims of human trafficking.

5.5 Safe repatriation

Assistance to ensure safe repatriation and resettlement in the country of origin is an important part of coherent assistance and protection. However, many of those who are repatriated wish to return in full anonymity. Others may wish to remain in Norway. Persons from EU countries may be granted residence in Norway pursuant to the EEA rules. Pursuant to the EU accession agreements with Bulgaria and Romania, each member state may adopt transitional arrangements for workers from the two new member states, initially for two years from the time when these countries join the EU. Norway may introduce similar transitional arrangements. Victims of human trafficking will also be able to apply for asylum or residence on humanitarian grounds in Norway.

Child victims of human trafficking may only be repatriated if a carer or welfare service is clearly identified in advance, and if repatriation is in accordance with the best interests of the child.

The Council of Europe's Convention on Action against Trafficking in Human Beings, which was adopted in May 2005, contains binding provisions on repatriation and sets common standards for 46 countries. The Convention is expected to enter into force in 2007. Norway is concerned to ensure that both recipient countries and countries of origin fulfil their obligations as regards the repatriation and reintegration of victims in their country of origin. Some repatriation arrangements have already been

implemented. Victims of human trafficking from the Baltic States who wish to return home with assistance will be covered by the regional repatriation project under the auspices of a Nordic-Baltic working group of state secretaries. The working group started work in October 2005. This project also includes assistance for reintegration in the country of origin. The project is headed by the European Women's Lobby. National points of contact have been established in all countries, including Norway.

The Ministry of Children and Equality is a member of the Children at Risk network, which was established under the auspices of the Council of Baltic Sea States. Fourteen countries are represented in this network, which includes Belarus, Ukraine and Moldova as well as the eleven members of the Council of Baltic Sea States. The network provides information and facilitates contacts between relevant authorities with respect to child victims of human trafficking. The network may only be used in individual cases if the ordinary systems do not function satisfactorily.

In cooperation with the International Organisation for Migration (IOM), the Government will primarily focus efforts on groups who want the active support of the Norwegian authorities in connection with repatriation, or who have to return to their country of origin because they do not have legal grounds for residence in Norway. Work on repatriation agreements must be strengthened and there must be special focus on countries with a weakly developed reception system.

Everyone is born free with
human rights

The Pro Centre



5.6 MEASURES:

MEASURE NO. 5

Implementation: 2006-2009

Responsible ministries:

Ministry of Health and Care Services,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality

MEASURE NO. 6

Implementation: 2006-2009

Responsible ministries:

Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services

MEASURE NO. 7

Implementation: 2006-2009

Responsible ministries:

Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services,
Ministry of Justice and the Police,
Ministry of Foreign Affairs

MEASURE NO. 8

Implementation: 2006-2009

Responsible ministries:

Ministry of Labour and Social Inclusion,
Ministry of Health and Care Services

MEASURE NO. 9

Implementation: 2006-2009

Responsible ministries:

Ministry of Health and Care Services,
Ministry of Labour and Social Inclusion

Improve outreach activities among prostitutes

Through cooperation with non-governmental organisations and official agencies engaged in outreach activities among prostitutes, possible victims must be given oral and written information about the services available and their rights, and assistance in contacting other welfare services. Outreach activities must be strengthened in step with changes in the arenas where foreign prostitutes are found. Support will be provided for further coordination and strengthening of outreach teams working among prostitutes in Oslo. Lessons learned from the work done in Oslo will provide a basis for strengthening outreach activities in other cities.

Continue work on designing tools to identify victims of human trafficking

A list of indicators to identify victims of human trafficking will provide a basis for the preparation of specific lists of indicators for various specialist agencies in order to help them identify victims of human trafficking. The work being done by the Ministry of Justice and the Police to prepare a list of indicators will continue and will include specific indicators for identifying victims under the age of 18.

Extend the reflection period (new)

The Government wishes to extend the reflection period so that assumed victims of human trafficking may be granted a temporary residence and work permit for up to six months. A new temporary work permit for one year is proposed if the person has broken away from the people responsible for human trafficking and a police investigation is initiated against the perpetrators.

The reason for expanding the reflection period is to make it easier for victims of human trafficking to break away from the people responsible for human trafficking and to increase the likelihood of prosecuting the perpetrators.

If assumed victims of human trafficking are to make use of the reflection period, it is crucial that they are ensured predictable and secure health and social services and accommodation (cf. measures 9 and 10).

In connection with the new Immigration Act, the Government will consider how immigration legislation may be an instrument to help victims of human trafficking.

Further develop efforts to encourage self-help and self-organisation

Self-organisation and the activities of special interest groups are important means of helping to strengthen the social rights and social participation of female prostitutes. Several organisations are interested in the issue of how female prostitutes can make the transition to lawful employment or education. Experience shows that many women find it difficult to enter the labour market and make use of ordinary services. Measures will be implemented to improve women's ability to help themselves by making the transition to employment, activity and education.

Strengthen health and social services for victims of human trafficking

The efforts to strengthen health and social services will empathize on providing victims of trafficking with predictable and safe health and social services. The measures must be coordinated and coherent. In cooperation with involved organisations and institutions, the health services at the Pro Centre and the other measures that have already been established for male and female prostitutes will be strengthened.

