

Challenges in identifying and following up minor victims of trafficking in Norway

This summary presents some of the main findings from a comprehensive study on minor victims of trafficking in Norway, *Ikke våre barn*, published in October 2015. The study describes the population of children identified as suspected or verified victims of trafficking in Norway, as well as the challenges in systems of identification and assistance. Our main focus is on who are identified as victims, and why so many victims are suspected, where the suspicion is never confirmed.

139 identified victims, mainly exploited in prostitution or crimes

Between January 2012 and June 2015 at least 52 minors were verified as victims of trafficking in Norway (see Method section). In addition, 87 children were identified as suspected victims of trafficking. This makes up a total of 139 confirmed and suspected minor victims of trafficking.

Of the 52 verified cases, 37 had been exploited in Norway, while 15 were fleeing exploitation elsewhere, or had been exploited while travelling to Norway.

Of the identified victims of trafficking, we find the highest number of children exploited in various forms of crime, such as petty theft, fraud or narcotics sale. The second largest group are exploited in prostitution, while there are relatively few reports of children trafficked for other forms of exploitation (see Table 2). However, while the vast majority of minors exploited in prostitution have been confirmed as victims of trafficking, around half of the minors exploited in crime are suspected cases that have gone unconfirmed. Although majority of those exploited in crime are boys, and the majority exploited in prostitution are girls, there are boys exploited in prostitution and girls exploited for criminal activities. The low number of children identified as exploited for labour warrants some attention. As we found a striking lack of awareness of trafficking in minors among agencies that do workplace security controls, as well as the core institutions dealing with trafficking in children, we cannot automatically conclude

Data and method

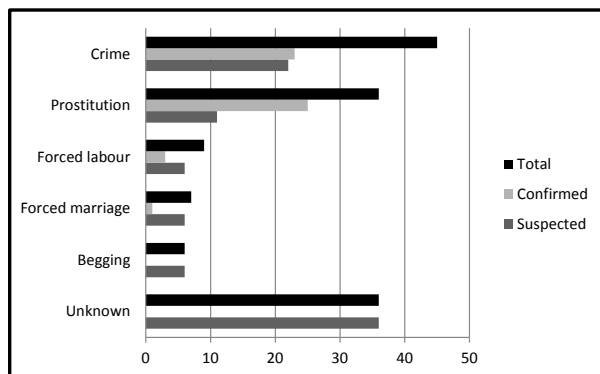
The study builds on an extensive collection of data, with the following main components:

- √ **Survey:** An e-mail survey was conducted among the heads of all child protection services in 182 municipalities in Norway, as well as all employees in the police who may have been in contact with victims of trafficking in all police districts. The respondents were asked to report all incidences of suspected and confirmed minor victims of trafficking they had knowledge of.
- √ **Document analysis:** We were given access to asylum application files from the Directorate of Immigration where suspicion of trafficking had been raised, as well as court documents and information from child care institutions working specifically with minor victims of trafficking. The documents and responses to the survey were combined to construct a complete database of all confirmed and suspected victims of trafficking from 2012 to 2015 in Norway.
- √ **Qualitative interviews:** A number of qualitative interviews were conducted with representatives of the child protection services, the police and the immigration authorities as well as civil society organizations who deal directly or indirectly with minor victims of trafficking.

from this that children are not trafficked for labour exploitation in Norway. It could also indicate that no one is looking for this – and thus no one is finding it.

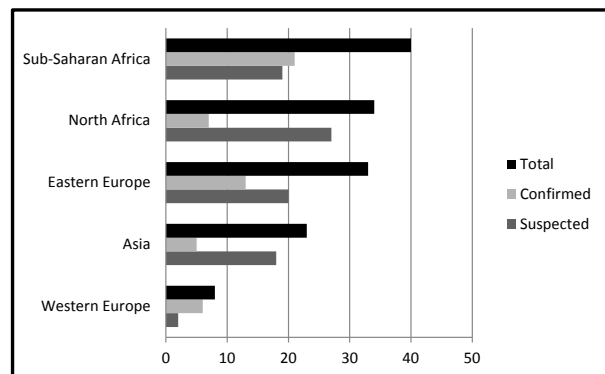
The minor victims of trafficking identified in Norway in this period, come from 41 different countries in 4 continents. However, there is a significant concentration of victims who come from a country in Sub-Saharan Africa, North Africa and Eastern Europe (see table). However, while most of the children from North Africa (mainly boys exploited in crime) have status as suspected victims, the children from Sub-Saharan Africa (mainly girls exploited in prostitution) are much more likely to be verified as victims.

