

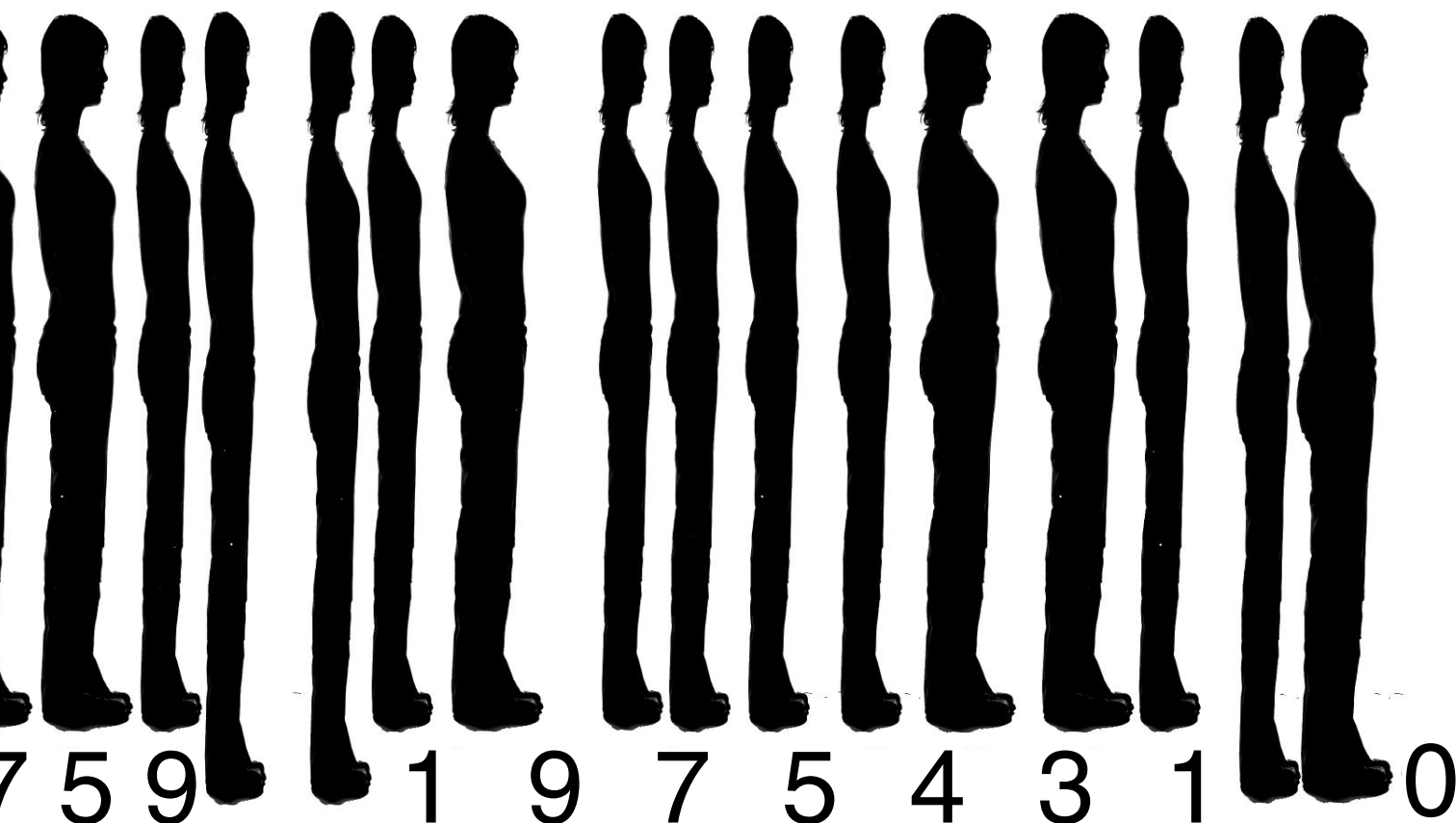


JUSTIS- OG POLITIDEPARTEMENTET

*Norwegian Ministry of Justice and the Police*

# Norway's Plan of Action for Combating Trafficking in Women and Children

2003-2005



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# Preface

Trafficking in human beings is a serious crime that constitutes a grave violation of human rights.

The purpose of the present plan is to deal with the ethical, social and legal problems connected with trafficking in human beings. Because it is mainly women and children who are exploited, trafficking constitutes a serious form of sexualised violence that is incompatible with the principle of gender equality. Poverty makes women and children particularly vulnerable to traffickers, who are motivated by profit and in many cases involved in organised crime. The fact that so many of the victims are children means that we must take particular account of their vulnerability and adapt our measures accordingly.

We have a special responsibility to protect and help the women and children in our country who are victims of human trafficking. We have a responsibility to prevent women and children from being recruited for such purposes, and to help curtail the demand that makes this such a profitable trade. And we have a responsibility to strengthen our legislation and give priority to the investigation of such crimes so that the organisers and other actors who profit from this activity are caught and prosecuted.

The Action Plan contains measures designed both to prevent, detect and prosecute crimes linked to trafficking in women and children, and to protect and assist those who have been and are victims of such crimes. Measures will be implemented on the basis of our obligations under international law and human rights principles, and the gender equality perspective. The special needs of children will be taken into account in all our efforts. In keeping with international goals, the Government will fight poverty and strengthen the rights of women and children through its development co-operation.

The Plan of Action for Combating Trafficking in Women and Children has been drawn up by a committee comprising State Secretaries Odd Anders With of the Ministry of Children and Family Affairs, Kristin Ørmen Johnsen of the Ministry of Local Government and Regional Development, Jan Otto Risebrobakken of the Ministry of Social Affairs and Kim Traavik of the Ministry of Foreign Affairs, and Political Adviser on International Development David Hansen of the Ministry of Foreign Affairs. The work was led by State Secretary Rita Sletner of the Ministry of Justice.

*Odd Einar Dørum  
Minister of Justice*

# 1 Trafficking in women and children must be combated

Every single year many thousand women and children, both girls and boys, are taken from one country to another, often to Western Europe, as part of a trade in human beings. Most of them come from or via the Balkan countries, the former Soviet Union, the Baltic countries or other Central and Eastern European countries. The purpose of this trade is primarily sexual exploitation, but also illicit labour. Most of the countries of the world are affected by human trafficking, although in different ways and to different degrees, as countries of origin, transit or destination. Norway is primarily a country of destination. The bulk of the trade is in women and minors, who are lured or who flee from a poor to a richer country in the hope of a better future, but who end up victims of prostitution or some other form of exploitation.

An effective strategy against trafficking in human beings calls for broad and co-ordinated co-operation between the authorities, professionals and organisations at local and national level, both in Norway and across national borders. The immigration authorities, the police and judicial system, the health and social services and NGOs must all take part in this effort.

The international framework for preventing, combating and prosecuting trafficking in human beings is steadily improving. There is also extensive international co-operation on this problem, for example under the auspices of the UN, the Council of Europe, the EU, the Organisation for Security and Co-operation in Europe, the Stability Pact for South Eastern Europe, the Nordic Council of Ministers and the Council of the Baltic Sea States.

Norway will take part in international efforts to prevent and combat this serious form of crime and violation of human rights and play a proactive role in international efforts to develop norms and effectively implement them. Because the fight against trafficking in women and children requires long-term commitment, Norwegian foreign and development co-operation policy will continue to be directed at the root causes of this trade.