This will also include victims of trafficking who make use of the reflection period, cf. measures 7 and 10. The aim is to design a special health and social programme for this group, to provide predictable and satisfactory health and social services. A user survey will be carried out to find out how existing health services function.

MEASURE NO. 10

Implementation: 2006-2009

Responsible ministries:

Ministry of Children and Equality,
Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Health and Care Services

Offer safe housing and appropriate follow-up (new)

The Government wishes the ROSA project, which offers safe housing and follow-up, to continue and be implemented as planned throughout the agreed three-year trial period. The Government will commission an external evaluation of the project in its third year of operation. This evaluation will provide a basis for consideration of a permanent arrangement for safe housing for victims of human trafficking. The ministries concerned will work together to study and consider various alternatives.

Women victims of human trafficking who choose to enter into a reflection period agreement need services that include housing, security, integration and close follow-up, in the form of a coherent social and health programme. After the end of the reflection period and when the woman has been granted a residence permit, it will be important to ensure more permanent arrangements. Measures during and after the reflection period are within the areas of responsibility of several different ministries.

The need for accommodation for male victims of human trafficking will be considered on an ongoing basis. The needs of children are dealt with in Chapter 6.

MEASURE NO. 11

Implementation: 2006-2009

Responsible ministries:

Ministry of Foreign Affairs, Ministry of
Labour and Social Inclusion

Ensure safe repatriation and resettlement in the country of origin

The Government has entered into an agreement with the International Organisation for Migration (IOM) on assistance for repatriation from Norway and reintegration in the country of origin for victims of human trafficking. An agreement with the IOM is a flexible solution that can be expanded in step with growing needs. The IOM is present in the most relevant countries of origin. The repatriation scheme will also include victims who are minors. The Government will facilitate cooperation on repatriation at the official level with the authorities of countries of origin, which includes repatriation agreements that may entail assistance for reintegration. Through the Norwegian EEA financing mechanism, the Government will make efforts to strengthen the capacity and competence of the new EU member states to receive and reintegrate repatriated victims of human trafficking.

Support for repatriation may include practical arrangements for departure from Norway and assistance for reintegration and individual follow-up in the country of origin. This may include medical and psycho-social follow-up, legal advice and reintegration in school and working life. These services are voluntary.



6 Child victims of human trafficking will be ensured appropriate follow-up

Unaccompanied minors who come to Norway are especially vulnerable to exploitation and the Government will focus particularly on this group. Child victims of human trafficking need special follow-up by the Norwegian authorities and the welfare system. Identifying possible child victims entails special challenges relating to assistance, protection and safe repatriation. In Norway, the child welfare authorities, in cooperation with other relevant agencies and welfare services, have the main responsibility for following up minors who are victims of human trafficking. Regional cooperation will also be vitally important in helping to prevent human trafficking in children and in connection with cooperation on possible repatriation.

The Act relating to child welfare services, the UN Convention on the Rights of the Child and other relevant international documents relating to the rights of children provide the guidelines for measures that are implemented for children.

6.1 Child victims of human trafficking

In the first human trafficking case brought before the Supreme Court, one of the victims was 16 years old. The police have also investigated other cases where there has been a suspicion that children have been victims of human trafficking. This applies to children who have come to Norway as unaccompanied minors and applied for asylum. In cooperation with other Norwegian authorities, the immigration authorities will improve the information provided to unaccompanied minors seeking asylum concerning their rights and their right to protection in cases where it is suspected that they may be victims of human trafficking.

At present it is impossible to make any well-founded estimates of how many children have been or are victims of human trafficking in Norway. There is therefore a great deal of uncertainty about the country of origin of trafficked children, their residential status, age, gender and the purpose of the trafficking. There is also a great deal of uncertainty about the degree to which Norway is a recipient country or a transit country.

6.2 Who is responsible for child victims of human trafficking?

The child welfare authorities are responsible for ensuring that all children and young people in Norway who are living in conditions that may be detrimental to their health and development receive the necessary help and care at the right time, and they must help ensure that children and young people are brought up in a secure environment, cf. Section 1-1 of the Child Welfare Act. Municipal child welfare services also have an obligation to intervene if children or young people suffer neglect.

The child welfare authorities, the immigration authorities, the police and other welfare services are responsible for ensuring that minors who are, or are assumed to be, victims of human trafficking are cared for in a responsible manner. In July 2006, the Ministry of Children and Equality distributed a circular clarifying the responsibility of the child welfare authorities for children and young people who are victims of human trafficking. This circular also clarifies the relationship with other bodies and services who are responsible for child victims (circular Q-11/2006 B).

The circular describes the most relevant issues relating to human trafficking in minors. It is aimed at the employees of the child welfare services and other services who may come into contact with child victims of human trafficking. The purpose is to provide necessary guidance as to how the employees of the child welfare service are to deal with situations where there is a suspicion that a child has been a victim of human trafficking. The circular also deals with the measures the municipal child welfare service can implement pursuant to the Child Welfare Act and how the child welfare service is to proceed, especially in relation to other public authorities, such as the police, the immigration authorities, etc.

