



POLITIHØGSKOLEN

TRACKING THE TRAFFICKER?
-A Qualitative Study of the
Investigation of Trafficking in Human
Beings in Norway.



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ABSTRACT

Title: The investigation of human trafficking in Norway

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Trafficking in human beings (THB) is a vast global problem where the cynic exploitation of fellow human beings is limited only by the exploiter's creativity and cruelty. This paper looks upon the phenomena of THB from a law enforcement perspective, thus defining and problematizing it as a crime against humanity and a crime against international and national laws. Consequently, understanding the complexity of the crime enables the investigator and prosecutor to better conduct criminal investigations to uncover, prevent and prosecute the crime of THB.

Norway is a recipient country, and to some extent also a transit country, which means that the victims of THB in Norway are mostly from foreign countries. However, the numbers on THB are not reliable when it comes to describing the reality of victims that have yet to be identified by Norwegian authorities. Thus, the majority of THB-cases reported, investigated and receiving convictions, are THB for sexual exploitation. Trafficking for other types of exploitation is widely under-reported. At the same time, research on the field of trafficking in Norway has focused mainly on sexual exploitation. However, this paper does not distinguish between the different types of exploitation. Rather, it focuses on how the police investigate the phenomena in order to be able to prosecute the traffickers.

As such, this paper is based on a qualitative study where police investigators and police prosecutors from 8 different police districts in Norway have been interviewed about their knowledge and experience in investigating cases of THB. The study aims to answer the following approach to the research topic:

Tracking the Trafficker?

- A qualitative study of the investigation of trafficking in human beings in Norway.

The research findings suggest that there is a severe lack of competency in THB in general in the Norwegian police and that this affects the outcome of THB-cases in several ways. The police does not initiate THB-cases themselves, rather they are to a large extent recipients of information from others – especially the victim. This leads to a highly victim-oriented approach to the investigation, placing much responsibility on the victim to provide the investigation with sufficient information to identify the trafficker or other important part of the exploitation they have been exposed to. Furthermore, the victim itself is considered a great challenge in the investigation of THB-cases. The findings also indicate that the organisational structure of the police districts, combined with how THB is prioritized with regard to resources and personnel, may have some affect as to how the investigation is conducted in the different police districts.

ACKNOWLEDGEMENTS

It is not easy to describe how the process of working with this thesis has been. However, I choose to use the words of the great conqueror Julius Caesar and just simply state *Veni, Vidi, Vici*. For those of you who do not know what that means: look it up!

This paper would never have become a reality if it were not for my husband whom supported me even in my darkest hours! Thank you, my love, for keeping me sane when I wanted to through the computer out the window.

I have to thank my supervisor, Dr Maren Eline Kleiven, for having a strict, but fair and insightful way of guiding me through this project. Thank you for not going easy on me!

Furthermore, I would like to thank all my informants for so willingly contributing with their knowledge and experience – providing me with the data I needed to write this thesis. Your contribution is priceless, thank you!

At last, I would like to thank my friends whom have been patient with my anti-social behaviour the past 6 months. I promise you will see more of me in the time to come!

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CHAPTER ONE – INTRODUCTION

Trafficking in human beings is a serious crime and a gross violation of human rights. It is very often linked with organized crime and is considered as one of the most profitable criminal activities worldwide. The estimated number of people trafficked to or within the EU amounts to several hundred thousands a year (Commision, 2013).

Working as a detective sergeant in Oslo police district, I investigated many different types of crimes. But when I was introduced to trafficking in human beings (THB), and I started investigating cases of THB, it became apparent that I had to do my master thesis on this field. The more I read and learned about THB, the more I understood that these cases were especially challenging to investigate. Working with THB gave insight and understanding with regards to the importance of having sufficient knowledge about and understanding of the phenomenon when investigating these cases. Yet, the more I learned, the more questions I formed.

The Purpose of this Paper

This paper intends to show how the Norwegian police investigates criminal cases involving trafficking in human beings. The paper is based on a qualitative study where police detectives and police prosecutors have been questioned about their experience and knowledge regarding THB in order to scrutinize this topic and answer the following:

Tracking the Trafficker?

- A qualitative study of the investigation of trafficking in human beings in Norway.

As such, the paper will describe and define the phenomena of THB. It will examine what focus the Norwegian investigations of the phenomena have – is the focus on the trafficker or is it on the victim? What implications might this have for the investigation process?

Understanding the mechanisms of the crime and the complexity of its effects is vital when trying to investigate, and at a later stage, prove that the actions in question is defined as human trafficking according to national and international laws. In order to ensure such understanding, this paper will give account of the national and international legal

framework that defines the crime of THB. In addition, it will give an account of the legal framework the Norwegian police is accountable to when conducting a criminal investigation of THB. The international standards on how to define human trafficking has been ratified and implemented in most countries' legal framework – making a common ground across countries when it comes to defining the problem. The national police organisations, priorities and legal framework in the various countries are, on the other hand, not uniform and standardised. This paper will therefore give an account of how the police organisation is organised – with a special focus on how the investigation of THB is conducted in Norway.

The TIP-report¹ of 2014, states that Norway is a Tier 1² country and first and foremost a destination country when it comes to trafficking.

And, to a lesser extent, a transit and source country for women and girls subjected to sex trafficking and for men and women subjected to forced labor in domestic service, in nursing, and the construction sector. Children are subjected to domestic servitude, forced begging, and forced criminal activity, such as shoplifting and drug sales (State, 2014, p. 299).

According to the National Co-ordinating Unit for Victims of Trafficking (KOM)³ within the National Police Directorate (2014), there were 36 verdicts on human trafficking in Norway by June 2014. And 5 of these were not enforceable. One of the verdicts were for human trafficking to forced labour, three for forced servitude and one for begging. The rest were all for sexual exploitation (KOM, 2014, p. 6). In addition, in January 2015, two men were convicted for human trafficking for forced servitude and begging - of 2 women and 6 men from Romania. The verdict is not enforceable as the main defendant has appealed the verdict (Stokke, Dragland, & Thorset, 2015). In other words, the number of verdicts on human trafficking cases in Norway is relatively low, and number of verdicts on other subject than sexual exploitation have been extremely low.

However, as most figures in Norway has included mostly THB for sexual purposes, this does not all together automatically mean that trafficking for sexual

¹ TIP-report: Trafficking in Persons report from The US Department of State evaluate different countries effort to combat trafficking in persons in an annual report. "In the TIP Report, the Department of State places each country onto one of three tiers based on the extent of their governments' efforts to comply with the "**minimum standards for the elimination of trafficking**" found in Section 108 of the TVPA. While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem. On the contrary, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, made efforts to address the problem, and complies with the TVPA's minimum standards. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier 1 ranking."

² See footnote nb 1.

³ Koordineringsenheter for Ofre for Menneskehandel

exploitation is the only form of exploitation out there. The numbers are not necessarily a figure that represents reality.

Because it is more frequently reported, sexual exploitation has become the most documented type of trafficking, in aggregate statistics. In comparison, other forms of exploitation are under-reported: forced labour or bonded labour; domestic servitude and forced marriage; organ removal; and the exploitation of children in begging, the sex trade, and warfare (UNODC, 2009, p. 6).

As this paper is being written, the media reports of cases being investigated as human trafficking in Norway quite often. "Police: Woman forced to sell sex on the streets of Oslo for three years"⁴ (Arneberg & Dragland, 2015), "Family indicted for extensive human trafficking"⁵ (Røkeberg, 2014), "The police investigates roofer for human trafficking: - Workers severely exploited"⁶ (Olsen, 2015) and "18 persons arrested after Lime-razzia"⁷ (Fremmerlid, Bernhus, Wardrum, & Svendsen, 2014).

Furthermore, the media reports of events that might be, and perhaps should be, presented as possible human trafficking cases. Should, for example, cases such as "Hussain (14) from Sagene in Oslo is fighting IS in Iraq"⁸ (Græsvik, Sørtdahl, & Stamnes, 2015) be reported as a possible human trafficking for war services? The Norwegian Police Security Service (PST) (2015b) stated in their threat assessment for 2015 that the number of norwegian citizens sympathising with Syria and Iraq and travelling to participate in foreign wars and actions are rising. The threat of these returning to the Norwegian society and further radicalisation of certain groups are worrisome. NRK reported in october 2014 that there are approximately 60 known norwegian citizens participating in actions of war in Syria alone (Aardal & Svendsen, 2014). The focus on these events are terror. Perhaps rightly so, but when the person holding the automatic weapon and wearing military clothes is 14 years old – perhaps it is prudent to at least leave room for the possibility that this could include trafficking for war services.

⁴My translation

⁵My translation

⁶My translation

⁷My translation

⁸My translation

THB AND SOCIAL THEORIES

Three social theories have been useful backdrops to the choices, reflections and decisions made before and during the whole process of this research project. Human trafficking is a multifaceted phenomenon, happening all over the world to all sorts of people. The complexity of the various types of trafficking and the different circumstances, under which people are exploited, makes it very difficult to utilize only one theory when studying the phenomenon in relation to the investigation of THB as a crime. However, being a researcher with police background and first-hand experience on investigating human trafficking, some theories seemed more relevant than others. Even though this paper will focus on the actual investigation of THB-cases, and not the phenomenon itself, three theories should be mentioned here – namely *victimology*, *the conflict theory* and *the capitalist theory*.

Victimology

Victimology is, as defined by John P.J. Dussich:

An academic scientific discipline which studies data that describes phenomena and causal relationships related to victimization. This includes events leading to the victimization, the victim's experience, its aftermath and the actions taken by society in response to these victimizations. Therefore, victimology includes the study of precursors, vulnerabilities, events, impacts, recoveries, and responses by people, organizations and cultures related to victimizations (Dussich, 2006).

Historically, the victim of a crime has had two main roles within the criminal system as they; 1: reported crimes committed towards them, and, 2: gave evidence of this crime in criminal proceedings as a witness (Carrabine et al., 2014). However, criminologists have expanded the view of witnesses, and there are several theories on victimization and victimology. Some of them might be useful to explain the impact of human trafficking on the victims or the relationship between the victim and the perpetrator. The study of the victim has recently moved from the former assumption that the victims are one homogenous group with the same issues and needs, to a categorisation of victims into groups or individuals with different problems due to their various backgrounds and the various types of crimes they are exposed to. This is important because the increased focus on and understanding of the victims has lead to a higher attention to the victims' rights and the society's need to bring the perpetrators to justice. Some feminist movements have voiced concern that the victimisation of persons, especially victims of rape or sexual assault, may depict them as innocent,

vulnerable and pitiful rather than as survivors of a crime. Nonetheless, this paper will, in order to understand the phenomena of THB and consistent with Laine Harper's claim: "Studying and researching victimology helps in gaining a better understanding of both the victim, as well as the criminal, and how the crime may have been precipitated" (LaineHarper, 2014). In fact, as this paper will show, the victim and its credibility both as a victimized human being and as a trustworthy witness may prove vital in THB-cases. Typically, due to the very nature of the trafficking, the victims are "non-ideal" and "less deserving of sympathy" (Carrabine et al., 2014) than what society generally accepts as the "ideal victim" (Christie, 1986). Understanding why and how some people become victims of human trafficking is important in order to understand the phenomenon itself – thus giving a profound knowledge of how to investigate this crime.