The Action Plan comprises measure for:

- protecting and helping women and children who are victims of human trafficking
- preventing trafficking in women and children
- detecting and prosecuting the traffickers
- disseminating information and promoting co-operation that will fulfil the intentions of the plan

The plan will be implemented during the period 2003-2005, and will have a total budget of NOK 100 million (approx-

mately EUR 1.3 million). The Ministry of Children and Family Affairs, the Ministry of Justice, the Ministry of Local Government and Regional Development, the Ministry of Social Affairs and the Ministry of Foreign Affairs will contribute to financing the plan, and will be responsible for implementing measures in their respective spheres of competence. The Ministry of Defence and the Ministry of Trade and Industry will be responsible for the practical implementation of certain measures, while the Ministry of Labour and Government Administration and the Ministry of Health will co-operate where relevant. Other ministries will be invited to contribute where the measures fall within their spheres of competence.

The measures in the plan will be evaluated and the findings systematised and used as a basis for further efforts.

## 2 Summary of the measures in the action plan

(The ministry with primary responsibility for the measure is indicated in bold type.)

### ■ The Government will work to ensure that women and children who are victims of trafficking are protected and given assistance

1. by clarifying the criteria whereby victims of human trafficking may be recognised as refugees according to the 1951 Geneva Convention on Refugees. **(Ministry of Local Government and Regional Development)**
2. by taking the initiative to ensure safe places for victims of trafficking to stay, where they have access to necessary assistance and information. This is to be done through dialogue and co-operation with public services, crisis centres and NGOs. Ways to meet the special needs of children will be examined in more detail. **(Ministry of Justice, Ministry of Children and Family Affairs, Ministry of Health, Ministry of Social Affairs)**
3. by introducing a reflection period, during which expulsion decisions concerning victims of trafficking may be suspended for up to 45 days with a view to providing practical assistance and counselling to the individual concerned. **(Ministry of Local Government and Regional Development)**
4. by developing and implementing routines for co-ordinating the follow-up, return and rehabilitation of women and children on the basis of networks between NGOs and the authorities in Norway and the country of origin. **(Ministry of Foreign Affairs, Ministry of Children and Family Affairs)**
5. by following up and assessing the need for further protection for women and children who choose to assist the authorities in investigating and prosecuting traffickers, beyond that provided for under the general programme for the protection of witnesses. **(Ministry of Justice)**
6. by supporting the establishment of an outreach team to work with prostitutes and disseminate information in a number of different languages about rights and available assistance and protection. The team will help them make contact with the police and agencies that can provide protection and assistance. The team will also help to raise awareness and enhance the expertise of the established public services with regard to these problems. **(Ministry of Social Affairs, Ministry of Children and Family Affairs, Ministry of Justice)**
7. by emphasising the responsibility of the child welfare

authorities and other relevant services for minors who are victims of human trafficking. **(Ministry of Children and Family Affairs, Ministry of Health, Ministry of Social Affairs)**

### ■ The Government will prevent trafficking in human beings by working to prevent the recruitment of women and children by promoting education and a better standard of living in the country of origin

8. by giving greater emphasis to the rights of women and children, including the right and actual access to education, land and property, and access to capital in Norwegian development co-operation and projects. Co-operation with NGOs, national authorities and civil society must be based on such a rights-based approach. **(Ministry of Foreign Affairs)**
9. by initiating or supporting projects targeted at groups that are vulnerable to recruitment by traffickers in Central, Eastern and Southeastern Europe, Russia, the Caucasus and Central and South Asia. **(Ministry of Foreign Affairs)**
10. by supporting the development and dissemination of information about trafficking in human beings and the criteria for immigrating legally to Norway to women in risk areas. This will be done in co-operation with NGOs, international organisations and foreign service missions. **(Ministry of Foreign Affairs)**
11. by assessing how Norwegian policy on commercial activities and investment abroad reflects a gender perspective. Among other things, the guidelines for the various government schemes for the internationalisation of the Norwegian private sector and for support to co-operation projects in partner countries will be examined. **(Ministry of Trade and Industry, Ministry of Foreign Affairs)**
12. by further developing and intensifying co-operation in the Baltic Sea Region on vulnerable children and young people. New bilateral and multilateral co-operation measures for combating trafficking in children will be drawn up and implemented with a number of countries. **(Ministry of Children and Family Affairs, Ministry of Foreign Affairs)**

## ■ The Government will prevent trafficking in women and children by working to curtail the demand that creates a market for such trade

13. by disseminating information to various target groups, such as men, young people, the business sector and other actors, and by stimulating public debate in connection with the introduction of ethical rules prohibiting the purchase and acceptance of sexual services. **(Ministry of Children and Family Affairs, Ministry of Labour and Government Administration, Ministry of Trade and Industry)**
14. by showing zero tolerance for the abuse of women and children in conflict areas. Norway will follow this up wherever it participates in or finances emergency relief and other operations. **(Ministry of Foreign Affairs)**
15. by including information about trafficking in women and children in the training of Norwegian military personnel. As from spring 2003, this topic will be included in the training of personnel to be employed in international operations. It will also be incorporated into the curriculum in basic military training and officer candidate schools. **(Ministry of Defence)**
16. by appointing a working group in the course of 2003 to compile information about how the legal regulation of prostitution has functioned in Sweden and the Netherlands, and on the application of section 203 of the Penal Code, which prohibits the purchase of sexual services from persons under the age of 18. When the working group has submitted its report, the Government will decide whether the purchase of sexual services in cases other than those currently covered by section 203 should be criminalised. **(Ministry of Justice)**

## ■ The Government will strengthen the efforts to detect and prosecute cases of trafficking in women and children, particularly with a view to combating international organised crime

17. by submitting a Proposition to the Storting in the course of spring 2003 on a separate penal provision prohibiting trafficking in human beings. **(Ministry of Justice)**
18. by giving priority to the efforts of the police and the prosecuting authority to combat trafficking in human beings by
  - a. supporting the development of a national project to identify the extent of this activity throughout the country. The findings from this project will form the basis for conducting strategic analyses and targeting the investigation and prosecution of organisers
  - b. enhancing the protection of women and children against abuse by purchasers of sex and organisers and, in connection with this, following up the project carried out on human trafficking in Oslo Police District.

c. increasing the resources for investigation and prosecution by setting aside funds to be used by the Council for Co-ordinated Efforts to Combat Organised Crime (ROK) for investigating such cases. Measures will be taken to ensure that the involvement of the police districts concerned is tailored to local conditions. **(Ministry of Justice)**

19. by implementing competence-building measures for the police concerning national and international legislation and methodology. **(Ministry of Justice)**
20. by increasing participation in bilateral and multilateral projects in the field of justice and home affairs, including support for police training and regional police co-operation in this area. Particular focus will be given to co-operation with Russia, Central and Eastern Europe, Southeastern Europe, the Caucasus and Central Asia. **(Ministry of Foreign Affairs, Ministry of Justice)**

## ■ The Government will work to enhance knowledge and intensify co-operation with a view to fulfilling the intentions of the Action Plan

21. by supporting a survey of relevant research and studies in the area and ensuring that they are updated and maintained. Priority will be given to research and studies in selected areas. **(Ministry of Justice)**
22. by commissioning a research project to examine the problems connected with human trafficking involving foreign women in the sex market in Oslo. **(Ministry of Local Government and Regional Development)**
23. by establishing a forum for the authorities and NGOs where they can share their experience and expertise. **(Ministry of Justice)**

### Following up the Action Plan

The purpose of the Action Plan is to promote co-operation between the authorities, professionals and NGOs in Norway and lay the groundwork for closer co-operation with other countries.