6.3 Different ways in which children are exploited

It is important to be aware that child victims of human trafficking may also be exploited in several different ways. Children may be exploited for forced labour, the removal of organs, military service in a foreign country, criminal activity (theft, drug-dealing), begging or for sexual purposes. In this context, "sexual purposes" usually means the sale of sexual services.

Pictures of abused children on the Internet also have an interface with human trafficking, but it has not been proven that child victims of human trafficking in Norway are used for commercial production of pictures of child abuse. There is nevertheless reason to be aware that child victims of human trafficking may also feature in such pictures and films. The Government will be working on preventive measures to counteract such a development, both in Norway and internationally, in cooperation with non-governmental organisations and relevant sectors.

In certain circumstances, adoption of children that takes place in contravention of international conventions is defined as the sale of children (cf. the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography). There is no evidence that this happens in Norway, but the Government will work at the international level to ensure that adoption takes place with respect for the fundamental rights of the child and in accordance with international conventions and obligations.

6.4 International obligations and regional cooperation

Norway has international obligations relating to children and human trafficking. In addition to the Palermo Protocol, the most important obligations in this connection are related to the UN Convention on the Rights of the Child and associated protocols, the annexe relating to children in the OSCE Action Plan to Combat Trafficking in Human Beings, the Council of Europe Convention on Action Against Trafficking in Human Beings and regional cooperation in the Council of Baltic Sea States on children at risk.

Through an action plan under the auspices of the Council of Baltic Sea States, Norway has made a commitment to safeguard children and young people who cross national borders, including minors who are victims of human trafficking. As a follow-up to this plan, a training programme has been initiated in nine countries to improve the competence of personnel and organisations working with children and young people who have been or are in danger of being exposed to human trafficking for sexual purposes or for other kinds of criminal activity. In 2006, this project is being financed by the EU and Sweden, among others. There is a considerable amount of interest in taking part in the training programme, and Norway will help ensure that this programme is implemented. The training programme will, in particular, improve the competence of countries of origin in this area, and in the long term may help to prevent the recruitment of minors by human traffickers.

The best interests of the child

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

UN Convention on the Rights of the Child, Article 3.

6.5 MEASURES:

MEASURE NO. 12

Implementation: 2006-2009
Responsible ministry:
Ministry of Children and Equality

Collate the experience gained by the welfare services in following up victims who are minors (new)

The Government will collate the experience of local and regional agencies relating to assistance for victims of human trafficking who are minors. In cooperation with underlying agencies, the Ministry of Children and Equality will gather the lessons learned by municipalities and regions that have taken care of possible victims of human trafficking who are minors. This process will be an element in the development of a systematic knowledge base relating to this area.

MEASURE NO. 13

Implementation: 2006-2009
Responsible ministry:
Ministry of Children and Equality

Provide regional training courses on victims who are minors (new)

The Government will continue the regional training courses on child victims of human trafficking. The target groups will comprise the child welfare service and other relevant services. Consideration will be given to how this training can best be integrated into other training activities, cf. Measure no. 31.

MEASURE NO. 14

Implementation: 2006-2009
Responsible ministries:
Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services

Develop tools for identifying child victims (new)

Official agencies, institutions and organisations may come into contact with child victims of human trafficking. A special list of indicators will be prepared to help public agencies and voluntary organisations to identify child victims of human trafficking in particular, cf. Measure no. 6

MEASURE NO. 15

Implementation: 2006-2009

Responsible ministries:

Ministry of Children and Equality,
Ministry of Labour and Social Inclusion,
Ministry of Foreign Affairs, Ministry of
Justice and the Police

MEASURE NO. 16

Implementation: 2006-2009

Responsible ministries:

Ministry of Foreign Affairs, Ministry
of Children and Equality, Ministry of
Labour and Social Inclusion, Ministry
of Health and Care Services, Ministry
of Justice and the Police

MEASURE NO. 17

Implementation: 2006-2009

Responsible ministries:

Ministry of Children and Equality,
Ministry of Labour and Social Inclusion,
Ministry of Justice and the Police

MEASURE NO. 18

Implementation: 2006-2009

Responsible ministry:

Ministry of Justice and the Police

Arrange a Nordic conference on child victims of human trafficking (new)

The Government will take the initiative for a Nordic conference to shed light on the situation of minors who are victims of human trafficking. In preparing a conference of this nature, the experience of national and regional authorities and non-governmental organisations working in this area should be sought. The conference will take place in the course of 2007.

Strengthen Norway's international efforts to combat trafficking in children (new)

In efforts to protect children, the Government will take the initiative to reinforce activities and the implementation of effective measures to combat trafficking in children under the age of 18 with respect to prevention, protection and follow-up. Education is especially important in this connection and in 2007, under the auspices of the Council of Baltic Sea States, Norway will contribute to the continuation and improvement of training programmes relating to child victims of human trafficking.

As part of the follow-up to Norway's Development Strategy for Children and Young People in the South: Three billion reasons, the Government will intensify efforts for orphans and for vulnerable children and young people in developing countries in order to protect them from being recruited to forced labour, military service or prostitution.

In cooperation with other countries and organisations, Norway will make efforts to ensure that consideration for children and children's rights are incorporated into international policy recommendations relating to migration.

Norway will actively follow up the UN study on violence against children, which includes human trafficking.