Conflict Theory

The conflict theory is a sociological theory based on the works by Carl Marx. It describes fundamental reasons for inequality between social groups in society and is therefore considered a social theory that analyses the society at the macro level. It "emphasizes the role of coercion and power in producing social order" (Crossman, 2015) in a society where different groups strive for social and economic resources. The more fragmented the society becomes; the more the individuals may struggle to gain power over the societal resources (Crossman, 2015). This power struggle enhances social inequality and divides the society into groups of haves and haves-not. Conflict arises based on the structural, political and economical social context that divides the social groups in any given society. However, "each conflict does not arise in a vacuum, but in context that may be changing over time and has unforeseen effects on the conflict's structure and parties" (Gallo, 2012). Thus, on one side, the conflict theory may contribute to understanding some of the overall mechanisms that may apply in societies where people are able and willing to do acts of cruelty towards other human beings in order to achieve some sort of profit. And on the other side, it can give some consideration as to why some people make choices that anyone else would characterise as risky behaviour where they lay their entire life in the hands of others. In the context of human trafficking, social inequality may be push- and pull-factors for victims of THB who strive for a better life as they emigrate to look for better opportunities. It may also explain the trafficker's motives for exploiting the destitute (Barner, Okech, & Camp, 2014). Recent

examples could be the thousands of people from Syria and Libya trying to cross the sea in order to get to Europe every week. Human smugglers take advantage of the destitute and desperate situation these refugees are in to make money. The refugees consider it better to die trying rather than to stay in the impossible situation they find themselves in their home country. Who knows if the smugglers become traffickers and the migrants become victims of trafficking if they make it across the sea?

Capitalist Theory

Capitalism is an economic theory that is dominant throughout the world as the globalisation of consumption and production in all markets is making the world a smaller place. Thus, we have a global economy “with unrestricted and free movement of goods, services and labor transnationally (EconomyWatch, 2010). Critics of the global economy state that it increases social gap between rich and poor countries, enabling the rich to exploit the poor as cheap labor in the production line. According to the Marie Curie Research Fellow at the European University Institute in Florence, Neil Howard (2014), labor-power is considered a property-like commodity in capitalist theory, and can be sold lawfully under consensual contract like any other commodity. However, Howard argues that the social structures constructed by capitalism push destitute people into choosing alternatives that they know imply a situation of slavery-like debt-bondage because they have no other real alternative. That “their coercion is not of the criminal, contract-violating type, but rather the “dull” kind pertaining to “economic-relations” – that is to say, it is attributable to the private property-protecting legal regime which strips them of any meaningful alternative” (Howard, 2014). From this point of view one could argue that capitalism creates the perfect foundation for situations where people may exploit others under the pretention that the victim willingly and knowingly accepted the terms presented to them. A situation where the responsibility of the situation, created by desperation on one side and cynicism on the other, is placed upon the victim for making his choice and the society for creating the social context in which the exploitation takes place. Furthermore, understanding the nature of trafficking in human beings, one can easily assume that the demand for cheap labor and low production costs may fuel the traffic growth. Consumers demand cheap goods and services and are not necessarily aware that their goods are a direct result of the exploitation of trafficked victims (Shelly, 2010, pp. 37-41).

After considering some various theories to explain the nature of human trafficking, it may be prudent to understand how the Norwegian police is organised is one is to understand how THB-cases are investigated in Norway. After all, even though police across the world encounter the same phenomena – the way to deal with the issue is perhaps highly dependent on how the police is organised.

THE NORWEGIAN POLICE ORGANISATION

As this paper is being written, the Norwegian Police is undergoing a process of re-structuring and re-organising. The proposition from the Ministry of Justice and Public Security⁹ is to reduce the number of police districts from 27 to 12. This to ensure more robust and competent police districts that will be better equipped to handle large and demanding investigations and operations (Beredskapsdepartementet, 2015). However, before and during the research for this paper, the Norwegian police is still organised in 27 regional police districts where each district is subdivided into local and rural police station districts. The rural police districts answer to the National Police Directorate, which lies under the Ministry of Justice and the Police (Politidirektoratet, 2010, pp. 3-9).

In addition to the local police, the Norwegian police have 9 special units, such as The National Criminal Investigation Service (NCIS)¹⁰ and the Norwegian Police Security Service (NPSS).¹¹ These units have distinctive professional areas of expertise and responsibilities. Seven of these units are directly under The National Police Directorate and one, the NPSS, is directly under the Ministry of Justice and Police.

The NCIS is “the national unit for combating organised and other serious crimes” (Politidirektoratet, 2010) and is situated in Oslo. NCIS investigates and prosecutes their own cases in addition to being a professional resource and technical and tactical aid for the local police districts (Politiet, 2014b). The NCIS has professional specialists, with civilian and police backgrounds, that contribute to fight organised and other serious crimes. NCIS is the national contact point on international police cooperation where Norway is involved (Politiet, 2014b).

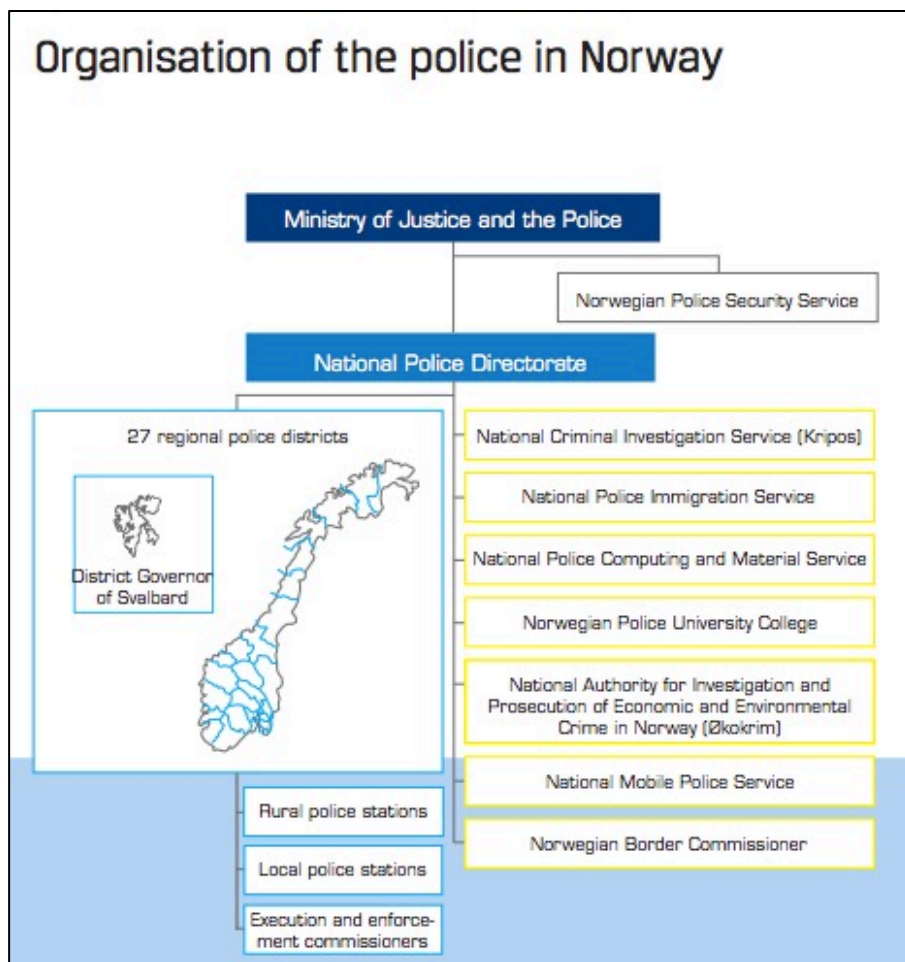
⁹ Dated 06.03.2015

¹⁰ Kripos

¹¹ PST

The NPSS deals with national security and threat assessments regarding Norwegian assets and people. They investigate certain cases related to for example; espionage, assaults and threats to the national security, the spread of weapons of mass destruction etc. (PST, 2015a).

The figure below illustrates the organisation of the police organisation as it was before and during my research. However, it is worth noting that the National Police Computing and Material Service¹² was organised into two separate units in October 2013 in order to enhance the focus on improved computing technology in a separate unit from the rest of the material service.



(Source:(Politidirektoratet, 2010, p. 5))¹³

¹² Polititets Data og Materiell Tjeneste (PDMT)

¹³ The figure shows how the Norwegian police was, and per 11. June 2015 still is, organised.

The future layout of 12 police districts:

The figure below illustrates the proposed new way of organising the police districts in the future. As this paper is being written, the Norwegian authorities are about to make their final decisions regarding the final layout of how the new police organisation will be. Several proposals have been proposed and rejected, however as of 11. June, this is the layout the government seems to agree on.



(Source: (Trædal, 2015))

The Prosecuting Authority

The prosecuting authority and responsibility is allocated by the Norwegian Criminal Procedure Act chapter 6 (Straffeprosessloven). The police and the prosecutors are divided in in a two-track system where the prosecutors are an incorporated part of the police organisation. The police prosecutors in the police districts are usually organised as an independent unit under the Chief of Police, though they may be placed on local units and police stations around the district (Beredskapsdepartementet, 2015, p. 59). On the local level, the police prosecutor is hands-on in the day-to-day investigation of most criminal cases, cooperating with the local police detectives. Furthermore, the prosecuting authority is responsible that the investigation of criminal cases in the police districts is conducted within the legal framework that apply (Beredskapsdepartementet, 2015, p. 59). On the next level, the regional level, the state prosecutor¹⁴ usually deals with criminal cases that may entail imprisonment for 6 years or more. Typically, this involves making legal assessments and decisions in cases handled on a daily basis by the local police prosecutor.

The highest level of the prosecuting authority, the Director of Public Prosecutions¹⁵, is in charge of the prosecuting authority and makes the indictment for criminal cases that may entail imprisonment for 21 years (Politidirektoratet, 2010; Straffeprosessloven). The Director of Public Prosecutions sets guidelines on types of crime the police should prioritize and what kind of crimes should be investigated and prosecuted.¹⁶

The Investigation Units in the Police Organisation

The main bulk of criminal investigation in the Norwegian police is executed in the regional police districts, and on the local level. However, due to the vast differences in size, population, crime and crime types in the different police districts, the organisation and execution of policing tasks vary greatly from district to district (Røksund et al., 2013, pp. 95-97). Nevertheless, most districts are organised into some similar structures with sections for general investigations and some sections for specialized investigations such as for example organised crime, financial crime, homicide and immigrations.

¹⁴ Statsadvokatembetet

¹⁵ Riksadvokatembetet

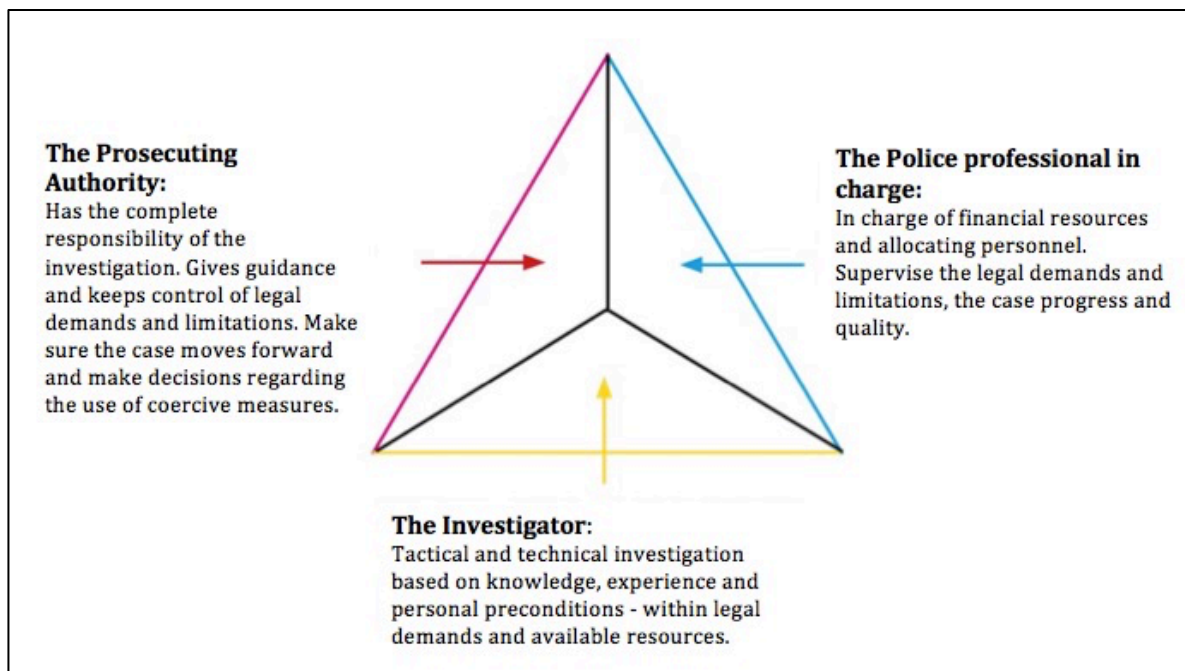
¹⁶ Riksadvokatens rundskriv

There are no formal specifications or special education needed, except for the 3 year of police education at the Norwegian Police University College,¹⁷ to work as a police detective (Politidirektoratet, 2013, p. 20), handling all sorts of criminal investigations. It is up to the different police districts and the different investigative sections to set the bar for what kind of qualifications they want and need when they recruit new investigators. In general, recruitment to investigation versus operational police work has been difficult recent years. This is due to factors such as; lack of status, lower income and high work pressure (Politidirektoratet, 2013).