In the implementation of the plan an effort will be made to establish a good national network that will make it possible to co-ordinate the various efforts and resources even after the plan period is over. The Government will appoint a steering group to implement the plan, which will also monitor and assess the national and international situation as regards trafficking in women and children and how it affects Norway. The Action Plan will be assessed on a regular basis and updated yearly in the light of the Steering Group's recommendations.

The Ministry of Justice is responsible for co-ordinating the implementation and follow-up of the plan. Therefore, a special unit will be set up in the ministry for this purpose.





# 3 International framework

■ **Trafficking in women and children constitutes a violation of their human rights. The State is responsible for protecting all persons within its borders against violations of their human rights**

Human trafficking poses a threat to its victims' right to freedom from slavery, to decide over their own bodies, to freedom from degrading, humiliating or inhuman treatment and, ultimately, the right to life.

Protecting the human rights of women and children who are, or are in danger of becoming, victims of human trafficking is a key priority for the Government in its efforts to combat trafficking in women and children. Thus, all the measures implemented in these efforts will be based on the protection of human rights.

A rights-based approach will enable Norway to promote the principle of the State's responsibility for the protection of all its citizens in our relations with our partner countries. Thus, a dialogue with the authorities of the various countries on their legal and political responsibility for preventing human trafficking will be an important element in our efforts to prevent trafficking in women and children.

## The international framework and Norway's human rights obligations

In recent years the international community has adopted a number of conventions of significance for the efforts to combat trafficking in women and children.

In 2000 a protocol on trafficking in persons, generally known as the Palermo Protocol, was adopted to supplement the UN Convention against Transnational Organised Crime. It defines the term "trafficking in persons" broadly to cover everything from the use of force to the abuse of a position of vulnerability for the purpose of sexual exploitation, forced labour, slavery or the removal of organs. The Protocol includes a number of provisions on combating organised crime linked to trafficking in women and children. It also contains some minimum provisions for the protection of victims of trafficking.

Under the UN Women's Convention, the UN Convention on the Rights of the Child and the optional protocols on the sale of children, child prostitution and child pornography, and ILO Convention No. 82 on the worst forms of child labour, Norway is under an obligation to combat trafficking in women and children.

In addition Norway is bound by a number of more general convention obligations concerning freedom from violence and slavery and the right to life.

The International Criminal Court (ICC) entered into force in 2002. The Statutes of the ICC, which Norway ratified in 1998, establish among other things that trafficking in human beings constitutes a crime against humanity.

International declarations and resolutions of significance for efforts to combat trafficking in women and children include the UN Declaration on the Elimination of Violence against Women (1993), the Beijing Platform for Action adopted at the UN Fourth World Conference on Women (1995), and the final document adopted at the UN special session on the follow-up to the Beijing Conference (2000).

In the UN Declaration on the Elimination of Violence against Women, it is explicitly stated that trafficking in women constitutes violence against women and that violence impairs their enjoyment of fundamental rights and freedoms.

The Council of Europe and the Organisation for Security and Co-operation in Europe have also drawn up several declarations on trafficking in women and children, which Norway has endorsed.

## WHAT NORWAY HAS DONE SO FAR

- Norway passed a Human Rights Act on 21 May 1999, whose purpose is to strengthen the status of human rights in Norwegian law. It establishes that, in the event of a conflict of laws, the provisions of the conventions and protocols specified in the Act shall take precedence over any other legislative provisions.
- In the course of spring 2003, the Government will submit a proposal that the UN Convention on the Rights of the Child and its optional protocols should be included in the Human Rights Act. The Convention defines all persons under the age of 18 as children. This definition is the basis of Norway's efforts to combat human trafficking.
- In 2001 Norway ratified the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- In 1999 a plan for Norway's follow-up to the Stockholm Congress against Commercial Sexual Exploitation of Children was submitted. A new plan to combat the sexual exploitation of children, which is in part a revision of the previous plan, will be drawn up in 2003.



- In 2001 Norway endorsed a new recommendation of the Council of Europe on the protection of children against sexual exploitation (Recommendation 2001-16) and the Council of Europe's Commitment and Plan of Action to protect children against sexual exploitation in connection with the preparations at European level for the Second World Congress against Sexual Exploitation of Children. Norway endorsed the final declaration adopted by the Congress that same year.
- The Government is in the process of incorporating the UN Women's Convention into Norwegian law. A consultation memorandum will be completed and circulated for comment in 2003.
- Preparations are being made for Norway to ratify the Palermo Protocol. A consultation memorandum that, among other things, proposes a separate penal provision

against human trafficking was circulated for comment in December 2002.

- In 2002 the Council of Europe conducted a preliminary study to determine the need for a regional convention against human trafficking. Norway is in favour of a European convention against trafficking provided that it does not duplicate existing international legislation, but supplements it by ensuring victims of such trafficking better protection and support.



## 4 Women and children will be given protection and assistance

■ The Government will work to ensure that women and children who are victims of trafficking are protected and given assistance

### BACKGROUND

Women and children who are victims of trafficking are not necessarily residing illegally in Norway. They may have come to Norway as tourists with or without a visa, as asylum-seekers or in connection with marriage. Some of them may have been lured to Norway by an advertisement or by an individual or acquaintance who promised them a better life, and become involved in prostitution or some other form of sexual exploitation. Even though some of them may have understood that prostitution was involved, they may have been forced into it before they arrived in Norway or been involuntarily placed in such a situation after arrival.

Increasing numbers of women come to Norway through family reunification based on marriage. Some of them bring children with them. It is thought that in some cases these children are being exploited sexually and that this is the purpose of the marriage. There are also cases where a woman has been forced into prostitution by her husband after her arrival in Norway. Such marriages may be arranged, for example over the Internet or by a marriage bureau. There are also examples of marriages between foreign women and persons resident in Norway where the woman is kept under slave-like conditions and exploited as unpaid labour.

Children who accompany their families to Norway are strongly affected when the caregiver, usually the mother, is a victim of trafficking. When the child is the primary target of the trafficking, the adult caregiver becomes a secondary victim in that she is unable to protect her child from abuse.

Some asylum-seekers bring with them children who are not their own. In other cases family reunification is sought with children or other people whose family ties are difficult to prove. Even though the motive is often a desire to give a child a better future, the possibility that some of these children may be exploited when they come to Norway cannot be excluded.

Separated children seeking asylum are a specially vulnerable group because they arrive in the country without a caregiver. Every year a number of these young people disappear from Norwegian reception centres. Some of them leave reception centres to live with relatives or caregivers while waiting for their asylum applications to be decided

without this being approved in advance by the centre. Such transfers to other caregivers are not always in the interests of the young person, and the routines for dealing with these cases have now been made considerably more stringent. Nonetheless, the possibility that these young people may be at risk cannot be excluded.