Improve information on the rights and right to protection of unaccompanied minors who are asylum seekers or refugees (new)

State reception centres for unaccompanied minors seeking asylum must report to the child welfare service if they suspect human trafficking in minors. The child welfare services in the municipalities where the reception centres are located have recently received several reports of concern. To safeguard the situation of unaccompanied minors seeking asylum, it is important to improve the knowledge of both reception centre employees and the rest of the welfare services on the rights of child victims of human trafficking and their possibilities for protection pursuant to Norwegian legislation and international conventions. Information and training must target several different groups, cf. Measure no. 13.

The Government will improve the competence of reception centres employees so that they can provide better information to minors seeking asylum about their special rights and right to protection if they are victims of human trafficking.

Prevent and investigate cases of disappearance of minors from reception centres (new)

In cooperation with the Director General of Public Prosecutions, the Government will establish a working group to study disappearances of children from reception centres and propose measures that can be implemented to prevent and investigate cases of disappearance of minors from reception centres.

“ There are situations where you have to force girls by using rape, abuse or torture. When she begins to fear for her life, she stops resisting and starts working...”

Source: From Världskulturmuseet (The Swedish Museum of World Culture) brochure on trafficking, 2006.

EX Orinete Lux, Radio Vision, Info Germany (Grigorji, brothel-owner in Macedonia)

7 Human traffickers will be exposed and prosecuted

If we are to succeed in our goal of combating human trafficking, more human traffickers and criminal networks must be exposed and prosecuted. By intensifying the hunt for criminal networks, we send a clear message that human trafficking is unacceptable in Norway. Priority will be given to intelligence, analysis and investigation of human trafficking, and it is vitally important that police districts, the prosecuting authority and the courts of law allocate sufficient resources for this purpose.

Prosecuting human traffickers and taking care of the victims are complementary strategies in the fight against human trafficking. Providing victims of human trafficking with protection and assistance is not only a human rights obligation, but also important in connection with the collection of evidence against human traffickers in criminal cases.

7.1 Exposure

In order to be able to gain an overview over and expose human trafficking it is essential that the authorities are able to identify and establish contact with the victims. The victims of human trafficking come from all over the world. Many of them do not speak English and have difficulty in establishing contact with the welfare services, the police or others that can help them. They are seldom aware of their rights and will often be wary of persons in authority. For this reason, they are unlikely to report that they are victims of human trafficking. This means that the police must actively seek out arenas where the victims are likely to be if they are to expose human trafficking and/or gain oversight over the extent of the problem. Through intensive outreach activities among prostitutes, the police will be able to generate trust and gather information about these circles.

Existing legislation and powers must be actively utilised to uphold general law and order in prostitution circles, and the police should make use of the opportunity they provide to establish contact with the women in these circles and expose any criminal activities.

7.2 Investigation

In recent years, the Norwegian parliament has adopted several Acts which have given the police and the prosecuting authority important tools that may be used in the fight against human trafficking and organised crime. This applies especially to section 224 of the Penal Code (the section on human trafficking), section 60 of the Penal Code, which concerns participation in organised criminal activity, and section 61 of the Penal Code, which concerns repeated crime. It also applies to section 202, which prohibits procurement (pimping) and section 203, which concerns the purchase of sexual service from persons under the age of 18. By utilising the law in its entirety, the police has the means of obtaining essential access to expose and prove human trafficking.

Because the police will not normally receive a report from the aggrieved party in human trafficking cases and it is difficult to find witnesses willing to give evidence, the police must largely solve such cases themselves. This must be done by means of extensive, active investigation. It will often be necessary to use many different and supplementary investigative methods. The severity of the penalty determines whether it is permitted to use concealed or extraordinary investigative methods. The penalty for contravention of section 224 of the Penal Code is imprisonment for up to 5 years. Reasonable grounds for suspecting human trafficking therefore authorises the use of investigative methods such as recording conversations, concealed television surveillance in public places, communications surveillance, in the form of collecting traffic data pursuant to Section 216 b of the Criminal Procedure Act, technological tracking pursuant to section 202 b of the Criminal Procedure Act, and deferred notification of confiscation and surrender orders. Only if there are reasonable grounds for suspecting serious human trafficking or if the act is perpetrated as part of an organised criminal group are more intrusive methods authorised, such as communications surveillance pursuant to section 216 a of the Criminal Procedure Act, technical tracking pursuant to section 202 c of the Criminal Procedure Act or deferred notification of forced entry.

In many cases, giving evidence against the perpetrators in a human trafficking case imposes a great strain on the victims. They have been exposed to serious mental and physical strains both before and after they came to Norway, and for many of them a court case may feel like another instance of abuse. The Government therefore believes it is necessary to introduce more measures to assist victims and reduce the strain of having to testify in a criminal case. On 8 May 2006 the Aggrieved Party Committee presented its report, which on a general basis considered the possibilities for strengthening the position of the aggrieved party in criminal cases. The Government will implement the proposals presented in this report, which also include proposals to strengthen the rights of victims of human trafficking. For the victims of human trafficking, the Government will expand the free legal aid system and permit them to be granted up to 5 hours of free legal aid in connection with deciding whether or not to make an official report. This is expected to lead to more human trafficking cases being reported.