The organising of the Norwegian police into a two-track system where police and prosecuting authority work together on criminal investigations means that responsibilities and roles must be divided between the different parties involved. According to Tor-Geir Myhrer, the quality of the investigation is much dependent on three factors: 1: *the legal demands and limits* stated by the Criminal Procedure Act and the Prosecution Instructions, 2: *available resources* - i.e. money and personnel and the 3: *quality of the investigative resources* which depends on the investigators knowledge and experience (Myhrer, 2015, pp. 117-119). The responsibility of these three factors are, according to Myhrer, allocated to the three different parties involved in the investigation of any criminal investigation. The first factor is the responsibility of the police prosecutor. The police professional that is in charge of the policing part of the investigation handles the second factor. This person is usually also responsible for allocating the investigative resources. This normally falls upon the police chief inspector¹⁸. The police investigator working on the case executes the third factor. This triangulation of responsibilities and duties is illustrated in the table below.

¹⁷ Politihøgskolen

¹⁸ Politiførstebetjent



(Source: (Myhrer, 2015, p. 119)¹⁹)

The Police Act and the Criminal Procedure Act

The purpose and societal responsibility of the Norwegian police is established by Act no. 53 of August 1995 relating to the Police – referred to as The Police Act.²⁰ Section 1, 2nd paragraph states:

The police shall through preventative, enforcing and helping activities contribute to society’s overall effort to promote and consolidate the citizens’ security under the law, safety and welfare in general”(Justisdepartementet, 1996).

The same act also states which policing duties are set by law. The list is plentiful and varies from the protection of the individual to the prevention of crime. For the sake of this paper, section 2, third paragraph, is important as it states that the police shall “expose and halt criminal activity and prosecute punishable acts in accordance with rules laid down in or pursuant to law” (Justisdepartementet, 1996). This means that the police (and the prosecuting authority) are obliged to uncover and stop criminal activity as well as prosecuting the case of the perpetrator before a court of law. In order to be able to do that, the police needs to investigate whether or not a crime has been committed.

¹⁹ The table has been adapted as the text has been translated from Norwegian to English.

²⁰ Politiloven

The Norwegian Criminal Procedure Act²¹ (NCPA) explains and defines the legal proceedings in which police and prosecuting authority must abide. It is based on an accusatorial system and sets a clear division between the prosecuting authority and the court of justice. In addition, the NCPA follows the principle of hearing both sides of a case.²² The two sides in any case are the public prosecuting authority and the accused and his defence council. The principal rule is that the legal proceedings are public, are to be held orally and the submission of evidence shall be held before the court²³ (Lovdata, 2015).

Section 225 of the NCPA states that the criminal investigation “is instituted and carried out by the police” and that investigative steps that needs to be carried out immediately can be carried out by any police officer without a decision from a superior officer (Justisdepartementet, 2006a). It also states that the Director General of Public Prosecutions and the public prosecutor may order the police to start an investigation, dictate how it should be carried out and when the investigation should be stopped. This section states that the investigation starts as *investigative steps* are carried out. In practise, this means that quite a few investigations may start out in the field by operational police personnel or other police personnel that starts a policing activity that may be defined as an investigative step.

The Norwegian term *straksetterforskning*, which involves immediate investigation, has received much focus lately in the police organisation. This entails more responsibility on the operational personnel to start immediate investigative steps on any crime scene. Investigative steps may be interviewing witnesses on the scene, taking photos of crime scenes, documenting injuries on the victim and the perpetrator after a fight, searching for surveillance photos or videos on or near a crime scene, or following up other clues that could deteriorate or disappear if it is not secured immediately. With more focus on the operational personnel securing important leads in any investigation instantly, one hope that this will lead to higher quality in the investigation from start to finish. Saving the investigators time and resources as they will receive more documentation from the patrolling officers whom where at the scene of crime.

²¹ Straffeprosessloven.

²² Det kontradiktoriske prinsipp.

²³ Bevisumiddelbarhetsprinsippet.

Section 226 of the NPCA states the very purpose of the criminal investigation:

The purpose of the investigation is to obtain the necessary information

- a) for deciding whether an indictment should be preferred,
- b) to serve as preparation for the court's trial of the issue of guilt and any issue concerning the determination of a sanction, and
- c) to prevent or stop criminal acts,
- d) in order to execute sentences and other sanctions, and
- e) to serve as preparation for the child welfare services to deal with the issue of whether measure shall be instituted pursuant to the Act of 17 July 1992 No. 100 relating to child welfare services.

The provisions of chapter 13 apply to social inquiry and mental observation.

If a specific person is under suspicion, the investigation shall seek to clarify both the evidence against him and the evidence in his favour.

The investigation shall be carried out as quickly as possible and in such way that no one is unnecessarily exposed to suspicion or inconvenience.

(Justisdepartementet, 2006b).

The NPCA is supplemented by the Norwegian Prosecution Instructions²⁴ and the Norwegian Police Instructions.²⁵ Both of which give further instructions to the prosecuting authority and the police in matters concerning (among others) the execution of the criminal investigations. Together, NPCA and the instructions are the legal toolkit available to the police and the prosecuting authority when they are to investigate whether or not a crime has been committed and when they are to decide whether or not the investigation has succeeded in proving the penal provision in question.

²⁴ Påtaleinstruksen

²⁵ Politiinstruksen

The layout of this paper

Chapter one – Introduction

As already presented with an introduction to the foundation of this paper, the social theories, the penal code and the Norwegian police organisation.

Chapter two – Literature Review

This chapter gives a brief account of previous research and literature on the investigation of human trafficking in Norway. Furthermore, the chapter defines the phenomenon of THB.

Chapter three – Investigating Human Trafficking Cases

This chapter describes how the Norwegian police investigate THB-cases in Norway and abroad.

Chapter four – Methodology

The methodology chapter depicts how the research project was organised, executed and what contemplations were made before, during and after the project.

Chapter five – Research Findings

This chapter presents the result of the analysis of the qualitative interviews – i.e. the research findings.

Chapter six – Conclusion

This chapter recapitulates the research project and tries, based on the research findings, to answer the research topic:

Tracking the Trafficker?

- A qualitative study of the investigation of trafficking in human beings in Norway.

Based on the research findings, this chapter proposes some recommendations to future investigation of THB-cases. In the end, suggestions to future research will also be presented.

CHAPTER TWO – LITERATURE REVIEW

This chapter will give an overview of relevant research on the topic covered in this paper. Human trafficking in itself has been scrutinised in various research over the years. However, as this chapter will show, the investigation of human trafficking in Norway has not been much documented. Some recent research has, however, focused on the quality of the investigation in Norway, and the research findings will very briefly be presented.

Furthermore, the chapter will examine the terms *trafficking in human beings*. The chapter sets out to explain the phenomenon of THB and the various forms of exploitation that are considered to be THB as defined by the United Nations and *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (UNODC, 2003) – also referred to as ‘the Palermo Protocol’. It will briefly account for typical push and pull factors that contribute to making persons especially vulnerable to being trafficked. THB is a vast global problem, and understanding the phenomenon of THB as a transnational and national crime will make a natural introduction to THB in Norway.

PREVIOUS RESEARCH

Human trafficking has been on the international agenda for years and has been scrutinised and written about to some length. International literature on THB has, to a large amount, focused on THB for sexual exploitation and some also on THB for labour exploitation with focus on the victims as slaves. The literature often describes the phenomena itself, and to some extent, tries to quantify the problem on a global scale. The multitude of authors and researchers writing on the subject makes it important to evaluate the quality of this literature – the authors and the publishers - critically and familiarise oneself with a range of different sources to get the broader picture. In addition to reading literature produced by international organisations such as Europol, Eurostat, United Nations Office on Drugs and Crime (UNODC) and the Organisation for Security and Co-Operation in Europe (OSCE), this paper has relied heavily, but not solely, on the professional works of Dr Louise Shelly (2010) and professor Kevin Bales (2012).

Dr Louise Shelly is “a leading expert on the relationship among terrorism, organized crime and corruption as well as human trafficking, transnational crime and terrorism with a

particular focus on the former Soviet Union” (TraCCC, 2015). Her works are characterized by her professionalism and thoroughness – giving validity to her research. Kevin Bales “is professor of Contemporary Slavery at the Wilberforce Institute for the Study of Slavery and Emancipation” (Hull, 2015). He was Co-Founder of the organisation *Free the Slaves* and has published a great deal of literature on THB. He is an acknowledged scholar and expert on trafficking in human beings.

When it comes to international research on the criminal investigation of human trafficking cases, the area is over-complex and fragmented. Several international organisations study the scope of THB-cases registered in order to be able to profile the victims and the perpetrators. The European Commission, through Eurostat, has since 2013 published an annual report on THB in Europe. This is based on statistical data reported from the member states and the affiliated states in Europe. Also the UNODC publishes reports on THB – only with a global perspective. The International Labour Organisation (ILO) and the OSCE are other examples of international organisations trying to explain and define the scope and gravity of the THB-problem in Europe and in the World. However, none of these have, to my knowledge conducted any qualitative research on the investigation of THB-cases in Europe or the world.

Research and writings on THB in Norway has, until recently, mostly focused on trafficking for sexual exploitation. One important contributor to research on THB in Norway is Anette Brunovskis at the independent research foundation Fafo. She has, alone and in collaboration with other researcher such as Guri Tyldum and Rebecca Surtees, provided extensive research on different aspects of THB for sexual exploitation. Fafo-reports such as *Crossing Borders (2004)*, *Leaving the past behind? (2007)* and the report *Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking (2005)* are examples of important literature used in this paper. The literature gives a profound understanding of how the phenomena of THB may progress and the implications this crime may entail for the victims. Another central contributor on the research on THB for sexual exploitation in Norway is professor May-Len Skilbrei. She has, alone and in collaboration with other researchers such as Charlotta Holmström, made extensive research on various aspects concerning victims of sexual exploitation and issues related to prostitution. She has

published works on European²⁶ and Nordic²⁷ prostitution policies and various papers on issues relating to victims of trafficking. With regards to this paper, her article *Taking Trafficking to Court (Skilbrei, 2010)* is highly relevant as it analyses “the problems associated with defining sex trafficking and how court decisions discuss what trafficking entails”(p. 41). The study is based on seven cases of sexual exploitation in the court system between 2003 and 2009 and discusses important issues that the cases and court decisions provided. Examples are how the court considers the terms *exploitation* and *vulnerability* and what is needed to prove that these conditions are fulfilled in the cases. Even though the study does not include THB-cases for other types of exploitation, it is very important in the aspect of providing learning points as the court decisions discuss whether or not they consider the acts in question to be trafficking in human beings as stated by the Norwegian penal code. The verdicts stipulate precedence for the cases to follow, and they are therefore important in the investigations of all THB-cases.