### Right to a residence permit

The Norwegian legislation governing protection from persecution is based on the UN Convention on Refugees, and the Norwegian Immigration Act uses the same definition of a refugee as Article 1 A of the Convention. According to the Act refugees in Norway or at the Norwegian border have the right to asylum unless they are subject to the exceptions laid down in section 17. In order to constitute persecution within the meaning of the Convention on Refugees, serious harm must be at the hands of the State or a force that the State cannot or will not control. According to Norwegian practice, whether the persecutor is the State or a non-State agent is of no relevance. If effective national protection is available to the claimant, a fear of persecution cannot be said to exist. Victims of trafficking may have the right to asylum in Norway if they fulfil these conditions, since under certain circumstances trafficking in human beings and forced prostitution are considered to be persecution.

The Immigration Act also allows for granting protection to people other than refugees if they need protection for reasons similar to those given in the definition of a refugee. If it seems likely that the application for asylum will be refused, the immigration authorities are obliged to examine whether there are compelling humanitarian considerations that would justify the granting of a residence permit. If the need for such a permit is temporary or other reasons so indicate, such a permit may be granted without the right of renewal. It may also be decided that the residence permit does not constitute a basis for family reunification and/or a settlement permit. If no such restrictions are imposed, the residence permit may be renewed and constitute a basis for a settlement permit.

Some of the foreign women who are being exploited in Norway already have a residence permit, either as the principal person or as a family member. Residence permits that are granted on grounds of marriage are issued for a year at a time and are conditional on the partnership continuing and the partners living together. After three years the person may apply for a settlement permit that is not dependent on the partner's status in Norway. If a woman or a child is being abused in the marriage, the woman will be granted a renewed permit regardless of the duration of the marriage.





In addition to being the victims of a crime, children, i.e. persons under the age of 18, who have been sent, lured or forced to travel to Norway without a parent or guardian, and who are sexually exploited or abused, are also being deprived of care, family life, education and other rights that children are entitled to both under Norwegian law and according to the Convention on the Rights of the Child.

It is important that women who are abused by their partners or who have children who are abused do not remain in the marriage for fear of losing their right to a residence permit in Norway. Being forced or pressured into prostitution by a husband may be regarded as abuse, and in such cases the woman will have the right to renew her residence permit as the principal person.

### **The right to assistance**

Victims of trafficking may find themselves in a situation where they fear being charged with a criminal offence. Victims of trafficking must be regarded as victims of a crime and therefore have the right to protection and assistance.

The situation of minors and adults who are victims of trafficking may vary according to their legal status in Norway, and the division of responsibility between the various agencies and actors involved in following this up is unclear.

There is a need for an easily accessible service that is appropriate for the situation in which victims of trafficking may find themselves, but language barriers and lack of knowledge about the backgrounds of many foreign women and children make it difficult to establish the contact and trust necessary for assistance and co-operation. Thus dissemination of information and an opportunity for dialogue in a known language are essential for providing the necessary help.

### **Existing assistance channels**

There are a number of NGOs that provide help and support to people in acute distress, and they may be able to assist victims of trafficking. However, there are currently no established channels of assistance that are adapted to the special needs of victims of trafficking.

Crisis centres have a duty to provide protection, assistance and a temporary place to stay to women who have been subject to physical or sexual abuse, and their children. However, they have few facilities and little expertise for protecting and assisting victims of trafficking. The PRO Centre, for example, which is specially dedicated to helping prostitutes, and where women and men can go in crisis situations, is not specifically designed for assisting victims of trafficking as such.

In recent years a number of crisis centres, including the PRO Centre, have reported that they are increasingly being approached by women who may also be victims of organised trafficking. The centres are concerned that they may not be able to provide adequate and relevant assistance.

Most of the personnel employed in the public services have insufficient expertise to assist people who have been exploit-

ed for commercial sexual purposes. In addition to more general expertise, they need knowledge and guidance in dealing with the complex situation that arises when the victim of cross-border trafficking is a minor. For example, there is a need to specify the duties and responsibilities of the child welfare authorities and other public services in relation to children and young people who have been sexually exploited for commercial gain and are victims of trafficking.

Society's responsibility in relation to women and children who have been commercially exploited is a difficult question, which the present plan aims to clarify.

## **WHAT NORWAY HAS DONE SO FAR**

- When applying for reunification with a family member living in Norway, the applicant must prove or otherwise establish the probability of family ties. In cases where this appears to be difficult, DNA testing is offered in order to verify kinship with persons from specified countries.
- The Directorate of Immigration has introduced a requirement that relatives must prove that they have a formal responsibility to care for a separated child seeking asylum before he or she is allowed to move out of a reception centre. If such a child should nevertheless move, the Directorate is obliged to report this to the child welfare office in the municipality in question.
- In December 2001 the Directorate issued guidelines concerning the duties of the various agencies when a separated child disappears from a reception centre. The police, guardian/provisional guardian, lawyer, municipal child welfare office and any family members must all be notified. The child must be reported missing at the closest police station within 24 hours at the latest. Oslo Police District has the responsibility for co-ordinating efforts to find missing children, and is obliged to keep a register of all asylum-seekers who are reported missing from reception centres.
- In June 2002 the Government presented an action plan containing measures for increasing the participation in society of children and young people with an immigrant background. The plan includes several measures for improving the follow-up of separated children.
- In certain cases it may be necessary to impose a ban on visits in order to protect victims of trafficking. The amendments to the provisions governing bans on visits entered into force on 10 January 2003. The purpose of the amendments was to make bans on visits a more effective tool for preventing violence and other abuses. For example, a ban may be imposed on visits in one's own home. When such a ban is violated abroad, this is also punishable in Norway. It is specified in the Bill that bans on visits may also be imposed for the protection of a specified group of people (e.g. women or minors living at a reception centre).

## WHAT NORWAY PLANS TO DO – SPECIFIC MEASURES

The Norwegian authorities have a responsibility for ensuring that women and children are not abused, and for helping to repair the damage when abuse has taken place.

Cases involving trafficking are generally quite complex. Even though persecution for reasons of gender or sexual orientation may fall within one of the five grounds listed in the Convention on Refugees, victims of trafficking rarely fulfil the other criteria for refugee status under the Convention. Although the Immigration Act allows for the granting of both a temporary and a permanent residence permit on the basis of compelling humanitarian considerations, in practice this provision has rarely been applied to victims of trafficking, and in order to safeguard their interests in the best possible way it may be necessary to include a separate provision in the Act.

### The reflection period

In addition to considering whether to develop special legislation, the Government intends to propose further measures for assisting victims of trafficking. One proposal will be that expulsion decisions concerning victims of trafficking may be suspended for up to 45 days with a view to providing practical assistance to the individual concerned. This will be known as the reflection period, and will apply to persons who are victims within the meaning of the Palermo Protocol and who have been subject to abuse in Norway or who could be subjected to abuse or injury if they were to be sent home. It is important to emphasise that the authorities' review of the existing legislation is based on expanding rather than restricting its application.

The purpose of the reflection period will be to ensure that victims of trafficking receive protection, assistance and help to escape from their situation. The police will also be given the opportunity to assess the grounds for investigation, the risks involved and the credibility of the victim and whether he or she is able to provide information that can be used in prosecuting organisers.

During the reflection period the victim will need a safe place to stay and access to social, medical and psychological help. He or she will also require information on his or her status during the reflection period and the rights and duties contingent on helping the authorities in their investigation and prosecution of the organisers. The authorities plan to initiate co-operation with the public services and NGOs on finding safe places to stay with access to the necessary assistance and information.