If there is a danger that a witness or an aggrieved party may be subject to threats or reprisals, the police is responsible for preventing this. The police must also ensure that criminal individuals or networks cannot avoid criminal prosecution by threatening witnesses to remain silent or to give false testimony. A legal protection measure that it is important in this connection is section 132a⁶ of the Penal

6. Travaux préparatoires: Proposition No. 40 to the Odelsting (1999–2000) on measures to protect participants in criminal cases from threats and reprisals, etc. and Recommendation No. 78 to the Odelsting (1999–2000).

Code. This provision concerns anyone who obstructs the course of justice by violence, threats, damage or other unlawful behaviour against a participant in the administration of justice or any of his next-of-kin. This provision was formulated with a view to protecting witnesses from being threatened.

Human trafficking is all about profit. Investigation and analyses relating to the proceeds of the criminal acts that are perpetrated in connection with human trafficking – i.e. “following the money” – is an essential means of exposing human trafficking, finding the perpetrators, discovering the extent of the crime and ensuring that the profits are confiscated. Financial investigation of cases must therefore take place in parallel with ordinary investigation.

Since the perpetrators and the criminal networks behind human trafficking cases are often found in other countries, international cooperation between police forces will be important in ensuring that cases are solved. The police must actively forge ties with contact persons and develop international contact networks for the exchange of information, operational cooperation and competence-building in this area.

7.3 Special measures in Oslo

As Norway’s capital and largest city, Oslo is in a special position as regards the extent of prostitution and human trafficking. There is reason to assume that many prostitutes in Oslo are victims of human trafficking. Oslo also faces a challenge in dealing with the growing number of foreign beggars in the city centre. As a result of amendments to section 224 of the Penal Code pursuant to the Act of 1 June 2006, it is a criminal offence to mislead or exploit other persons for the purpose of begging.

The Government takes the view that special measures must be implemented in Oslo and that the efforts of the Oslo police to deal with prostitution and human trafficking must be intensified.



7.4 MEASURES:

MEASURE NO. 19

Implementation: 2007-2008
Responsible ministry:
Ministry of Justice and the Police

Review legislation relating to human trafficking in order to clarify any need for amendments (new)

The Government wishes a detailed review to be carried out of reports and legislation relating to prostitution and human trafficking in Norway's neighbouring countries. The Ministry of Justice and the Police will therefore establish a working group to undertake such a review and consider the need for amendments to Norwegian legislation. This will include considering whether the purchase of sexual services should be made a criminal offence.

Furthermore, in connection with work on a new Penal Code, the Government will reconsider the provision relating to human trafficking (cf. section 224) with respect to the use of terminology and the experience gained in connection with this provision since it entered into force. Other provisions that are relevant to human trafficking, such as section 203 relating to the purchase of sexual services from persons under the age of 18, will also be reviewed in connection with work on a special section in the new Penal Code.

MEASURE NO. 20

Implementation: 2007-2008
Responsible ministry:
Ministry of Justice and the Police

Consider permitting the use of special investigative methods in human trafficking cases (new)

Cases that prove to concern human trafficking are often initially thought to be human smuggling or procurement cases. To facilitate exposure and ensure access in human trafficking cases, the Government will consider amending legislation to permit the police to also use special investigative methods, such as telephone surveillance, etc. in cases concerning human smuggling and procurement. This will be done by the committee established to review the rules for intrusive investigative methods (The New Methods Committee).

MEASURE NO. 21

Implementation: 2007-2008
Responsible ministry:
Ministry of Justice and the Police

Consider the use of anonymous testimony and special forms of judicial examination (new)

The Government will consider the possibilities for using anonymous witnesses in human trafficking cases. The Government will also consider the possibility of using special forms of examination to avoid strain on and repeated examination of especially vulnerable aggrieved parties in human trafficking cases. This may entail examination by videolink ("long-distance meeting technology"), more gentle ways of conducting examinations during the main proceedings (judicial examination out of court) and/or recordings of statements made in the first instance. This work will be included in the mandate of the New Methods Committee.

MEASURE NO. 22

Implementation: 2007-2008
Responsible Ministry:
Ministry of Justice and the Police

Expand the counsel for the aggrieved party scheme and increase the provision of free legal aid for victims of human trafficking (new)

The Government will expand the counsel for the aggrieved party scheme and establish measures to give counsel for the aggrieved party a greater role in following up victims of human trafficking in connection with investigations and criminal cases. Up to five hours of free legal aid will be granted in connection with considering whether the victim wishes to report a case.

MEASURE NO. 23

Implementation: 2007-2009
Responsible ministries:
Ministry of Foreign Affairs,
Ministry of Justice and the Police

Strengthen bilateral and multilateral cooperation between police forces

The Government will facilitate efforts to reinforce international cooperation between police forces. Consequently, in cooperation with the Ministry of Foreign Affairs, the Ministry of Justice and the Police will work actively to strengthen international cooperation between police forces, both bilaterally and multilaterally.

The established forums for cooperation, such as the forums for cooperation between police forces in the Nordic region, Interpol, Europol and Eurojust will be used actively. Further strengthening and development of such cooperation will be considered. The police and the prosecuting authority will prepare joint strategies for international activities and will exchange experiences with the police and prosecuting authorities of other countries. Priority will be given to international cooperation at the operational level.