In addition to the already mentioned research, Synnøve Økland Jahnsen has conducted a pre-study of human trafficking for labour exploitation (2014) so as to make the foundation for further research on this rather neglected form of trafficking. The focus, however, was more on the phenomenon itself and the lack of competence in police and other parties involved in THB for labour exploitation – and not on the investigation of THB-cases. Another report regarding the anti-THB work in the Norwegian police is the Fafo-report by Silje Sønsterudbråten on the assistance and protection of victims of trafficking for human beings in Oslo and Bergen (2013). The report describes and compares how the assistance and protection of victims of THB is organised on local and state level, by private, municipal and government parties involved in securing the victim’s rights and needs. The findings of Sønsterudbråten’s study indicate

that there are significant differences between the cities in their efforts to secure aid and protection, both for adult victims and in cases where the victims are children. The differences relate to the number of identified victims, the number that receive municipal assistance, and the number of court convictions (Sønsterudbråten, 2013, p. 11).

²⁶ *Introducing European Prostitution Policies. Sexuality Research and Social Policy (2012)*

²⁷ *A Marriage of Convenience between Pragmatism and Principles: The Development of Norwegian Prostitution Policies (2012), Prostitution Policy in the Nordic Region. Ambiguous Sympathies (2013).*

Furthermore, Line Ruud Vollebæk (2012b) has produced a report, in association with Save the Children Norway, that mapped the knowledge and feeling of responsibility of employees in the child protection service in Norway. This research indicated that the respondents have various knowledge and experience on THB, but that the competency on how to identify possible victims of THB is generally low. This report is not directly relevant to the research on the police and the prosecuting authority and the investigation of THB-cases, however it is interesting to note that one of the most important actors involved in children's welfare are not equipped or competent to report children in their care as possible victims of THB to the police.

Moreover, there are numerous research projects on the topic of THB on Bachelor and Master level in Norway. They approach the topic from various angles and positions. Bachelor theses on the topic includes Gunhild Syrtveit' thesis on the proactive police work against human trafficking²⁸ from 2014. In addition, the judicial bachelor thesis of Tommy Eika and Andreas Høynes Hagenes examines the use of provocative evidence (often referred to as entrapment) in the investigation of human trafficking cases. Furthermore, there is some research on the master level, such as Beate Solli's Master thesis *Human Trafficking for sexual exploitation in Norway. Regulations and practise*²⁹ from 2005 and the thesis of Police Chief Inspector Rune Solberg Swhan from 2009 on the Norwegian police's enforcement of the Sex Purchase Act. The most recent, and perhaps not interesting to this paper, is the research by Cathrine Holst Salvesen, presented in a master thesis in 2014, on *The neglected children. A study* scrutinizing the different actors involved in children's welfare and their competency to identify children as possible victims of human trafficking.

However, when it comes to research on how the Norwegian police investigate THB-cases, the literature becomes rather insufficient. There seem to have been an academic gap on how the Norwegian police conduct investigations per se – the main focus and interest have been on the operational police work. Researchers with various backgrounds seem to have had a lot of interest in police culture, operational police work, leadership in the police, etc. When there has been interest in police investigation, it has focused on one investigative tool – the interrogation. Although there is no research on the investigation of THB-cases per se, there is an important and highly relevant research programme carried out by the Norwegian

²⁸ *Politiets forebyggende arbeid mot menneskehandel: en teoretisk oppgave.*

²⁹ The title is translated by me. The thesis is written in Norwegian.

Police University College that scrutinizes the quality of the investigation carried out by the Norwegian Police. The programme is divided into three parts, each producing a report on their specific theme when it comes to quality in the investigation:

The first report scrutinizes the effectiveness of the investigation, or rather, if the parameters used to assess the effectiveness – such as clearance rate and counting days from opening a case to the closing of a case – really do give substantial knowledge about the effectiveness of the investigation (Knutsson, 2013). The report is based on a study of four police districts in Norway and it examines data related to the number of criminal cases registered with the police, how many cases are registered as solved and how much time in average the different police districts spend on each criminal case.

The second report from the quality of the investigation programme is soon due to be published by Myklebust and Bjørkli, however the findings are presented in the national assessment of the status quo of the investigation of criminal cases in Norway – the report presented by the National Police Directorate *Etterforskningen i politiet 2013* (pp 33-42). This study shows that there has been a severe brain drain to operative police work from the investigative units in Norway. And that investigation has low status among police personnel, which leads to poor recruiting and a high turnover of police investigators. The police investigators are young, less experienced than before and are often pulled into other policing activities than investigation (Politidirektoratet, 2013).

The third report from this research programme scrutinizes the role and responsibilities of the police prosecutors during criminal investigations (Myhrer, 2015). The report addresses several questions that should be asked in order to validate the quality of any investigation, however, it argues that the most important question is “how the question of guilt is investigated, and that it is done objectively and according to procedural law” (Myhrer, 2015, p. 9). The report presents a thorough discussion of the legal framework of the investigation, with focus on the assessments and responsibilities of the police prosecutor in the investigation. The investigation process where ordinary tactical and technical investigation methods are applied to be able to prove whether or not the penal provision is fulfilled is not prioritised in the report. This due to Myhrer’s claim that this part is, to a lesser extent, the responsibility of the police prosecutor. However, the special investigative methods are, to

some extent included, as these under more direct control and responsibility of the police prosecutor (Myhrer, 2015, p. 64).

Another research project on THB in Norway is in progress as this paper is being written. A doctoral level research project by Heidi Fisher Bjelland at the National Police University College (PHS) will scrutinise the low number of convictions on THB in Norway using mainly quantitative research methods. Bjellands research started approximately at the same time as this project and there have been some meetings to discuss the progress and findings.

DEFINING THE TERM *TRAFFICKING IN HUMAN BEINGS*

Trafficking in human beings is commonly referred to as ‘modern-day slavery’ (CNN, 2014; Kara, 2010; Project, 2014) or simply ‘the new slavery’ (Bales, 2012; Hanlon, 2011).

Depending on your perspective when examining the phenomenon of THB, you may define it accordingly. You may define it as a problem relating to transnational crime, human rights issues, problems related to socioeconomic inequalities and globalisation, immigration control, black market economy issues, corruption and failed states, as a human rights issues and so forth (Lee, 2011; OSCE, 2011; Shelly, 2010). The list is endless. This paper will look upon THB from a law enforcement perspective, thus defining and problematizing the phenomenon as a crime against humanity and a crime against international and national laws.

The UN ‘Palermo Protocol’ entered into force in 2003 as the first global legally binding instrument with an agreed upon definition on THB (UNODC, 2014b). The Protocol defines THB as:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC, 2003, art. 3a.).

Furthermore, the protocol states that the consent of the victim is considered irrelevant (UNODC, 2003, art. 3b,)), thus placing the responsibility of the crime upon the trafficker. Utilizing this definition of THB is beneficial as it is the definition most legal framework – national and international – is based upon. It is worth noting, however, that the Palermo Protocol is supplementing the Protocol against Transnational Crime – which in itself may cause misinterpretations of the THB phenomenon. THB is often regarded as a transnational crime; however, the legal definition of THB does not specifically state that the ‘transportation’ of the victims need be transnational. Hence, THB may occur internally in a nation or region – without the crossing of any national borders.

The *Council of Europe Convention on Action against Trafficking in Human Beings (CE Convention)*³⁰ (2005) which Norway ratified in 2005 and implemented in the legal framework in 2008, uses the exact same definition of human trafficking as the Palermo Protocol. Thus, understanding this definition is important when scrutinizing the international and national phenomena of THB. Section 74 in The Explanatory Report (Europe, 2005) to the CE Convention gives some more explanation as to how one is to understand the definition of human trafficking as stated by the Palermo Protocol and the CE Convention. It states that, when using the definition given in the EC Convention, there must be three basic elements present in order for the action in question to be defined as human trafficking:

- the action of: “recruitment, transportation, transfer, harbouring or receipt of persons”;
- by means of: “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”;
- for the purpose of exploitation, which includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs (pp. 37-38).

This means that there have to be one element from each category, (action, means and purpose) in order to define any action as THB. There is one exception, however, and that is in the instance where the victim is under 18 years of age. In such a case, the *means* does not need to be present – only the *action*. Using this definition of THB, there would be reason to believe that the earlier mentioned case of 14 year-old Hussein, from Sagene in Oslo whom is

³⁰ Often referred to in Norwegian as “menneskehandelkonvensjonen”.

fighting in Syria with his father – could be a case of THB. As Hussein is under 18 years of age, the *means* as provided in the definition, do not have to be present. However, as the case is presented in the media, it seems Hussain has been recruited and transported from Norway to Syria by his father in order to provide war services. It seems rather obvious that being 14 year old and the son of his recruiter gives him plenty of vulnerability as he is dependant of his father.

Human Trafficking VS Human Smuggling

THB is often mistaken for or misinterpreted as human smuggling. The two terms are interlinked and sometimes people being smuggled may turn out to be victims of trafficking, but this is not always the case. Therefore, it is important to be able to see the distinction between the two phenomena. *The United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air* – more commonly known as ‘the UN Smuggling Protocol’ defines smuggling of persons as illegally moving persons from one country to another in order to achieve some sort of profit:

Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (UNODC, 2004a, art. 3a.).

The distinction between the two terms – trafficked and smuggled – imply that these are two completely different groups of people involved. The trafficked person, transported against his will, to be exploited for sexual purposes, for forced labour, begging or the harvesting of organs. The smuggled person, transported voluntarily and often under the agreement of paying a transportation fee to be moved into another country illegally. The first person is seen as a victim, the latter as a violator of immigration laws and an offender (Hertz, 2002, p. 130; Jobe, 2010) . The distinction between the trafficked and the smuggled is not simple in practise. This due to the fact of the very nature of trafficking - where deception, exploitation and human rights issues may not be apparent until later stages (Albanesse, 2011, p. 50; Lee, 2011). “Persons who have not been subject to force or deception at the start of the migration process may still be exploited at the point of destination” (Lee, 2011, p. 10). From a police perspective, this distinction is important to be aware of when approaching a possible victim

of trafficking. The police may not recognise the indicators of the victim and the victim himself may not even regard himself as a victim.

Human Beings as a Commodity

The globalisation of the world economy and the transport of goods and people across borders have made the world a smaller place. The gap between the rich and the poor seem to be ever growing, and the need for cheap labour to compete in an ever-harsher global market is never ending. According to Mosés Naim (referred to in Shelly, 2010, p. 2.) human smuggling and trafficking are among the fastest growing forms of transnational crime due to the increase in demand and supply on the global arena. Shelly claims that traffickers “choose to trade in humans... because there are low start-up costs, minimal risks, high profits, and large demand. For organized crime groups, human beings have one advantage over drugs: they can be sold repeatedly” (2010, p. 3). Thus, it is important to understand that the trafficked victim is cynically considered to be a commodity that can be repeatedly exploited for financial gains of the trafficker in an on-going form of enslavement (Albanesse, 2011). This commodity may be a man, woman or a child sold into sex slavery or other sexual exploitation that may result as pornography to be sold to multiple buyers. It may be a man or a young boy sold for labour exploitation on farms, in restaurants, as au pairs etc. Children trafficked to be sold for adoption and organ harvesting may be the exception to the re-selling of the victims (Shelly, 2010, pp. 84-88).

Profiling the Victim

Trafficking victims identified in Norway primarily originate in Eastern Europe (Bulgaria, Lithuania, and Romania), Africa (Cameroon, the Democratic Republic of Congo, Eritrea, Ghana, Kenya, and Nigeria), Brazil, and the Philippines. Female victims from African countries are often exploited by males who have legal residency in Norway (State, 2014, p. 299).

The Oslo-based shelter and humanitarian organization, ROSA, reports that nigerian women exploited for sexual exploitation is their main group of users (ROSA, 2013).

Who are the victims of trafficking? The common “stereotypes of human trafficking victims as innocent young girls from foreign countries who are manipulated, lied to and often kidnapped and forced into prostitution” (OSCE, 2011, p. 44). This may relate to what Nils Christie describes as “the deal victim”. It is the innocent, weak and respectable person who

just happens to be preyed upon by a dominant and violent figure (Christie, 1986). This certainly seems to be a part of the “anecdotal accounts” in the increasing literature describing the phenomenon (Albanesse, 2011, p. 50) as well as counter-trafficking campaigns which, according to Lee (2011) have “relied heavily on the paradigmatic images of female powerlessness, sexual purity, and the spectacle of transgressive bodies” (p. 26). Nothing could be farther from the truth. In fact, the victims of human trafficking very often include the “non-ideal-victim and less deserving of sympathy because of their characteristics (e.g. physical strength), action (e.g. their risk-taking behaviour) or inaction (that they should have protected themselves) (Carrabine et al., 2014, p. 157).