### Rehabilitation and repatriation

The principle will be that a person who has been granted a reflection period will be repatriated at the end of the period. However, many could be returned to a very difficult situation, where they will probably receive little help and support. Stigmatisation, social exclusion and other negative reactions in the country of origin may cause them to

become exploited again. In some cases the victims' lives or health is threatened. Therefore there is a need to establish co-operation with the country of origin with a view to ensuring that victims have a place to stay and are protected, and that they receive support and counselling in relation to jobs, education and ways of improving their living conditions and opportunities. Repatriation and rehabilitation are to be assessed and planned jointly by the person concerned, the authorities, and NGOs and international organisations in Norway and the country of origin.

In order to establish good routines, co-operation models for following up, repatriating and rehabilitating women and children are to be developed, based on co-operation between NGOs and the authorities in Norway and the country of origin.

In special cases a longer stay may be considered, for example in cases where there is an obvious risk that the victim's life or health could be threatened by repatriation or if the follow-up in Norway were discontinued, or if the victim has a special need for protection due to his or her status as a witness in the prosecution of organisers or pimps.

### The safety of witnesses is to be ensured

A person who reports and gives evidence against a pimp or organiser must be able to do so safely and must be informed of his or her status and rights during this process. According to the national guidelines for protection of witnesses that are now being drawn up, the police and the prosecuting authority are, at every stage of the prosecution, to assess the risk of threats or reprisals run by witnesses or their families and close friends in providing information that can help to combat organised trafficking in human beings. This applies to the countries of origin, transit and destination. On the basis of the results of this assessment, the police will co-operate with other services, experts and NGOs in order to meet the witness's need for safety with a view to helping her return to a normal life where she does not need organised protection. The Government will follow up and review the need for special protection measures for women and children who choose to assist the authorities in investigating and prosecuting the perpetrators of such crimes.

### Outreach teams

In order to identify potential victims of trafficking and help them make contact with the police and other agencies that can provide protection and assistance, the Government will support the establishment of outreach teams to work with prostitutes and provide them with information in a language they understand. Written information in a number of different languages about rights and available assistance and protection will be developed and distributed. The team will also seek to raise awareness and enhance the expertise of the established public services with regard to these problems.



# 5 Trafficking in women and children shall be prevented

The Government will pursue a two-track strategy in its efforts to prevent trafficking in women and children: it will work to prevent recruitment, and to curtail the demand that creates a market for human trafficking.

■ The Government will prevent trafficking in human beings by working to prevent the recruitment of women and children by promoting education and a better standard of living in the country of origin

## BACKGROUND

The recruitment of women and children by traffickers takes place mainly outside Norway's borders. Therefore, measures to prevent recruitment must be primarily targeted at women and children in the country of origin, and at the social structures and situations that make them particularly vulnerable. Poverty, war, conflict, unemployment, few educational opportunities, and lack of gender equality are the most important causes of human trafficking.

Poverty affects women and children to a disproportionate degree, and women and children are often subject to human rights violations. Social and economic marginalisation is often an important contributing factor to women and children falling victim to trafficking. Some children are particularly exposed to criminality and sexual exploitation, for example those who live in the street or experience some other form of neglect. A number of the countries of origin also have patriarchal structures, where women do not have any independent rights as individuals. The social conditions in these countries that provide fertile soil for trafficking in women and children also encourage a commercial sex market.

A large percentage of the women and young girls who end up in prostitution in Norway come from countries where crime is increasing or that are torn by war and conflict, countries where the economic structure has collapsed, countries that are undergoing rapid economic growth following periods of totalitarian rule or countries with a poorly developed economy. The Balkan countries, the former Soviet Union, the Baltic countries and the other Eastern European countries are countries of origin and transit for much of the human trafficking taking place in Europe today. In these countries, trafficking in human beings also has an impact on security and stability, the democratisation process and development of the rule of law. These are also countries where there is a stark contrast between poverty and wealth, which is conducive to the recruitment of new groups to trafficking. Norway is actively involved in the development of the public and private sectors and civil society, as well as the establishment of commercial activities in these countries.

In many of the countries where women and minors are recruited by traffickers, there is little or no information available on the risk of being exploited for such purposes. Nor is there any information about assistance in getting out of situations involving coercion or violence. There is also a lack of information on the criteria for immigrating legally to Norway.

## WHAT NORWAY HAS DONE SO FAR

- In the Plan of Action for Human Rights (Report No. 21 (1999-2000) to the Storting), special priority is given to combating trafficking in women and children.
- In March 2002 the Government adopted an Action Plan for Combating Poverty in the South towards 2015. The plan, which is one of the Government's tools for reaching the UN Millennium Development Goals, gives priority to combating poverty, ensuring universal primary and secondary education for girls and boys, and strengthening the status of women. The measures outlined in the plan are based on the Strategy for Women and Gender Equality in Development Co-operation (1997-2005).
- Norway is actively involved in efforts to prevent trafficking in women and children in the Baltic region, the Balkans, Moldova and Central Asia, for example through information campaigns and police training. These measures are largely channelled through the Nordic Council of Ministers and other forums for co-operation in our neighbouring areas, the Council of Europe, the Organisation for Security and Co-operation in Europe, the Stability Pact for South Eastern Europe, other international organisations and NGOs, and the Norwegian Agency for Development Co-operation (NORAD).
- Norway is participating actively in the important efforts to combat human trafficking being made under the auspices of the Stability Pact for South Eastern Europe. These efforts include awareness-raising campaigns, training and sharing experience and expertise, co-operation on law enforcement, protection of victims, assistance in repatriation and integration, the development of adequate legislation and preventive measures. For example, better border controls and more stringent immigration and asylum policy will better enable countries of origin and transit to put a stop to human trafficking.
- NORAD has provided substantial support to Norwegian NGOs and their efforts to combat trafficking in women and children, for example in the Balkans, Cambodia, Sri Lanka and Nepal. Some of the NGOs that have received such support are Save the Children Norway, FORUT-Norway (Campaign for Development and Solidarity), FOKUS (Forum for Women and Development), Norwegian Aid, the Women's Front of Norway, and organisations that have received support through UNICEF.
- In January 2003 the Government launched a strategy for education in Norwegian development co-operation in which special priority is given to girls' education.



- An IT network has been established through the co-operation in the Council of the Baltic Sea States with a view to strengthening regional co-operation on measures to help particularly vulnerable children and young people. The purpose of this network is to combat trafficking in children in north-western Russia and the Baltic Sea region. One of the main objectives of the Nordic Council of Ministers' Plan of Action for Children and Youth in the Nordic adjacent areas is to improve their living conditions in this region.
- In 2002 Norway took part in the Nordic-Baltic Campaign against Trafficking in Women, which was initiated by the eight countries' ministers with responsibility for gender equality, and supported by the respective ministers of justice. The campaign put the issue of trafficking in women on the public agenda, provided information with a view to preventing recruitment, and laid the groundwork for further co-operation between the authorities of the participating countries.

## WHAT NORWAY PLANS TO DO – SPECIFIC MEASURES

The recruitment of women and children by traffickers must be prevented by combating poverty, and by improving women and children's general living conditions and participation in society in the country of origin. Women must be given a better opportunity to take care of themselves and create a secure future and must be given information about their rights.