Training programmes for the police and prosecuting authorities in countries of origin are important. Experience has shown that regional measures promote cooperation across national borders.

The Government will support ongoing training courses in victims' countries of origin and transit countries, including the OSCE training programme on law enforcement. The Government will make efforts to ensure that Norway holds important positions in Interpol in areas that are concerned with combating human trafficking. The government will consider establishing a roving international communication function to help police districts to take the initiative for/facilitate cooperation between police forces and prosecuting authorities in ongoing cases.

MEASURE NO. 24

Implementation: 2007-2008
Responsible ministry:
Ministry of Justice and the Police

Consider organisational changes in the police force that may ensure improved follow-up of human trafficking cases (new)

The exposure and follow-up of human trafficking cases is complex and requires competence and substantial resources. To ensure that police procedures are as effective as possible and that police resources are utilised as well as possible, the Government will request a detailed evaluation of how activities are organised and possible proposals for measures to ensure that cases are solved better and more efficiently. The Ministry of Justice and the Police will request the Directorate of Police to undertake a review of the current system and, in particular, consider the need for improvements.

MEASURE NO. 25

Implementation: 2007-2009
Responsible ministry:
Ministry of Justice and the Police

Intensify outreach activities among prostitutes to ensure that criminal offences are exposed and to improve the collection of data relating to these groups (new)

The police will intensify outreach activities among prostitutes. This work will provide a basis for initiating investigations and identifying and analysing prostitution circles in all police districts. The sale of sexual services through the Internet will also be investigated.

MEASURE NO. 26

Implementation: 2007-2009
Responsible ministries:
Ministry of Labour and Social Inclusion, Ministry of Justice and the Police

Strengthen inter-departmental cooperation to expose human trafficking for forced labour (new)

In the revised state budget of 12 May 2006, the Ministry of Labour and Social Inclusion presented a plan of action to combat social dumping. One of the most important measures in this plan is to strengthen the powers of the Norwegian Labour Inspection Authority to investigate wages and working conditions in vulnerable sectors.

Norway has a two-year programme agreement with the ILO with an annual budget of NOK 28 million. Half of this amount is allocated to the ILO child labour project and half to strengthening the role and influence of the social partners.

MEASURE NO. 27

Implementation: 2007-2008
Responsible ministry:
Ministry of Justice and the Police

Strengthen the efforts of the Oslo police to combat human trafficking (new)

The Government wishes to reinforce the efforts of the Oslo police to combat human trafficking. Problem-oriented police work (POP) is generally the main method used by the police force in crime prevention. The Government also wishes this method to be more apparent in the fight against human trafficking. A pilot project will therefore be established in Oslo using the POP method. This project will include:

- o identifying the problems
- o outreach activities among prostitutes
- o investigation based on knowledge and competence relating to sections 224, 202 and 203 of the Penal code
- o prosecution on the above basis

The project will be evaluated by external consultants.

The lessons learned from this project will be passed on to the rest of the police force.

MEASURE NO. 28

Implementation: 2007-2009
Responsible ministry:
Ministry of Justice and the Police

Improve the competence of the police, the prosecuting authority and the courts of law

The Directorate of Police will ensure that police districts have the necessary knowledge and competence relating to human trafficking. Through human resource development programmes and the exchange of experience between police districts, best practices will be established for the exposure and investigation of human trafficking cases. Human trafficking will be a subject studied at the Police Academy from autumn 2006. The Director General of Public Prosecutions will implement human resource development programmes for the prosecuting authority in the police and the higher prosecuting authority. The Ministry of Justice and the Police will take the initiative to ensure that the court administration implements measures to improve the competence of the courts of law relating to human trafficking.

8 Knowledge and inter-disciplinary cooperation will be strengthened

8.1 Cooperation

Coordinated cooperation between the police, the immigration authorities and other public and voluntary agencies is a basic prerequisite for success in the fight against human trafficking. If the goals of this plan of action are to be achieved, cooperative structures must be established at local, regional and national levels.

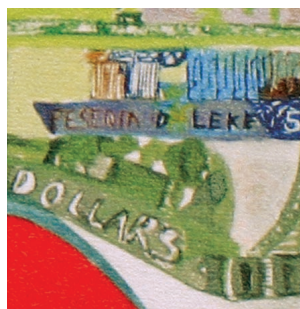
Cooperation and coordination between different professions and services at all levels is crucial if the victims of human trafficking are to be offered solution-oriented, responsible services. A number of such forums for cooperation have already been established or are being planned, and the Government will build further on them. They include the Oslo Pilot, which is an inter-disciplinary, cooperative forum for assistance and protection in Oslo, and the City Conferences on prostitution and human trafficking at which representatives of the police, municipal authorities and welfare services from the six largest cities take part. Inter-disciplinary cooperation on human trafficking cases should not be hindered by the obligation to observe confidentiality. If we are to succeed in exposing the networks and perpetrators involved in human trafficking, the flow of information between the various agencies must be improved.