Anyone can become a victim of trafficking, regardless of age, gender, ethnicity and social status. However, there are certain “push factors that make individuals more vulnerable to trafficking” (ERRC, 2011, p. 41). The European Roma Rights Centre found in their research in the Roma communities, matching vulnerability factors in victims of THB that one may find with other victims of THB. These factors were people living in social poverty and exclusion, illiteracy or limited education, violent family situation with or without drugs abuse or sexual abuse or former involvement in sex work (ERRC, 2011). Pull factors may include “economic prosperity, a better earning potential, demand for prostitution” (Hertz, 2002) and so on.

The traffickers often spend quite some time recruiting, using any means possible to claim their victims – most often they recruit in their own group. For example, are the Chinese, Mexican, Nigerian and Russian groups that recruit among their own (Shelly, 2010).

Proximity and access to the victim is important – as is the local knowledge, language and the ability to build trust with the victims (UNODC, 2014a). In cases where the victims are from higher social classes, with education and literacy – recruitment often takes place on the Internet through advertisements for travel, work, etc.

For the less educated and more deprived, recruitment often takes place on a personal level. In fact, it is very common that the victim knows and trusts the trafficker – it may be a friend, a family member, a boyfriend or other acquaintances (Brunovskis & Tyldum, 2004, pp. 57-64; Shelly, 2010, pp. 94-100). The violation of this personal trust in persons that should be protecting the victim may prove to be scarring for life. Many victims carry this scar, among multiple other physical and mental wounds caused by the nature of their exploitation.

Control and Concealment

Shelly (2010) claims that victims of trafficking often are controlled by violence, treats of violence towards themselves or their families. And that the term 'breaking-in' usually refers to the cowboy who is to tame a wild horse so that it may be ridden. However, in the sense of breaking in a victim of THB, torture, sexual abuse, rape and severe violent and mentally abuse is common (Shelly, 2010, p. 108). Brunovskis and Tyldum (2004) claims that another way of controlling and entrapping the victim may be to sell the victims services solely to customers who know about the forced situation. If the victim asks the customer for help, the customer will report back to the trafficker. And the victim will be severely punished or humiliated by the denial of any help. Hence, the victim learns not to ask for help. Some may also have been told that the police know of their situation, but that nobody cares (Brunovskis & Tyldum, 2004, pp. 69-70).

According to Bales (2012), on the other hand, the new way of entrapping and concealing the victims of THB is to actively exploit the accepted systems of labour relations. Thus, labour contracts and other official employment records and documents are produced to entrap the worker in enslavement and at the same time conceal the victim from law enforcement or other agencies whom control work conditions. The trafficker can easily force the victim to sign any documents: "mortgages, loan agreements, indentures or labour contracts" (Bales, 2012, p. 27).

Different controlling mechanisms may be used on different victims. And one could easily think that victims of sexual exploitation could be raped whereas victims of labour exploitation could be beaten or threatened into submission. However, the technique of breaking or controlling another human being would be dependent on the victim's culture, religion, social status, mind-set and strength. If the trafficker knows these things about the victim, the right technique could be applied immediately. If, for example, the trafficker needs men to hard labour at a farm – new victims could be forced to witness an old victim being tortured in front of them as a warning. Or, if a deeply religious man from Nigeria is exploited to traffic drugs to Europe, a simple voodoo-ritual could be enough of a cultural and religious coercion to control the victim. Why use, for example, social isolation, starvation, drugging the victim or violating other victims in front of the victim (Farr, 2005) if it is not necessary.

Mistrusting the Police

Victims of THB may have multiple reasons for not trusting the police. They may have experienced corrupt law enforcement turning a blind eye on border crossings, or that the traffickers themselves are law enforcement. If their traffickers tell them that the police are corrupt, they may very well be so as far as the victims may be concerned (Brunovskis & Tyldum, 2004, p. 73). In fact, there are several cases where law enforcement has proven a part of THB. A major trafficking ring in Russia proved in 2007 to be run by law enforcement. Furthermore, law enforcement in Bangladesh, Cambodia, Latin America and West Africa have proven implicated in trafficking (Shelly, 2010, pp. 85-86). In Thailand, Pakistan, India and Brazil the local police are known to act as “muscle for hire” when they trace down and bring back runaway slaves to the slave-owners (Bales, 2012, p. 29).

Other reasons why victims of THB may have problems with cooperating with law enforcement may be the fear of retribution towards the victim’s family or friends at home. They may fear for their own, in addition to the lives of their family members, if they talk to the police (Brunovskis & Tyldum, 2004, pp. 108-110). Furthermore, the fear of deportation if they are not believed to be a potential victim of THB may also stop them from sharing their stories.

Some victims may have committed criminal acts under the compulsion of the trafficker – they may even be illegally in the country without any legal papers (OSCE, 2011). In fact, “victims frequently have their passports or identity documents taken away from them or destroyed by the traffickers. In such cases they risk being treated primarily as illegal immigrants, prostitutes or illegal workers and being punished or returned to their countries without being given any help” (Europe, 2005, p. 45). In addition, quite a few victims have criminal records in other countries, and may be afraid that law enforcement may not take any heed to their stories. Some of the victims may even be traumatised to such an extent that they may not be able to give an account of what has happened to them. Others may not remember and others may not want to remember. Those who do remember may not trust the police to be able to protect them if they contribute to the criminal case by testifying (Brunovskis & Tyldum, 2004). In fact, Hertz found in her research on THB-cases in Germany, that women believed to be victims of THB were seldom willing to provide statements “and

even when they do they frequently withdraw their statements and return to their home countries before the completion of the trial or case hearing” (Hertz, 2002, p. 143).

CHAPTER THREE - INVESTIGATING THB-CASES

You would have to wear a fetter and be locked-up for Norwegians to call it forced labour, but that is not how it works. If an employer says: 'If you do not do as I say, I will take your wife and children back home' – then it is forced. A lot of people do not understand that connection or they do not *want* to see it³¹(Øystein Eriksen cited in Reiss & Strøm-Olsen, 2014, p. 111).

When the police is to investigate any criminal case, they have to have some conception of what the crime entails – what mechanisms the criminal act is dependent on and how it is carried out. If the police are to investigate human trafficking, they need to have some conception of the different ways traffickers may exploit victims and how these victims are controlled – and what these different factors may entail when it comes to police tactics and investigative tools needed. A perpetrator-approach may produce investigative questions such as; who are the perpetrators, how and where do they operate, how and where do they contact the victims, how and where do they exploit the victims – and why, do they work alone or with others, etc. A victim-approach may produce investigative questions such as; who is the victim, how and where was the victim contacted – by whom, how and where was the victim exploited – by whom, to what extent was the victim under coercion and how did this affect the victim. Was the victim at any point in a position of vulnerability – and how? Was this vulnerability exploited – how and by whom? Other investigative questions are; what tactical investigative methods and tools should be applied – at what point and to what extent – to uncover the supposed criminal activity. What must be documented in the case – and how, and what is needed to prove the criminal activity in a court of law.

Profiling the Trafficker

In order to investigate the perpetrators of THB, it is important to understand who they are (UNODC, 2014a) how they work and what drives them. Albanesse claims:

Human traffickers have been found to have a “chain” of operations involving small groups at three stages: recruiters, transporters and exploiters. These three groups are often unrelated except for informal arrangements to supply victims to destination markets (Albanesse, 2011, p. 55).

³¹ My translation

Shelly (2010), on the other hand, asserts that human trafficking may be a crime committed by elite individuals or by criminal networks. It depends on what region the trafficking occurs and what type of exploitation the victim is exposed to. Internet is often a facilitator and tool and is used both to advertise the goods and secure the anonymity of both the trafficker and the customer (p. 15 & 41). It is not hard to imagine that the Internet also could be used to recruit the victims, to organise and enable transportation, housing and other schemes to carry out the exploitation of victims of THB.

According to the EU Serious and Organised Crime Assessment (SOCTA) of 2013, criminal groups are structured in various forms based on two main models. They may have a vertical structure based on a “classic hierarchies and operate with different levels of officers” (p. 33). Whereas horizontal structured criminal groups are based on a more loosely cellular structure. However, both forms may adapt and use characteristics of both models. According to the SOCTA, 30 % of criminal groups active in the EU are poly-crime groups, involved in various types of crime. Criminal groups involved in THB are often also involved in illegal immigration and trafficking in drugs and weapons (Europol, 2013a). The criminal groups are notably more flexible in their structure and leadership thus enhancing their ability to work more effectively and obscurely. Criminal groups involved in THB are often very “flexible and adapt quickly to changes in legislation and law enforcement tactics” (p. 24). Furthermore, the SOCTA reports a notable change in the past years when it comes to the criminal groups increasing use of the Internet and other technology in their criminal activity:

For example, frequent contact and cooperation between recruiters and traffickers based in source and destination countries are instrumental in expanding human trafficking for the purpose of sexual exploitation. Typically, these contacts help to constantly negotiate demand and supply resulting in the continuous exchange of victims for prostitution. The frequent movement of victims across jurisdictions makes it more difficult to identify trafficking activities and further complicates the work of law enforcement authorities (Europol, 2013a, p. 34).

According to the UNODC (2014a), research indicates that

when it comes to cross-border trafficking, the overall pattern is that trafficking operations in origin countries – such as recruitment and transportation – are carried out by local citizens, with the victim often being a fellow citizen. In destination countries, traffickers can be local or foreign citizens; however, when they are foreigners, they often exploit their fellow citizens (p. 46).

When investigating any criminal case, it is important to establish motive – why the perpetrator has carried out the criminal act. Traffickers may have various reasons for exploiting victims. Profit is one obvious reason. Trading in human beings often entails low risk, low maintenance-costs and high profits (Bales, 2012). Another factor, more prominent in these days with the war on terror, is the motivation to finance terrorist groups. Shelly (2010) claims that some human smugglers and human traffickers “consciously engage in this activity to fund a terrorist group, a guerrilla movement, or an insurgency. Others trade in people to provide suicide bombers” (Shelly, 2010, p. 3).

The Penal Code

When investigating any criminal case, the main focus of the investigation is to establish whether or not any criminal action has taken place. To do so, there must be a penal code fitting the crime. When investigating THB-cases in Norway, the police investigators and prosecutors must investigate and be able to prove the penal provision of the “THB-paragraph”- 224. As Norway has ratified the Palermo Protocol, the penal code echoes and reflects the definition of THB made by the Protocol.

The Norwegian General Civil Penal Code³² Section 224 states that:

- Any person who by force, threats, misuse of another person’s vulnerability, or other improper conduct exploits another person for the purpose of
- a) prostitution or other sexual purposes,
 - b) forced labour,
 - c) war service in a foreign country, or
 - d) removal of any of the said person’s organs,
- or who induces another person to allow himself or herself to be used for such purposes, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years.
- Any person who
- a) makes arrangements for such exploitation or inducement as is mentioned in the first paragraph by procuring, transporting or receiving the person concerned,

³² Straffeloven

- b) in any other way aids and abets such exploitation or inducement, or
- c) provides payment or any other advantage in order to obtain consent to such exploitation from any person who has authority over the aggrieved person, or who receives such payment or other advantage shall be liable to the same penalty.

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

Gross human trafficking is punishable by imprisonment for a term not exceeding ten years.

In deciding whether the offence is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain. (Justisdepartementet, 2006b).