Norway can help to reduce the insecurity and lack of choices that make women and children particularly vulnerable to traffickers, through rights-based development co-operation, measures in conflict and post-conflict situations, and measures to develop the private sector in the country of origin. Co-operation with NGOs will be important to the success of these measures.

### Information and awareness-raising measures

Information and awareness-raising measures are one means of preventing trafficking. For example, the Government will support the development of locally adapted information material and the dissemination of information on the risk of being exploited by traffickers, the availability of assistance to escape from coercion and exploitation, and the criteria for legal immigration to Norway and other Western countries.

### Norwegian policy on commercial activities and investment abroad will have a gender perspective

The economic support provided by Norway for the establishment of commercial activities in many countries helps to ensure that Norwegian companies gain access to new markets, and creates employment opportunities that could in the longer term contribute to social cohesion and a better standard of living. However, such processes may affect the social and economic situations of women and men in different ways. Therefore, Norway must ensure that its international commercial activities and investments do not have social consequences that encourage more prostitution and greater vulnerability to exploitation, but that they help to improve women's standard of living and participation in society.

The Government will therefore support efforts to raise aware-

ness of the consequences the establishment of Norwegian commercial activities in other countries may have on gender equality in these countries, and the social responsibility this entails for companies and projects. Even though the principle of non-discrimination has not yet been incorporated into existing guidelines, the Government will consider whether the authorities' responsibility for ensuring that account is taken of the gender perspective in Norwegian policy on commercial activities and investment in other countries is sufficiently fulfilled. Therefore, it will take the initiative for ensuring that the guidelines and practices of the various government schemes for internationalising Norwegian commercial activities and supporting private-sector development projects in our partner countries reflect a gender perspective.

## BACKGROUND

### ■ The Government will prevent trafficking in women and children by working to curtail the demand that creates a market for such trade

- The demand for sexual services is one of the root causes of the sexual exploitation and trafficking in women and children. Traffickers are motivated by the market and the profit potential it represents.
- Anyone who requests and purchases sexual services is helping to make human trafficking a profitable enterprise. In a survey on sexual habits conducted in 1997, 12.8 per cent of Norwegian men responded that they had purchased sexual services. According to the PRO Centre, many men purchase sex when they travel abroad even though they do not do so in Norway.
- In a number of cases, the international presence in countries in conflict, or in countries undergoing reconstruction in a post-conflict situation, has exacerbated the problem in the sense that international personnel participate in the sexual exploitation of women and children. However, there is now a greater awareness of this, which has led an increasing number of countries and international organisations to implement measures to prevent this from happening.
- There is reason to believe that in countries where a relatively large proportion of the population takes part in or accepts practices involving the gross exploitation and abuse of women and children, this creates a market for such practices. By curtailing the demand for sexual services, we can make this market more difficult and less profitable for the organisers.

## WHAT NORWAY HAS DONE SO FAR

- The provisions of the Penal Code concerning sexual offences were amended by the Act of 11 August 2000 No. 76. Purchasing sexual services from persons under the age of 18 is now a punishable offence (cf. section 203 of the Penal Code).
- The defence establishment has drawn up provisions governing the conduct of military personnel when employed in missions/service abroad which prohibit them from purchasing sexual services.
- In 2002 the Government decided to introduce ethical guidelines prohibiting civil servants from purchasing and accepting sexual services.



- In autumn 2002, Save the Children/ECPAT-Norway, in collaboration with the tourist industry, launched a campaign to combat child sex tourism. The campaign is supported by the Ministry of Foreign Affairs, the Ministry of Children and Family Affairs and the Ministry of Justice. An information brochure for tourists is an important part of the campaign.

## WHAT NORWAY PLANS TO DO – SPECIFIC MEASURES

The Government will implement several measures to curtail the demand for sexual services. Some of them will be linked with measures and processes that are already under way.

### **Ethical guidelines, information and debate**

The guidelines set out in the Civil Service Act give a clear indication of the ethical and moral responsibilities of government officials and civil servants. Thus, as a matter of principle the authorities take responsibility for preventing women and children from being exploited for sexual purposes and being reduced to commercial objects. As an employer, the Government is seeking to set a good example, and some of the social partners have already introduced similar rules or are considering doing so. The Government wishes to encourage debate and dialogue on ethical guidelines, and calls on more organisations to adopt similar rules.

A long-term effort will be required to change attitudes towards the sexual exploitation of women and children. Promoting gender equality is one way of achieving this. During the period covered by the Action Plan, the Government will develop and test an awareness-raising programme for young people on gender roles, gender equality and human dignity, and on attitudes to own and others' sexuality, and how sexual pressure and sexual exploitation can be counteracted.

The media exerts a powerful influence on our knowledge of the world, attitudes and social relations. The way abuse and sexual exploitation of women is portrayed influences our perception of power and the relationship between women and men. Therefore, a seminar will be arranged on the media's role and ethical responsibility in relation to these issues.

### **Enhancing the knowledge and expertise of Norwegian personnel engaged in international operations**

The defence establishment has drawn up provisions governing the conduct of military personnel when employed in missions/service abroad which prohibit them from purchasing sexual services. In order to make this absolutely clear to Norwegian military personnel engaged in international operations and enable them to participate actively in efforts to combat trafficking in women and children, they will receive training on this subject. Beginning in spring 2003, this topic will be included in the training programme offered to such personnel. It will also be included in the curriculum in basic military training and officer candidate schools.

### **Zero tolerance for the exploitation of women and children**

Norway finances and participates in a number of operations in conflict areas and countries where women and children are

recruited to prostitution and exploited by traffickers. The Norwegian authorities will show zero tolerance for the exploitation of women and children's vulnerable situation in conflict areas where Norway participates in or finances emergency relief and other operations.

Efforts to increase the proportion of women in international military operations will also be continued. A more equal gender distribution would help to influence attitudes towards the purchase and acceptance of sexual services from women and minors. It would also enhance opportunities for dialogue with local women and children as a basis for providing protection and assistance. Divisions that take part in such operations are engaged in various forms of humanitarian assistance in the areas where they serve, for example helping single mothers so they are able to support themselves and their family.

### **Information for purchasers of sexual services**

On the basis of the efforts that are already being made to combat sex tourism, the Government will, in co-operation with organisations and tourist agencies, continue to support and assist in the dissemination of information to prevent the purchase of sexual services from and exploitation of children.

A small number of men are probably responsible for the bulk of the purchase of sexual services. And we know that many of these men are ambivalent about what they are doing and want help to change their behaviour. There is reason to believe that specific information about men who purchase sex can shape attitudes and have a preventive effect, and encourage debate on men's role, masculinity and sexuality. The Government will consider ways of providing information and assisting men who wish to stop purchasing sex.

There is a need for more knowledge about the sex market and the demand for sexual services, and the recruitment of women and minors to prostitution in Norway. Measures will be taken to enhance knowledge about this subject.

### **The Government will consider whether the purchase of sexual services should be criminalised**

The provisions of the Penal Code on sexual offences were amended in 2000. At that time it was decided that the question whether the purchase of sexual services should be a punishable offence in Norway would be examined anew when the corresponding Swedish provision, which was introduced in 1999, had been in force long enough to say something certain about the consequences. Norway will not consider introducing a general prohibition against the purchase of sexual services until a thorough study has been made of the effects of such a prohibition.