8.2 Knowledge

Efforts to combat human trafficking require insight and understanding. In order to safeguard the human rights of victims, it is essential that everyone involved has relevant knowledge and necessary competence in this field. Several research projects have already been carried out and the results have been published. The following reports, financed by the authorities, were published in 2006:

- Skilbrei, May-Len and Irina Polyakova: *My life is too short; I want to live now. Kvinner fra Øst-Europa forteller om veien til og livet i prostitusjon i Norge.* (Women from Eastern Europe tell about how they became prostitutes and their life as prostitutes in Norway). (University of Oslo, 2006)
- Skilbrei, May-Len, Marianne Tveit and Anette Brunowskis: *Afrikanske drømmer på Europeiske gater. Nigerianske kvinner i prostitusjon i Norge.* (African dreams on European Streets. Nigerian women prostitutes in Norway). (Institute for Labour and Social Research (Fafo) 2006)
- PION (Organisation for prostitutes in Norway) *Et marked i endring? En kartlegging av kvinner som jobber i prostitusjon og deres behov* (A changing market? A study of women working as prostitutes and their needs). (PION, 2006)

The Directorate of Police has produced a brochure on combating human trafficking and has established a task force to develop and disseminate knowledge and pass on best practices for the police's handling of human trafficking cases. At the request of the Ministry of Labour and Social Inclusion and the Ministry of Children and Equality, the Institute for Labour and Social Research (Fafo) has developed training modules on human trafficking. The target groups for these modules are employees at reception centres for asylum-seekers and in those parts of the welfare services that may come into contact with child victims. The Directorate of Immigration has initiated training seminars on human trafficking in its five regions for employees at reception centres for asylum-seekers and their cooperation partners. The Directorate of Police is planning similar seminars for the police districts.



8.3 MEASURES:

MEASURE NO. 29

Implementation: 2006-2008

Responsible ministries:

Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services,
Ministry of Foreign Affairs

MEASURE NO. 30

Implementation: 2006-2009

Responsible ministries:

Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services,
Ministry of Foreign Affairs

MEASURE NO. 31

Implementation: 2006-2009

Responsible ministries:

Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services,
Ministry of Foreign Affairs

MEASURE NO. 32

Implementation: 2006-2009

Responsible ministries:

Ministry of Justice and the Police,
Ministry of Labour and Social Inclusion,
Ministry of Children and Equality,
Ministry of Health and Care Services,
Ministry of Foreign Affairs

Continue the Coordinating Unit for Assistance and Protection

The Government has passed a resolution to establish a National Coordinating Unit for Assistance and Protection for the victims of human trafficking. This unit will be administered by the Directorate of Police and will assist the welfare services by providing methods for identifying victims and for planning and mobilising assistance and protection services for victims of human trafficking. The Coordinating Unit, which has so far been established for a period of two years, will also contribute to the development of information and human resources in the field of human trafficking. The project will be evaluated during the period of operation and the evaluation will provide a basis for consideration of the establishment of a permanent coordinating unit.

Strengthen cooperation between authorities and non-governmental organisations

National, regional and local cooperative forums will be strengthened. There will be emphasis on establishing effective cooperation at the operational level, locally, regionally and nationally. The Oslo Pilot project will be further developed. Similar forums for cooperation in other parts of the country may be supported when necessary. Initiatives will be taken for regular meetings with organisations engaged in work relating to human trafficking, in Norway and abroad.

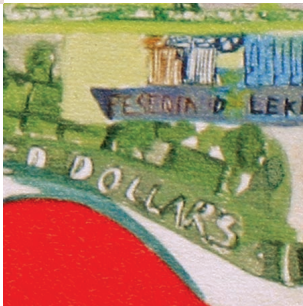
Improve knowledge and understanding of human trafficking

Inter-disciplinary, competence-building measures will be organised relating to what human trafficking entails, the identification of victims of human trafficking, international obligations, national regulations, and services for the victims of human trafficking. There will be special emphasis on training local agencies to ensure that they have necessary understanding and competence relating to human trafficking.

It will be important to promote knowledge of the effect of the presence of international personnel in countries of origin and how such personnel can help to limit the extent of human trafficking in the areas in which they operate.

Strengthen research and studies on human trafficking

In order to update knowledge of human trafficking and of national and international developments in this field, evaluations of the measures that have been implemented to combat human trafficking will be commissioned. New research will be encouraged.



9 The international framework and international cooperation will be strengthened

Globalisation has resulted in many challenges. Never before have so many people travelled and crossed borders in search of a better life.

Human beings are trafficked from poor countries to the rich parts of the world. Human trafficking is often an element of irregular migration, and women and children are especially vulnerable. They are primarily exploited for sexual purposes, but are also used as illegal labour and, in extreme cases, for the removal of organs. Human trafficking also takes place within the EU/EEA area, where there is free movement of persons. Most countries in the world are affected, as either recipient countries, transit countries or countries of origin.

The fight against human trafficking must be based on international cooperation and coordinated measures. If the fight against human trafficking is to be effective, there must be a strong international framework and international cooperation at the operational level. In recent years, the international community has adopted a number of conventions that are significant for efforts to combat human trafficking. The most important of these are the Protocol to

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supporting the UN Convention on Transnational Organised Crime (the Palermo Protocol) and the Council of Europe Convention on Action against Trafficking in Human Beings. Norway has been actively engaged in this work.