The investigation of THB-cases must examine whether or not the criminal act in question has the necessary elements as stated by the penal code. Consequently, the investigation must find out if there has been any element of *force*, *threats* or *other improper conduct*, if there has been a *misuse of another person's vulnerability*, and whether or not a person has been *exploited for the purpose* of the four different ways listed. At first glance, this might seem simple. However, defining what is *improper conduct* and what is *another person's vulnerability*, is not necessarily as easy as it looks. *Vulnerability* is in itself a contested and much discussed term. According to the UNODC (2013) the draft history of the Palermo Protocol shows that the term "abuse of a position of vulnerability" is to be understood as referring to as "any situation in which the person has no real and acceptable alternative but to submit to the abuse involved" (2013, p. 3). However, this is not really much clarifying as to what this really entails – both for the trafficker and the victim, as it only introduces new fuzzy expressions; *real and acceptable* and *alternative*. What does it mean that something is real and acceptable, and what does the alternative entail. Does it mean that there is a concrete option of choice, or does it refer to something else? According to the UNODC, the vulnerability may have been pre-existing with the victim, such as vulnerability-factors as "age, illness and poverty". Other vulnerabilities such as "isolation, dependency, and, sometimes, irregular legal status, are vulnerabilities created by the trafficker". Both types of vulnerability can be exploited by the trafficker (UNODC, 2013, pp. 3-4). They do not, however, say much about how to investigate and gather evidence in order to prove that the *vulnerability* has been exploited.

In her study of court decisions in cases of THB for sexual exploitation in Norway, Skilbrei (2010) found that vulnerability was argued on three levels:

With reference to the victims coming from countries with less social welfare than Norway (e.g., Nigeria); with reference to the victims coming from special groups that are discriminated against in their home countries (e.g., ethnic Russians in the Baltic states, the Roma population); and with reference to the victims coming from poor family backgrounds, being unemployed or sick, or having substantial debts (p. 51)

It is worth noting that, the Norwegian definition of Human Trafficking in paragraph 224 does not cover slavery or practises similar to slavery or servitude. Even though slavery is covered in the penal code section 225, GRETA³³, the group of experts monitoring states implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention), pointed out the importance of the definition of the THB-term in the Norwegian legal framework of THB is “in compliance with the Council of Europe Convention on Action against Trafficking in human Beings” (2013, p. 16) and they urged the Norwegian authorities to include “slavery and practises similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings” (GRETA, 2013, p. 16).

Compared to other types of criminal offenses, human trafficking is not punished severely. For example, impeachment of the Penal Code section 162, subsection 3, the gross trafficking of drugs may lead to imprisonment of 21 years. Consequently, the investigation of human trafficking cases may not make use of the same types of investigative methods as may be used in severe drug cases.

The New Penal Code

The Norwegian penal code has been under revision for some time and it is a bit dated on describing and defining crime in the modern Norwegian social society. A revised edition was proposed in 2005, and the work of updating, improving and implementing the “new” penal code has been a lengthy process. However, there is a legal proposal that the new penal code will replace the current edition on 1. October 2015, just a few months after this paper is due

³³ GRETA= Group of Experts on Action against Trafficking in Human Beings. “GRETA is composed of fifteen independent and impartial experts chosen for their recognised competence in fields of human rights, assistance and protections of victims, and action against trafficking in human beings, or because of their professional experience in the areas covered by the Convention”

to be handed in. The new penal code will have a plainer language, making it more accessible to people in general. And it will have a clearer way of dividing simple and serious crimes (Regjeringen.no, 2015). The new penal code will include an updated version of the THB-code. As of October, the General Civil Penal Code Section 257 and 258 will regulate trafficking in human beings. Section 257 will be very similar to today's section 224 in words and layout; however, the crime will be punishable by 6 years imprisonment instead of 5 years. Section 258 will regulate gross human trafficking, which will still be punishable by imprisonment of not exceeding 10 years. This means that gross human trafficking will have the same sentencing framework as it has today. In short, the new penal code will divide human trafficking and gross human trafficking into two sections. Slavery, as pointed out by GRETA, will not be included in the definition of human trafficking. However, slavery will be regulated by the new penal code section 259 (Straffeloven, 2005).

SPECIALIZED ANTI-TRAFFICKING UNITS WITHIN THE POLICE ORGANISATION

As mentioned earlier in this paper, the Norwegian police is organised in such way that each police district may organise and prioritise their policing to meet the problems of each individual police district. When it comes to THB, the police organisation and the police districts have various ways of tackling the anti-THB challenges. The National Police Directorate has an anti-THB unit called KOM. Furthermore, two police districts have special anti-THB-units: Hordaland police district has the EXIT-group and Oslo police district has the STOP-group. In addition to these specialised units, Operation Lime is an example of an ad-hoc solution to an extremely demanding and complex THB-case. These units will be presented in the following.

The National Co-ordinating Unit for Victims of Trafficking (KOM)

The National Co-ordinating Unit for Victims of Trafficking (KOM) was established as a project within the National Police Directorate under the Ministry of Justice and Public Security in 2006. KOM was initially to determine the extent of THB in Norway and supervise the assistance to victims of trafficking. However, when KOM became a permanent unit in 2011 with two full-time employees, the mandate expanded to include the assistance of the central, regional and municipal authorities and other organisations to identify victims of trafficking as well as building capacity and improve cross-disciplinary co-operation at a

structural level. By doing all this, KOM aims to achieve their main goal –namely to reduce the human trafficking in Norway (GRETA, 2013, p. 12; KOM, 2014, pp. 5-7; Politiet, 2014a).

“KOM chairs two groups: an inter-agency working group consisting of representatives of all responsible directorates and agencies which now form the Inter-ministerial Working Group³⁴, and an Operational working group³⁵ consisting of representatives of non-governmental organisations” (GRETA, 2013, p. 12). The police and prosecuting authority is represented in the Inter-ministerial Working Group with representatives from the National Criminal Investigation Service (NCIS)³⁶, The National Police Immigrations Service (NPIS)³⁷ and representatives from Hordaland and Oslo police districts (KOM, 2013, p. 7).

Hordaland Police District – EXIT

Hordaland police district is the second largest police district in Norway³⁸ and covers 30 municipalities with 453 800 inhabitants. Bergen is the largest city, and the police district with its 900 employees is led from one of the four police stations in this city (Politiet, 2012a).

The anti-trafficking group, EXIT, in Hordaland police district was initiated by the Chief of Police, Ragnar Auglend, in 2009 after Hordaland police district experienced the need for dedicated police investigators and prosecutors in the challenging work with human trafficking (Lindberg, 2014). In 2012, the group was formalised as a permanent unit and placed within the Organised Crime Section in Bergen (KOM, 2013, p. 19). EXIT is responsible for all THB-cases, cases involving procuring (pimping) and breaches against the legislation on the purchase of sexual services in Hordaland police district.

EXIT has, since its conception, had police investigators and police prosecutors dedicated to the anti-trafficking police work. This group has been successful in investigating and prosecuting human trafficking cases in their police district, and already in 2010 the Undersecretary of the Ministry of Justice and Public Security, Astrid Aas-Hansen, stated to the newspaper BT, that: “I think the police in Bergen has found a formula for success that the

³⁴ Tverretattlig samarbeidsgruppe

³⁵ Operativ samarbeidsgruppe

³⁶ KRIPOS

³⁷ Politiets Utlendingsenhet

³⁸ As of april 2015, before the coming police reform.

rest of the Norwegian police can learn from”³⁹(cited in Okkenhaug & Torheim). The success of this group has increased during the years, and according to former police prosecutor in the EXIT-unit, Rudolf Christoffersen,⁴⁰ there were 42 persons convicted for human trafficking in Norway by the start of 2014 – and 27 out of the 42 were convicted in Bergen (cited in Lindberg, 2014). Christoffersen had then prosecuted 7 THB-cases himself, and stated in his interview to the newspaper that some of EXITs success is due to the fact that Hordaland police district has invested time and resources in building a strong unit that knows what to look for and how to work with THB-cases.

Oslo Police District – STOP

Oslo police district is the largest police district in Norway⁴¹ – both in inhabitants and in employees. In 2010 there were 2600 employees in this district and approximately 570 000 inhabitants (Politiet, 2010). According to Oslo Police Districts profile on LinkedIn, there are more than 2300 employees whereas 1700 are police personnel, approximately 450 are police prosecutors and 500 are civil servants (Politiet, 2015). The police district is geographically divided into five police stations; each police station being responsible for their geographical area of the city (Politiet, 2012b).

The anti-trafficking unit STOP was created in 2007 as a pilot project in Oslo Police district after the Governmental Plan for Action against human trafficking 2006-2009 stated that the Oslo Police Districts work against THB should be strengthened with problem oriented police work targeting the sex-market in the capital (Politidepartementet, 2006, p. 20). The STOP project was to expose and prosecute THB and pimping by reducing the availability of apartments from which the prostitution would occur – referred to as “Operation Houseless”⁴² (GRETA, 2013, p. 53). The STOP project started with operational personnel only, however in 2009, the STOP project expanded to include 3 investigators. STOP then received the formal responsibility of investigating and prosecuting all THB-cases in the police district, including THB for labour exploitation (Bøhler, 2015⁴³).

³⁹ My translation

⁴⁰ Rudolf Christoffersen is as of February 2015 one of the two Norwegian Liaison Police Prosecutor at Eurojust in Haag.

⁴¹ As of April 2015, before the coming police reform.

⁴² Operasjon Husløs

⁴³ Confirmed by Superintendent and Head of Section, Harald Bøhler, at the Investigation Section, Organised Crime, Oslo Police District, per e-mail.

After the pilot project ended, the investigators from STOP were incorporated in the investigation pool at the Organised Crime Section in Oslo police district in 2011. At the same time, THB-cases for labour exploitation were transferred to the immigrations section in the police district. However, after evaluating this change, it was decided to restart the old STOP as a unit within the Organised Crime Section in 2014. Police Superintendent at the Organised Crime Section, Harald Bøhler, explained the decision to the newspaper Dagsavisen: “The dedicated investigators and the operational personnel were divided when the old STOP project was shut down. As a result, the cooperation and the information exchange decreased and became less intensive and less effective”⁴⁴ (cited in Johnsrud, 2014). The New STOP will, if all goes according to plan, be fully operational in summer 2015. Whether or not they will be responsible for all THB-cases or just THB-cases for sexual exploitation has not been decided yet (Bøhler, 2015⁴⁵).

Operation Lime

Operation Lime, or rather, the Lime-Case is, most likely, the largest human trafficking case in Norway’s history. As of April 2015, there are approximately 50 police investigators from different police district working with agencies such as the National Criminal Investigation Service, The National Authority for Investigation and Prosecution of Economic and Environmental Crime, The Norwegian Tax Administration, The Norwegian Labour and Welfare Administration and the Norwegian Customs Service (Solberg, 2015). The investigation is lead by and is situated in Romerike police district. However The National Police Directorate⁴⁶ finances large parts of this project.

The Lime-Case originates from the Lime franchise of 29 grocery stores in Oslo and Romerike. On the 9th of September 2014, 210 police officers and 70 civil servants from the Norwegian Tax Administration worked together in a joint operation where 21 persons were apprehended and 58 possible victims of THB were contacted (Politidirektoratet, 2015, p. 14). As of April 2015, 14 persons are in custody and 11 of these are charged for gross human trafficking and at least 10 persons are identified as victims of THB for labour exploitation. The investigation is complex and involves a number of violations of the penal code and the

⁴⁴ My translation

⁴⁵ Confirmed by Superintendent and Head of Section, Harald Bøhler, at the Investigation Section, Organised Crime, Oslo Police District, per e-mail.

⁴⁶ Through the coordinative body “Samordningsorganet” which was established in 2010 to contribute to the strengthening of police efforts against serious and border-crossing crimes (Politidirektoratet, 2015).

financial investigation is of great importance (Solberg, 2015). The investigation has unveiled a massive exploitation of the Norwegian welfare system where the criminals build a legal business with regular employees. “They ‘hire’ family and friends so that the paperwork looks legit. But others do the actual work⁴⁷. Sometimes the legally hired workers go on sick-leave so that they can get reimbursements from the government while at the same time they are exploited as manual labour” (Eivind Borge cited in Reiss & Strøm-Olsen, 2014, p. 108).