Therefore the Government will appoint a working group to obtain information from Sweden, which has criminalised the purchase of sexual services, and from the Netherlands, which has legalised prostitution. The working group will also examine the application of section 203 of the Penal Code, which prohibits the purchase of sexual services from persons under the age of 18. When the group has submitted its report, the Government will decide whether the purchase of sexual services in cases other than those currently covered by section 203 should be criminalised.

## 6 Trafficking in women and children will be detected and prosecuted

■ The Government will strengthen the efforts to detect and prosecute cases of trafficking in women and children, particularly with a view to combating international organised crime

### BACKGROUND

Trafficking in human beings is highly profitable, and is estimated to be the third largest illegal trade in the world. Studies commissioned by the Council of Europe have shown that several different types of networks are operating in this market. For example, there are large organisations with a hierarchic, international structure and contacts at every level of society in the countries of origin, transit and destination. There are also small organisations that deliver to their own establishments or to a few contacts, and there are small networks and individuals that exploit women and children who are in a vulnerable situation.

Advances in information and communications technology have created opportunities for new forms of crime. This is particularly clear in connection with the sexual exploitation of children and child pornography. ICT is being used increasingly by organisers and facilitators of the sex trade. The Internet and other forms of telecommunications are used for recruiting, marketing and distributing women and children to be used in the sex industry.

Traffickers have developed a number of different methods for introducing the women into the country of destination. Some of them use the women's legal travel documents and tourist visas to get them into a country and then send them on to another country "legally". Sometimes the woman is equipped with false documents. In a number of cases the victim's age is falsified.

According to the police, there is organised prostitution in Norway. The proportion of foreign prostitutes is high in the country as a whole, and the sex trade can be linked to some extent with criminal networks. For example, a survey carried out in Oslo showed that there had been a substantial increase in the number of foreign women engaged in prostitution, especially from Eastern and Southeastern Europe. The nature of the market has also changed; the extent of indoor prostitution and prostitution arranged by mobile phone has increased dramatically.

At present the Norwegian authorities have little systematic knowledge of the extent and methods of human trafficking in the country. In recent years it has become increasingly dif-

ficult to obtain information from the prostitution community, especially from the foreign women and girls. The community is very closed. This makes it very difficult to identify the more advanced criminals: organisers and those who facilitate and profit from these criminal activities. Another factor that complicates the police's efforts to detect and prosecute the organisers is the close links between prostitution and powerful criminal organisations in Norway and abroad.

### WHAT NORWAY HAS DONE SO FAR

- Chapter 19 of the Penal Code, on felonies against public morals, was amended in 2000, and several of these amendments may have significance for cases involving human trafficking. For example, it has been made a criminal offence to purchase sexual services from anyone under the age of 18, rape due to gross negligence has been criminalised, the definition of rape has been made broader and it has been made a criminal offence to offer or enquire about sexual services for a consideration in a public announcement. The penalty for certain types of rape and the sexual abuse of minors has been made more stringent.
- On 4 January 2002, the Office of the Director General for Public Prosecutions issued a circular stating that cases involving trafficking in women and children are generally linked to international organised crime and must be given priority. This also applies to serious crimes of violence and serious sexual offences.
- The National Bureau of Crime Investigation is, together with the National Police Academy, in the process of systematically transferring expertise in the investigation of cases of sexual abuse of children to local police districts. This expertise will also be useful in cases where children may be victims of trafficking.
- Norway participates in a number of international forums for co-operation on justice and home affairs that have human trafficking, especially in women and children, on their agenda:
  - Norway is a member of the Interpol Working Group on Trafficking in Women for Sexual Exploitation, which was set up in 2000, and the Standing Working Party on Offences against Minors.
  - In 2001 Norway concluded a co-operation agreement with Europol on intensifying the joint efforts to combat serious organised crime, including human trafficking, and make them more effective. Projects under the auspices of Europol that focus on human trafficking for sexual exploitation have resulted in the arrest of a large number of persons with links to criminal organisations with branches in many countries, including EU member countries and the Balkans.



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- Norway participates in the Baltic Sea Task Force on Organised Crime under the Council of the Baltic Sea States, where combating human trafficking is now one of the highest priorities.
- In March 2001 Norway became part of the Schengen co-operation, and is thus bound by the same rules as the other Schengen countries. Everyone who passes the external borders either into or out of the Schengen area must be checked, which involves, as a minimum, a check of travel documents, including visas.
- In autumn 2002 Norway entered into an agreement with Russia on co-operation on border issues. The reason for this was the sizeable increase in traffic between Norway and Russia, especially across the Norwegian-Russian border in the north.
- In order to combat people smuggling and illegal immigration, Norway has introduced a penal provision in section 47 of the Immigration Act that applies, for example, to any person who for the purpose of gain assists a foreign national to enter or stay unlawfully in Norway or any other country that is part of the Schengen co-operation.

## WHAT NORWAY PLANS TO DO – SPECIFIC MEASURES

In order to succeed in combating human trafficking the authorities will work to establish an efficient system for detecting and prosecuting the criminals who are behind and profit from this trade. This will require up-to-date knowledge on which to base analyses and investigations, and criminal law provisions that provide a basis for investigating and prosecuting such cases.

### Profit-motivated crime

Trafficking in women and children is profit-motivated crime. It is a fundamental policy objective to ensure that crime does not pay. Thus the efforts to detect and prosecute such activities must be directed more towards confiscating the proceeds. Financial investigation, often in co-operation with international partners, may be necessary for combating human trafficking. Norway's rules on the confiscation of the proceeds from crime are much more comprehensive than those of many other countries.

### The legal framework

Norway already has a number of provisions in the Penal Code and other statutes that can be applied to acts committed in connection with human trafficking. However, there is still a need to improve the legislation and impose more stringent rules that allow the application of certain untraditional methods for investigating all aspects of this form of crime. The Government has therefore circulated for general comment a Bill on a separate penal provision prohibiting human trafficking, and intends to submit it to the Storting in spring 2003.

The proposed penal provision has a prescribed penalty limit of up to 10 years' imprisonment for the most serious offences and five years for less serious ones. The penalty for organised crime will also be made more stringent in that if a less serious form of human trafficking is carried

out in an organised way, the penalty is up to 10 years' imprisonment. This means that the new penal provision will allow for the use of a greater number of extraordinary methods of investigation. The proposal is in accordance with the Palermo Protocol, according to which states parties are to criminalise offences that come under the Protocol's definition of trafficking in persons.

In a consultation memorandum of 10 September 2002, the Ministry of Justice has proposed different ways of increasing the penalties for repeated offences, especially crimes of gain, crimes of violence and sexual offences. One alternative would be to introduce a general provision in section 61 of the Penal Code whereby the maximum sentence would be doubled if a previously convicted person commits a new criminal offence. The plan is to submit a Proposition to the Storting on amendments to the Penal Code in spring 2003.

On 11 January 2002, the Government appointed a commission to propose legislative measures to combat computer crime. The commission is considering what legislative amendments are necessary in order for Norway to ratify the Council of Europe Convention on Cyber-Crime, which Norway signed on 23 November 2001. The commission is also to consider whether the serious challenges posed by computer-related crime warrant additional measures on the part of the authorities. One of the questions to be addressed by the commission is whether the police have sufficient statutory authority to demand that illicit material (such as child pornography) should be removed from the Internet. The commission is scheduled to complete this part of its mandate by 31 December 2001.