Norway works actively on issues relating to human trafficking in the Council of Europe, the United Nations, NATO, the OSCE, the Barents Cooperation, the Council of Baltic Sea States, the Nordic-Baltic Task Force Against Trafficking in Human Beings and the Nordic Council of Ministers.

Norway supports the Council of Europe's campaign to promote the entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings in 2008.

In the work of the police to expose and prosecute human traffickers, international cooperation between the police and prosecuting authorities has been invaluable. The Government wishes to further strengthen such cooperation.

9.1 MEASURES:

MEASURE NO. 33

Implementation: 2006-2009

Responsible ministry:

Ministry of Foreign Affairs

Help transit countries and countries of origin to implement international agreements through political focus, project activities and the transfer of expertise

The Norwegian authorities will promote the strengthening and coordination of international regulations and efforts to combat human trafficking. Norway will ensure that regulations are implemented and respected. This applies particularly to fundamental instruments such as the the Palermo Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, The OSCE Action Plan to Combat Trafficking in Human Beings and the NATO Policy on Combating Trafficking in Human Beings.

Norway will support measures and activities that may help transit countries and countries of origin to comply with the provisions of the conventions. Norway will support regional projects that promote cooperation across national borders. Norwegian and international organisations and NGOs are important partners.

MEASURE NO. 34

Implementation: 2006-2009

Responsible ministry:

Ministry of Foreign Affairs

Support the efforts of the ILO to combat human trafficking and forced labour (new)

Norway has established a strategic partnership with the ILO to contribute to the organisation's Decent Work Agenda, which includes ratifying and enforcing the ILO's eight core conventions. Four of them are directly relevant to human trafficking, two banning child labour and two banning forced labour. The strategic partnership with the ILO entails both financial contributions and political support, bilaterally and multilaterally.

MEASURE NO. 35

Implementation: 2006-2009

Responsible ministry:

Ministry of Foreign Affairs

Ensure that the fight against human trafficking is a theme in the human rights dialogue and political discussions in which Norway is engaged with several countries

Norway is engaged in human rights dialogue with China, Indonesia and Vietnam. The rights of women and children are a natural element of such dialogue. Human trafficking is a theme in the dialogue with Vietnam in particular.

The Norwegian authorities will put the fight against human trafficking on the agenda in bilateral and multilateral political discussions with other countries.

In international forums, Norway will work actively with other countries involved in the fight against human trafficking.

MEASURE NO. 36

Implementation: 2006-2009

Responsible ministries:

Ministry of Foreign Affairs, Ministry of Justice and the Police

In accordance with the Government's Europe Report⁷, Norway will seek to engage in close cooperation on human trafficking issues with the EU and EU member states, both within and outside the framework of Schengen Cooperation

Norway's participation in the Schengen Cooperation entails a mutual commitment to ensure effective and responsible control of external borders. The measures that have been implemented within this framework aim, among other things, to prevent illegal crossing of the common external border. This cooperation thereby helps to prevent transnational crime, such as human trafficking.

The fight against human trafficking is part of efforts under the Hague Programme to combat organised crime. The EU has drawn up an Action Plan to Fight Human Trafficking, which is to be implemented in all member states. The Commission has established an Expert Group on Trafficking in Human Beings.

The EU strongly emphasises the importance of new and potential member states quickly acceding to the Council of Europe Convention, as well as the EU's other binding regulations aimed at combating human trafficking. The EU Commission is currently considering how assistance for and protection of victims can be strengthened in member states.

The fight against organised crime, which includes human trafficking, is an important element of the EU's various partnership, cooperation and association agreements with third countries.

The Government aims to ensure that Norway's efforts are also in accordance with EU policy on human trafficking.

MEASURE NO. 37

Implementation: 2006-2009

Responsible ministries:

Ministry of Foreign Affairs, Ministry of Health and Care Services

Strengthen efforts to combat the illegal trade in human organs (new)

The Government will make efforts to strengthen international legislation to prevent the illegal removal and transplantation of human organs and tissue. The government will contribute actively on the Health Committee of the Council of Europe, through the committee of experts on organ transplantation (SP-CTO), both with expertise and through the regulation of member states' transplantation activities, in accordance with Recommendation 1611 (2003) of the Council of Europe. In parallel with work in the Council of Europe, there will be further focus on combating the purchase and sale of organs through the WHO, especially WHO Europe, and on promoting further cooperation. Norway will contribute towards improved organisation of transplantation and donation activities in other countries if this is desirable and is economically and legally viable. In particular, Norway will contribute its expertise relating to the use of live kidney donors. Norway will also support the work of UNODC to combat human trafficking in organs.

7. Report No. 23 to the Storting (2005–2006) on the implementation of European policy



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The painting on the cover is made by 16 year old Sanella Lulani, a student at the Preng Jakova art school in Shkoder, Albania. The picture was created following a seminar on trafficking organised by Norwegian Aid at several Albanian schools. The students were challenged to draw or paint their thoughts about trafficking.

The painting was presented to State secretary in the Ministry of Justice and the Police, Anne Rygh Pedersen, during her visit to Shkoder in 2006.