Table 1: Minor victims of trafficking by arena for exploitation (numbers of suspected, confirmed and total number of victims)



N=138

Table 2: Identified minor victims of trafficking by region of origin (suspected, confirmed and total number of victims)



N=138

Three groups dominate

In spite of the large variation found in arenas for exploitation and regions of origin, there are three groups of minor victims that dominate. These three groups make up two thirds of all identified child victims of trafficking in Norway:

- ✓ Girls from Sub-Saharan Africa who are exploited in prostitution. The largest group is from Nigeria, but girls from a total of 9 different countries are registered
- ✓ Boys from North Africa or the Middle East who are exploited for different types of criminal work – predominantly the sale of narcotic substances
- ✓ Girls and boys from Central or Eastern Europe, exploited in prostitution, theft or fraud. The largest group is from Romania, but children from 3 other Schengen countries are registered.

Girls exploited in prostitution from Sub-Saharan Africa and Eastern Europe constitutes the largest group of confirmed victims, while boys from North Africa exploited in crime constitute the largest group of suspected victims. Seen together, however, the majority of all victims observed in our material remain unconfirmed, suspected victims. In many cases, the children have disappeared and no one knows where they are or if they are currently living under some form of exploitation. The remainder of this summary will focus on this issue: Why is it that for the majority of the identified minor victims trafficking there is only suspicions of exploitation that remain unconfirmed? To answer this question we will address the challenges the police, child protection services and the immigration authorities face in identifying and giving assistance to minor victims of trafficking.

Court cases

Since the implementation of human trafficking legislation in 2003, nine individual court cases have resulted in the conviction of a person or persons for the trafficking of minors. Three of these cases concerned trafficking of minors for "prostitution", two cases for "other sexual purposes", and four for "forced labour or services, including begging". Cases concerning minors are subject to different legal requirements than cases concerning adult victims, as it is not a premise that the exploitation of the victim happened through "force, threats, misuse of a person's vulnerability, or other improper conduct". Despite this, we find that the question of the vulnerability of the victim is raised in court proceedings. In cases concerning "forced labour" or "forced services", the court has to consider to what extent force or coercion was present, and where minors are concerned, this is typically referred to as "pressure". Furthermore, we find that the Supreme Court and the travaux préparatoires operationalize such force as a situation where the minor "did not enter into the situation voluntarily, and/or is unable to leave".

In October 2015, a new penal code entered into force, containing one act prohibiting human trafficking, and one prohibiting gross human trafficking. The most important alteration is the conversion of "force" to a more general premise[CD1], as opposed to its previous specific connection with "forced labour" or "forced services". The fact that the premise of "force" now also applies to the exploitation of others through prostitution might increase the threshold compared to previously. The new acts are to be interpreted according to previous legal text and case law, but this alteration might have some important consequences. We believe it is of great importance to monitor the legal development[CD2], particularly as the new acts on human trafficking are not preceded by deliberations to guide the court's interpretation [CD3]. Some unresolved issues remain, particularly how to delineate reasonable parenting and exploitation/force, and the question of where the line should be drawn between simple and gross human trafficking; is a victim's status as a minor a sufficient requirement in the legislation to constitute gross human trafficking?

No agreement on what trafficking in children is

In Norway, the police, the child protection services and the Directorate of Immigration (UDI) are the main actors that identify and follow up victims of trafficking. In both the Child Protection Services and Police we find that there is much uncertainty associated with what should and should not be classified as trafficking in minors (UDI was not surveyed). More than half of our respondents say that they have poor to medium knowledge of what trafficking is.

In the survey we gave our respondents in the police and child protection services five descriptions of child migrants, and asked them whether they would follow up these children as possible cases of trafficking. Their answers differed widely. Some identified undocumented migrants doing dishes for low pay as victims of trafficking, but not a girl in prostitution who shared money with her older boyfriend. Others saw trafficking in a boy working for free in his father's shop 15 hours a week, but not the boy who sold drugs for an older friend. It is also worth noting that this confusion as to what should be classified as trafficking, and what should not, does not get better for those who have attended courses on trafficking. The variation in answers is equally broad for this group as for the ones who did not attend courses.

In other words, employees of the institutions responsible for identifying victims of trafficking do not agree as to what trafficking is, and who should be given assistance as victims. In our study we point to several factors that can be addressed to improve identification.

A need for more police investigation

First of all, the fact that just a small fraction of the identified cases were actually investigated by the police, and even fewer ended up in court, is a problem also for the identification of victims. Of the 139 confirmed and suspected minor victims of trafficking, 13 identified children, or about 10 per cent, have been verified through a conviction in a court case (see "court" box). Court proceedings are important as they delineate the boundaries of what should be understood as trafficking. More investigation and prosecution of traffickers is not only important in terms of preventing traffickers from exploiting more children and making the victim in question feel more secure. Police investigations with subsequent trials bring up information as to how trafficking in children is organized in Norway, which

makes it easier to make good operational definitions of what it constitutes, that can again be used by case workers in the police and child protection services.