### The work of the police

Police investigations of human trafficking are to be directed at those who organise and profit from these activities. They are also to take into account that women and children who are transported to Norway for sexual or other exploitation are victims of serious criminal offences. They shall be treated in a way that makes them feel secure and allows them to trust the Norwegian authorities.

Generally speaking, traditional investigation methods give the police a good picture of these activities. But this requires that priority is given to trafficking in women and children at every level of the police and the prosecuting authorities, and that they acquire the necessary expertise. The re-organisation of the police districts in January 2002 has made it possible for the individual districts to further develop such expertise and retain key personnel.

Potential victims of trafficking are often to be found in the prostitution community. The presence of police officers in this community is of considerable importance, both for obtaining information about criminal activities and for preventing further abuses of women and girls. Close co-operation with other sectors and NGOs is also needed, so that they too can provide help and protection. Police efforts to combat crimes of violence will be continued and intensified in 2003. This also applies to preventing violence against

prostitutes and the hidden and open violence committed in connection with trafficking.

### **Children's right to protection**

Priority will continue to be given to police investigation and prosecution of cases involving sexual abuse of children. Account will be taken of children's rights and the fact that they need to be treated with special consideration. Co-operation with the child welfare service will be intensified. Efforts to combat child pornography will be stepped up, and expertise in investigating child abuse, child pornography in the media and on the Internet and child sex tourism will be further developed. The National Bureau of Crime Investigation will continue its crime tips hotline. The system of Nordic liaison officers will be extended to cover cases of child abuse carried out abroad by Norwegian nationals, so that they are dealt with in the same way as other serious offences.

### **Organised crime**

The Office of the Director General of Public Prosecutions and the Police Directorate have the main responsibility for co-ordinating and following up police efforts to combat organised crime. Organised crime has become more international and sophisticated, and requires a high level of expertise and co-ordination. An increasing number of criminals are using advanced technology and linking their illegal activities with legal ones. Investigating this type of crime is complicated, difficult and time-consuming, and requires a wide range of measures. Since autumn 2001 the Council for Co-ordinated Efforts to Combat Organised Crime has focused on people smuggling and human trafficking. Priority is given to cases considered to be particularly serious by the Office of the Director General of Public

Prosecutions and the Police Directorate. The heads of the local police districts may apply to the Council for extra funds for investigating cases of human trafficking.

### **Cross-border co-operation**

Cross-border co-operation can help to detect human trafficking at an early stage and thus limit the harmful effects on the victims. It can be an important means of identifying victims of human trafficking and the traffickers and their networks in the country of destination. Ways of obtaining information that can assist the investigation and the need for enhancing expertise and developing new working methods will be considered within the framework of the Action Plan.

### **International co-operation**

If the fight against human trafficking is to succeed, it will require close international police co-operation, which must be based as far as possible on a common approach and attitude to the problem. This co-operation will be further developed as a means of combating crime at the national and international levels, and the Norwegian police will take an active part in key international forums.

## **Some relevant Norwegian statutory provisions**

- The provisions of the Penal Code concerning offences against the person (sections 228, 229 and 231), coercion (section 222), deprivation of liberty (section 223) and threats (section 227) may be applicable to actors involved in all stages of trafficking.
- Section 224 of the Penal Code sets out penalties for any person "who by force, threats, or underhand conduct unlawfully brings anyone into his own or another person's power with the intention of reducing him to a state of helplessness, enlisting him in foreign military service, or taking him into captivity or other state of dependence in a foreign country, or transporting him to a foreign country for indecent purposes". (Amendments to this section have been proposed.)
- Prostitution is not illegal in Norway, but profiting from another person's prostitution, or pimping, is illegal, cf. section 202 of the Penal Code.
- Section 202 also sets out penalties for "any person who in a public announcement unambiguously offers, promises to arrange, or asks for prostitution".
- Purchasing sexual services from a person under 18 years of age is punishable pursuant to section 203 of the Penal Code.
- The provisions of the Penal Code concerning slavery, fraud, corruption, kidnapping and sexual offences may also be applicable to cases involving human trafficking.
- Section 47 of the Immigration Act concerning penalties for people smuggling, and the provisions of the Organ Transplant Act concerning the commercial use of organs may, according to the circumstances, be applicable in cases involving human trafficking.
- Since human trafficking is motivated by profit, penal provisions concerning economic crime are also applicable.
- Section 317 of the Penal Code is a general provision against money laundering.
- Section 34a of the Penal Code concerns an extension of the right of confiscation, and allows for confiscating the assets of offenders under specified conditions unless he or she can establish the probability of their having been lawfully acquired.

# 7 Knowledge and co-operation

## ■ The Government will work to enhance knowledge and intensify co-operation with a view to fulfilling the intentions of the Action Plan

### BACKGROUND

The fight against trafficking in women and children was put on the agenda in Norway in earnest in the second half of the 1990s, and an increasing number of public authorities and organisations have become involved in efforts to combat these activities. This applies both to the authorities, where many sectors are involved, and to organisations. If these efforts are to succeed, exchanges of information and measures to enhance knowledge and co-ordinate measures will be required.

Even though we know enough about human trafficking to begin developing specific measures to prevent and combat trafficking in women and children, we still know too little about some of its aspects and the extent of the problem in Norway.

We must systematise and update the knowledge we have so that we can tailor our efforts and assign priorities as we proceed. We must also make sure that exchanges of information and co-operation are based on knowledge that is up to date.

### WHAT NORWAY HAS DONE SO FAR

- A number of research programmes and surveys have been carried out in recent years by various bodies, including Oslo Police District, the PRO Centre and the Finnmark Research Centre.
- Norway is participating in the Daphne Programme for the period 2000-2003. This is a European Community preventive action programme to fight violence (including trafficking) against children, young people and women. It aims to establish networks across sectors and across European borders with a view to exchanging information, identifying good practices and co-operating on strategic action, both at the local level and between EU member states.
- Norway is participating in a Nordic programme that does research in violence, which includes trafficking in women and children.

### WHAT NORWAY PLANS TO DO – SPECIFIC MEASURES

#### The need for research and commissioned studies

The Government will ensure that knowledge about trafficking in women and children is systematised and brought up to date and that priority is given to further research. Projects will be carried out in priority areas, for example, to examine the problems arising from human trafficking in general and the situation of foreign women in the sex trade in Oslo in particular, especially the situation of young girls.

An overview of the findings on men who purchase sex is needed as a basis for new research on issues relating to the demand for sexual services. Norway will consider initiating efforts to systematise research on the demand for sexual services and to promote new research on this subject in co-operation with the other Nordic countries.

In order to limit the market for sexual services, the Government will also review the situation of women prostitutes in Norway during the Action Plan period. This will involve, for example, examining the reasons why women and minors resort to prostitution and developing measures that can help them to get out of it.

New research will be based on topics identified by the state-of-knowledge review that is to be undertaken.

#### Co-operation

In recent years, Norwegian authorities, NGOs and other organisations have been involved both in Norway and abroad in various aspects of the fight against trafficking in women and children. In this connection they have helped to establish co-operation frameworks and agreements. The purpose of this Action Plan is to transform intentions into specific measures. In this connection a co-operation forum will be established in order to share the available knowledge and co-ordinate the necessary co-operation, where the authorities in a number of different sectors, NGOs and other relevant actors will be represented.





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