INVESTIGATING CRIMINAL CASES CROSS BORDERS

Norway being a destination country for human trafficking, implies that parts of the crime has been committed elsewhere. Thus, to be able to investigate and enlighten all aspects of the criminal case, the investigation needs to follow transnational links. Consequently, international police cooperation is a vital and necessary aspect of all these cases. As Kofi Annan states; “If crime crosses borders, so must law enforcement” (UNODC, 2004b). Hence, to be able to gather evidence in respect to aspects such as the victims’ situation in the originating country, the recruitment, smuggling routes etc., the cooperation between the origin, transit and destination countries are vital (Hertz, 2002, p. 134). There are, of course, limits and rules with regards to what and how one may investigate in another country. The most important instruments in this regard are, in order of relevance in Norway’s case: the Mutual Legal Assistance, Eurojust, Europol, and Interpol.

MLA – Mutual Legal Assistance

The Convention on Mutual Assistance in Criminal Matters between Member States of the European Union (the EU MLA Convention) is drafted to stimulate and enable a swift and efficient judicial cooperation between the member states. It provides a clear and standardised legal framework for certain investigative methods and for the direct exchange of requests, i.e. letters rogatory (Block, 2011, p. 28). The affiliated states through Schengen, e.g. Norway and Iceland, have also ratified the convention. Accordingly, before initiating any investigations in a European country, a letter rogatory needs be written and sent through the appropriate channels. “In international practice, letters rogatory have typically been transmitted through diplomatic channels” (Joutsen, 2005, p. 266).

⁴⁷ My translation

Eurojust

The European Union's Judicial Cooperation Unit (Eurojust) works to enhance judicial cooperation within the EU and between the EU and affiliated states, such as Norway, Switzerland and the USA. It was initiated by the European Council in 1999 and came into form, as it is known today, in 2002, in order to fight serious organised cross-border crime. The organisation consists of national prosecutors and magistrates, or police officers with equivalent competency, from member states in the EU (Eurojust, 2015a). In addition, Norway, USA and Switzerland have liaison prosecutors present in the organisation in Haag. The Norwegian police prosecutor, Petter Soldal, has been Norway's liaison prosecutor since 2013. In 2015, police prosecutor Rudolf Christoffersen has joined him in Haag. Eurojust works to improve the coordination of investigations and prosecutions cross-borders, as well as facilitating mutual legal assistance and the execution and implementation of the European Arrest Warrant and extradition requests from member states or affiliated states (Eurojust, 2015a). Eurojust's competence covers crimes such as "terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering, computer crime, crime against property or public goods including fraud and corruption" (Eurojust, 2015a), etc. In 2012, Eurojust's Trafficking and Related Crimes Team initiated a strategic project to identify and address the reasons as to why the number of investigations and prosecutions of THB-cases within the EU is low. The project is called *Eurojust's action plan against trafficking in human beings* and aims to address the issues of investigating and prosecuting THB-cases cross-borders.

One example of recent THB-cases where Eurojust were involved is the dismantling of an organised group in Romania which trafficked young Romanian women to France for sexual exploitation. Eurojust financed and facilitated the joint-investigation team (JIT) that was set up between Romania and France. "Within the framework of the JIT, police and judicial cooperation were facilitated by Eurojust and Europol" (Eurojust, 2015c). In this case, 25 suspects in Romania were taken into custody and 56 house searches were conducted. In addition, 11 witnesses were interviewed.

Europol

The European Police Office (Europol) was established in its current form in 1999, thus becoming a EU-agency. Europol is the intergovernmental organisation that facilitates police cooperation between EU member states and the associated countries - Norway, Iceland and Switzerland. It has no investigative power, but it handles criminal intelligence (Block, 2011, pp. 63-67). Europol receives the criminal intelligence from various sources, such as member states and other crime-fighting organisations such as Interpol (Haberfeld & McDonald, 2005, pp. 295-300). "The most important working tool to Europol is a computerized data collection system composed of an information system, work files (AWF), and an index system" (Hertz, 2002, p. 137).

In 2007, Europol established Analytical Work File (AWF) Phoenix to gather all available data on human trafficking in one database. The purpose of this AWF is to:

support the competent authorities in preventing and combating the forms of criminality associated with trafficking in human beings by Organised Crime Groups (OGCs), as well as any associated criminal activities within the Europol's mandate uncovered in the course of the investigation into these criminal networks in the MS concerned (Europol, 2012).

One of the most well known recent THB-cases based upon information from the AWF Phoenix is the Operation Golf. This operation was initiated shortly after Romania was included in the EU, as it was registered a significant increase in street crime from Romanian Roma children in London. Operation Golf was collaboration between the London Metropolitan Police and police from Romania. In April 2010 they arrested 26 traffickers for exploiting 181 Roma children for begging and money laundering (Taylor, 2010).

Interpol

The International Criminal Police Organization (Interpol) was created in 1923 to promote international criminal police cooperation (Haberfeld & McDonald, 2005, p. 287). In 1971, the United Nations recognised Interpol as an intergovernmental organisation even though Interpol was not established by any explicit agreement or treaty between the member states (Block, 2011, p. 53). Interpol aims to "provide targeted training, expert investigative

support, relevant data and secure communications channels.” Furthermore, it is by its constitution neutral and cannot interfere or support interventions of a political, military, religious or racial character (INTERPOL, 2013). Interpol has 190 member states and “each country maintains a National Central Bureau (NCB) staffed by national law enforcement officers” (INTERPOL, 2015b). The NCBs make up a global network, which enables countries to cooperate in cross-border investigations.

In 1989 Interpol set up a specialized Trafficking in human Beings Sub-Directorate at the Interpol Headquarters in Lyon, France. The Sub-Directorate focuses on crimes against children and the Interpol’s Specialist Group on Crimes against Children brings together expertise from more than 100 police officers from 40 countries (Haberfeld & McDonald, 2005, p. 291). When Interpol assists countries in operations targeting THB, they start by holding workshops in order to ensure that local officers have the skills and knowledge needed when tackling THB-cases. Interpol has participated, coordinated or otherwise assisted with expertise in several operations targeting THB. For example in the 2011 Operation Bia in Ghana where Interpol and national authorities rescued 116 children and arrested 30 suspected traffickers. Furthermore, in 2012, nearly 400 children were rescued and more than 70 suspected traffickers were arrested in Burkina Faso in Operation Tuy (INTERPOL, 2015a).

Challenges in International Police Investigations

Transnational police cooperation has been highlighted as the ultimate way of fighting border-crossing crime. However, taking on such a task usually means adding some valuable months of investigation time to any criminal case. The process is time-consuming at best. Frédéric Lemieux claims that “in reality, collaboration between law enforcement agencies is plagued by competing agendas, limited resources, and nationalistic / discretionary information-sharing” (2010, p. 2). In fact, scepticism towards other countries legal system and the international organisations way of using and storing data may lead to unwillingness or an reserved approach to the sharing of information and aiding each other. This sort of non-cooperative behaviour leads to lesser quality in police cooperation and less information sharing (Gerspacher & Pujas, 2010).

However, Liaison Officers whom work directly with the foreign police or prosecuting

institutions in question may overcome some of these obstacles. Norway has Liaison Officers in several international organisations like Europol, Interpol and Eurojust. In addition, Norway has Liaison Officers placed in several different countries in the world through the Nordic PTN-cooperation.⁴⁸ This is a Nordic cooperation between Police and Customs where the Liaison Officer represent all four Nordic countries. It has been considered a very successful arrangement where the exchange of information and assistance in operational investigations has been fruitful (Kleiven, 2012). According to former Nordic Liaison Officer in Bulgaria and Romania (in the period from 2010-2014) Frode Rognan, 50 % of all the cases where he received requests for assistance dealt with trafficking in human beings. Most of these cases originated from Norway and Sweden. A typical case from Norway was initiated from information provided by a possible victim of THB. Rognan then provided relevant information from Bulgaria or Romania to the Norwegian police and facilitated and assisted the police in executing investigative steps as stated by the official request in the letter rogatory sent from Norway to local authorities. Several of these cases have led to convictions, however they may not be legally forceful yet due to the appeal process in the legal system (Rognan, 2015⁴⁹).

⁴⁸ PTN=Politi,Toll,Norden

⁴⁹ Mr Frode Rognan is now assistant cheif of police in the Norwegian Police Directorate. He was so kind as to send this information about his experiences as a Nordic Liaison Officer on E-mail in June 2015. He was willing to be cited in this paper based on this e-mail.

CHAPTER FOUR – METHODOLOGY

This chapter will present the methodology and research design – a qualitative study – to best research the investigation of THB-cases in Norway. The sampling of informants and the challenges with regards to doing research on ones own organisation is also presented in this chapter.

CHOOSING A RESEARCH PROJECT

Choosing a research topic or project is obviously one of the most important decision-making processes one goes through when starting a master degree. It is, in fact, a topic in itself; using the search engine Google with the search words “Choosing a research topic” (without the quotation marks) will give you 146 000 000 hits (Google, 2015). However, to make sure the topic and the project feels interesting and useful to oneself – and hopefully to other police investigators or prosecutors – this project was chosen based on self experienced issues relating to the investigation of THB-cases. Someone once said: “dig where you stand”⁵⁰, and that seemed like a good starting point.

My investigation experience in THB-cases is not extensive. I helped on some cases where someone more experienced had the lead, and I had one rather big case where I had the lead and got help from others. I have experienced the frustration of trying to interview a potential victim of sexual exploitation from Nigeria – a woman not able or willing to trust me with her whole story. I have experienced having male victims of THB, and not having a shelter in Oslo willing or able to house males. I have experienced interviewing victims from other cultures and countries - asking them about their homes and lives – only to realize when I went to that country to investigate the case further - that I really had not comprehended what they had told me. That the implications of my lack of cultural understanding and my lack of in-debt knowledge about living standards, health relations and socio-economic context had made me misinterpret the importance of the information presented to me. I have experienced how international police co-operation can be slow and tedious, but awarding and vital in the investigation process. And I have experienced sitting in court, trying to present the objective findings in a pedagogic and chronological presentation, being questioned by the defence about my professionalism and objectivity in the investigation process.

⁵⁰ Supposedly (according to Google) this expression originates from the Swedish Sven Lindquist’s book on how to research a company: “Hur man utforskar et jobb” 1978.

All these experiences woke the interest for the phenomenon of THB alongside the sentiment that something more should be done. Reading newspaper articles exclaiming, “Norway’s efforts against human trafficking is poor”⁵¹(Amundsen, 2013) and that “Poor investigation deprives the slaves of their formal legal status as a victim thus resulting in them losing their residence permit during the process of the case”⁵²(Marcussen cited in Amundsen, 2013) gives incentive to examine whether the media is right – that something should be done differently.

Attending the disciplines of the study that constitute this masters degree, I soon became aware that my area of expertise – the skilled trade of criminal investigation – was not only unheeded in the police organisation per se. It was also to a large extent overlooked or forgotten in the academia in general. It felt disappointing that researchers and scholars fall into the same group as some fellow police colleagues whom have yet to appreciate the fact that investigating criminal cases is more than just an interrogation. It is in fact a tedious process of hard work and professionalism. Thus, I became determined to create a research project with focus on *investigation* and *human trafficking*.

Starting the process

As the research topic was clear, I needed to put in concrete terms what I wanted to find out and how I should go about to do so. Various hypotheses that could problematize the topic were generated, however, they did not feel right somehow. At some point, hypotheses relating to the relatively low number of convictions on THB in Norway were tested, but rejected. In the end, the following approach to the topic was preferred:

Tracking the Trafficker?

- A qualitative study of the investigation of trafficking in human beings in Norway.

To be able to answer this question, it was apparent that a qualitative research technique was needed. Police investigators and police prosecutors should be interviewed in depth regarding their knowledge and experience of the investigation of THB-cases. A quantitative research study based on a survey was first considered and then rejected due to the lack of

⁵¹ My translation

⁵² My translation

in-debt information from surveys and a high respondent fatigue. Furthermore, it was considered prudent to be able to ask additional questions to the subjects in order to get a deep understanding of how the investigation of these criminal cases is planned, executed and evaluated. In short, the quantitative method was considered to be inadequate as a method to illuminate how police investigators and police prosecutors evaluate their cases and their investigation per se.