A need for better training

The training material used to train case workers and others in a position to identify child victims of trafficking today – the indicator lists – are not well suited to teaching people how to evaluate concrete situations that caseworkers have to deal with. Indicator lists are a widespread international tool for training personnel to identify victims of trafficking. However, such general lists of elements, that may or may not indicate trafficking, fail to highlight the difficult assessment that case officers who meet potential victims have to make, and do not clarify how they should respond. If anything, they may make it seem more complicated than it actually is. Rather than use indicator lists, we recommend that training materials are developed that present descriptions of forms of trafficking with minors that take place in Norway today, and that give concrete advice on how to respond in various situations when there is suspicion of exploitation.

Systems for identification needed not only in major cities

The systems for identification and follow up of minor victims of trafficking need to take into account that half of all child victims of trafficking were identified outside the major cities of Norway. Most of the municipalities that were involved in at least one case, only had one or two cases in this period. This implies that half of all identified victims of trafficking had case workers in police and child care services, with no experience of handling trafficking cases previously. This represents a challenge for identification, as it is difficult to identify what you have never seen, and what you are not used to looking for. These findings highlight the importance of improving training of employees in police and child assistance also in smaller municipalities, and of drawing on concrete examples of cases of trafficking so that they can better understand what to look for.

Assistance offered to minor victims depends on who is working that day

What happens once the victims are actually identified as potential victims of trafficking, despite the challenges described above? In accordance with the Council of Europe Convention on Action against

Trafficking in Human Beings, a victim of human trafficking is entitled to proper attention, assistance and rehabilitation. Often, such needed assistance is not provided. Our survey found that there are few clear procedures for how trafficking should be dealt with, and there is considerable variation in the kind of assistance offered to identified victims. The assistance offered varies depending on the municipality in which the victims are found, but also depends on the person who is working that particular day. Some child protection or police officers go to great lengths to follow up a case, whereas in other instances the cases just fall through the cracks and disappear. We have identified three reasons for why and how the suspected victims of trafficking do not get the follow up they are entitled to.

Lack of information is an obstacle to proper assistance

For most of the identified cases there is only a suspicion of trafficking, and there is often not enough information available to verify whether this is trafficking or not, often because the child himself/herself is not willing to talk. This lack of information represents an obstacle to providing proper assistance. In cases where force and exploitation are well documented and there is broad consensus that the child is a victim of trafficking, the systems for assistance and support mainly work well. However, only rarely is concrete and trustworthy information about exploitation and coercion available when the child comes in contact with the case officers or investigators concerned. More often, the initial suspicion of trafficking is based on limited information, and suspicion is often raised mainly due to a police officer or case officer having the feeling that something is wrong, and deciding to follow up more closely. As assistance is provided to the child, new information often emerges – however, when the decision to provide assistance is made, it is often on the basis of very limited information.

Lack of cooperation and coordination

Lack of cooperation and coordination of responsibilities between the immigration authorities, child protection services and the police constitutes a challenge in following up the minors. There is a tendency for the different institutions to push the responsibility onto one another with the unfortunate result that the suspected victims of trafficking are not picked up by any of them. We see that this is in particular a problem for children identified in the asylum system

The trafficking label is not necessary to give care to children who reside in Norway

The suspected victims of trafficking identified in this study may or may not warrant the label “victim of human trafficking”. However, it is beyond doubt that these children have been – and some still are – in extremely difficult situations of custody. Many are in Norway without any adult caregiver – others have caregivers that are ill suited for the purpose. Adding a trafficking label might not be the best way to safeguard the care of paperless underage migrants, and other foreign minors residing in Norway without a caregiver, as these children often need time before they consider their situation safe enough to allow them to cooperate and share information. And for this to happen the child usually needs to have a safe place to live, a predictable future (including a decision on residency) and to feel secure that the perpetrators are investigated and caught. This means that the functions immigration authorities, child protection officers and police have in relation to child victims of trafficking is a prerequisite for identification, and cannot come as a consequence of verification as victims of trafficking.

The project

The findings in this summary are based on the results of a project funded by the Norwegian Ministry of Children, Equality and Social Inclusion, and implemented by researchers from Fafo Institute for Labour and Social Research, Institute for Social Research, and Department of Criminology and Sociology of Law at the University of Oslo.

Fafo

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