Interviewing police investigators and prosecutors about past and present criminal investigations implied two things. First: the project needed to be reported to the Data Protection Official for Research at the Norwegian Social Science Data Services (NSD).⁵³ It was reported by the official standards of information needed provided by the NSD in February 2014. The project was officially registered and approved by the NSD the same month.⁵⁴ Secondly: the National Police Directorate (NPD) had to exempt the police investigators and police prosecutors from their professional secrecy before they could be interviewed. This because they would be interviewed about topics that would be subject to secrecy as the interviewer would be a researcher – not a police superintendent. Thus, a formal application to exempt the informants from their obligation to maintain secrecy was sent by mail and by post to the NPD in February 2014. The application included a description of the research project, a copy of the formal approval of the project from the NSD and a copy of the teaching supervisor agreement between my supervisor, the Norwegian Police University College and me. The NPD formally approved⁵⁵ of the project in June 2014 and redirected the application to the Police Development Department⁵⁶ and the Section for Legal Affairs⁵⁷ for their legal assessment of the project. The final approval from the Section for Legal Affairs at the NPD was received in September 2014. I.e.- the process of getting the project approved took approximately 7 months. Consequently, the interviewing of informants started rather late in the research process.

After getting the formal applications and approvals sorted, the process of finding and contacting informants started. It was hard to determine the final counts of samples as this would depend on how much information the interviews actually produced. However, an

⁵³ Personvernombudet for forskning ved Norsk Samfunnsvitenskapelig Datatjeneste (NSD).

⁵⁴ See appendix 1.

⁵⁵ See appendix 2.

⁵⁶ Politifagavdelingen

⁵⁷ Juridisk forvaltningsseksjon

estimate of 10-15 interviews is often considered a valid number (Johannessen, Tufte, & Christoffersen, 2010, p. 106).

Sampling Informants

The various police districts in Norway have very different experience in THB-cases. Where some police districts have never had one single THB-case registered, other police districts are responsible for the main bulk of the convictions on this field. In addition, some police districts have had quite a few THB-cases registered and closed without an indictment. Based on this knowledge, a random selection of informants to this study would not suffice in giving a broader understanding of the phenomena in question.

Thus, the informants included in this study are sampled on the basis of a stratified purposeful sampling. This because this sampling method allows the researcher to divide all available informants into different strata or groups based on specific qualifications or characteristics deemed important for the sampling process and the validity of the incoming data (Grønmo, 2004, pp. 96-97; Johannessen et al., 2010, pp. 106-112). Choosing the right informants is important to achieving the greatest understanding of a general phenomena (Stake, 2005, pp. 450-452), thus the sampling criteria was important to the validity of this research. Having had the privilege of working with THB-cases myself and attend different seminars and meetings on the subject, I had a notion of relevant interview subjects to contact in order to ask if they would be interested in contributing to this research project.

The aim was that there should be at least one police investigator and one police prosecutor from the same police district. Whether or not they had worked on the same THB-case was not important. The outcome of the investigated THB-case in itself was not considered crucial, i.e. whether or not it lead to a conviction or not. In fact, if the THB-case was investigated, but closed without an indictment, that in itself would be interesting because it could enlighten the process and the decision-making-process that lead to the closing of the case. Furthermore, if possible, it was considered enriching to the research process if the informants had experience from THB-cases with various types of exploitation. However, as there are a limited number of THB-cases overall, this could not be a decisive criterion. In the end, most of the criteria set for the sampling were met. However, for various reasons, all of

the 8 police districts are not represented by one police investigator and one police prosecutor, but most of them are.

The police districts represented in this study are all organised differently. Some of them have their own THB-units, others have not. In addition, the police districts are different in size – some districts are small and other districts are large, some have large cities and others do not. Consequently, the various districts have different types of crimes – giving them different types of policing strategies and focal points. The districts are spread throughout the whole country as the informants work in districts located to the North, the West and the East. The South was contacted, but at the time of the sampling of the informants, the districts to the south did not have any THB-cases registered. This despite the busy international harbour in Kristiansand. The various districts included in this study have different proximity to neighbouring countries and international ports and airports. In short: they all have different local priorities regarding types of crimes and types of police work to spend their limited resources on.

One concern regarding the sampling of informants was whether or not only the special investigators and police prosecutors from special anti- THB-units should be included in the sampling. Including only them could give a distorted picture of what the common police investigator or prosecutor knows about THB. Excluding them would mean not taking into account the fact that there are some police investigators and prosecutors that have a profound knowledge and extensive experience in the field of THB. The result was to choose a mixture of informants where the total of informants have varied backgrounds when it comes to work experience with these cases. In choosing not only the most experienced, the result of the study is more characteristic for the issues, reflections, knowledge and skills on the field of THB throughout the police organisation in Norway.

In order to give a third dimension to the information gathered through the interviews, I wanted to have some informants that are not police investigators or police prosecutors. However, I was hoping to get some whom represented the council for the aggrieved working in different cities in Norway. These attorneys have a special view on the investigation process where they have their victims in the centre. Some of them may have represented more victims than any police investigator or police prosecutor have had cases. As such, the

hope was that they might bring another important perspective into the evaluation or, rather, the reflection upon the whole progression in such cases. However, as the process of sampling, contacting and conducting the interviews of the informants was a much more time-consuming and demanding part of the research project than first expected, this was not prioritized. As such, only one of the informants is from this group. As this interview gave deep insight to considerations from a party that works closely with the police in THB-cases, the study should perhaps have included more of these informants. Interviewing more of the counsel for the aggrieved could have given more depth as to how the investigation process may affect the victims. However, as the focus of this paper is to scrutinise the investigation of THB-cases, it was considered prudent to prioritize the investigators and the prosecutors as informants. The council for the aggrieved are not a part of the decision-making processes, the tactical considerations and the day-to-day planning of the investigation process in any given case.

If this had been a research project of larger proportions than a master degree, it should have included informants from the state prosecutors in the study. This because many THB-cases are, depending on the police district and the police prosecutor, and the complexity and gravity of the case, often sent to the state prosecutor for assessment of the evidence and evaluating whether or not to make the indictment. In addition, in several cases, the police prosecutor may have had the day-to-day follow-up of the investigation, however, in the end it may have been the state prosecutor whom actually prosecuted the case in court. This is not always the case as many police prosecutors prosecute their own THB-cases, however, it could be interesting to interview informants from the state prosecutor whom, in most cases, receive the case after the investigation is concluded. What reflections do they make with regard to the quality in the investigation of the cases they receive. However, as the state prosecutor is rarely a part of the day-to-day investigation process in THB-cases, the same prioritisation had to be made in this regard as with the council for the aggrieved. The informants considered to be most vital were the ones whom were hands-on in the daily investigation process.

After most of the interviews were concluded and the analysis of the data had commenced, it became apparent that there is another group of professionals whom could have contributed a profound insight to an important part of the investigation of most THB-cases: the Nordic

Liaison Officers. As most THB-cases in Norway seem to be of the transnational kind, crossing borders and conducting investigation abroad is often a vital part of the investigation. The Liaison Officers could provide information regarding the whole process in the transnational aspect. Whether or not they were included in the investigation in due time, how the co-operation worked, to what extent the Liaison Officer had to pull strings in order to facilitate the execution of the letter rogatory, etc. This could not be prioritized in this paper, though it would have added valid and important information about the international investigation process in THB-cases.

The Case Study

The case study is often used in projects focusing on market research, organizational research and social science research. It is known by typically including detailed and extensive data collection from different types of sources. Moreover, “the case study aims to gather as much information (data) as possible about a limited phenomenon (the case)”⁵⁸ (Johannessen et al., 2010, p. 86).

Furthermore, according to Robert K. Yin (2003), the case study is an appropriate research method when the topic concerns: the process (*why* or *how*) and/or: questions regarding comprehension (*what*, *why* and *how*). Thus, being an appropriate research design when the aim of the study is to find in-depth information regarding the investigation process of THB-cases in Norway. Additionally, Yin also claims that the case study may be based on questions or assumptions stated by the researcher rather than a hypothesis. The study will then aim to give answer to these assumptions (cited in Johannessen et al., 2010). As such, this study gives an analytical comparison of the different police districts investigation of human trafficking cases, rather than a statistical comparison on the number of cases and such.

The Case Study and Generalisation

As this study aims to scrutinize the investigation of THB-cases in 8 different police districts, you may refer to this case study as a *multiple case study*. Stake (2005) claims that “a number of cases may be studied jointly in order to investigate a phenomenon, population, or general condition” (p. 445) and that the understanding of these cases, with their diversities and

⁵⁸ My translation

similarities, may “lead to a better understanding, and perhaps better theorizing, about a still larger collection of cases” (p. 446). Thus, examining the reality of 14 informants from 8 police districts – with their various professional challenges in THB-investigations in a social and professional contexts of the various police districts which differ in seize, population, number of cases, number of employees, organisational differences and their individual financial challenges – the goal is to find a deeper understanding of the bigger picture (Grønmo, 2004, pp. 90-91). As such, the fourteen informants representing the eight police districts may produce data that could be general to other investigations and other police districts in Norway.

The Qualitative Interview

Before the interview process could begin, all possible interview subjects were contacted by e-mail. It was important to make sure that they had as much information about the project as possible when making their decision on whether or not they wanted to contribute to the project. The e-mail explained the research project, what it entailed and what a contribution from the subject would mean to them with regards to the formal exemption of their secrecy and the assurance that they would remain anonymous. In addition, the reason as to why they were considered interesting informants to this project was explained. They were also informed that it was considered best if they could be interviewed in person. However, if this was not possible, the e-mail stated that the interviews could be conducted by phone, Skype or other means of communication available to the subjects.

“An interview is a conversation, which has a certain structure and purpose⁵⁹” (Kvale & Brinkmann, 2012, p. 23). The researcher sets the theme of the conversation depending on what topics he aims to enlighten. In that regard you may say that the conversation is not an exchange of information between two equal participants as it is the researcher whom controls the focus of the conversation (Kvale & Brinkmann, 2012). The interviews in this project were semi-structured with a pre-planned questionnaire⁶⁰. The questions were tested with a pilot test. The questionnaire was the same for all interviews, however, depending on the interviewee’s answer, follow-up questions were needed.

⁵⁹ My translation

⁶⁰ For detailed information about the questionnaire, see appendix 3.

In order to be flexible as to where the interview would go, the questionnaire mostly had main topics without many specific questions. Using the same baseline for all the interviews was considered prudent to be able to analyse the answers later, and to be able to make sure all subjects were asked about the same things. The main point, however, was to ask the questions as openly as possible so that the subjects would be challenged and not pointed in any specific direction implied by the researcher. The topics were the same for both police investigators and police prosecutors as they are, usually, both involved in the investigation from the start. It was also considered interesting if the investigator and the prosecutor on similar cases had the same reflections on the topics.

Most of the interviews were conducted in person, however due to long distances, different work-schedules, unforeseen personal matters etc., some of the interviews had to be carried out by phone. All interviews were recorded and transcribed during the interview. Before the interview started, the interview subject was, again, explained about the process of getting the research project approved, and that the Norwegian Police Directorate had, in writing, exempted them from their professional secrecy and could speak freely about their experiences. Also, the importance of getting the subjects own reflections based on his/her own knowledge and experience was highlighted. Hence, the subjects were speaking for themselves and not necessarily for the police district as a whole. Some subjects voiced concern that they might not have much interesting to contribute as their case had been closed without an indictment. However, they were explained that this was equally interesting to the research project as they then could contribute insight to issues in the investigation that had led to the closing of the case.

Analysing the data

“The process of systematic analysis of qualitative data vary from project to project, dependant on the research question, material, and choice of analytical style” (Malterud, 2001, p. 486). In this project, all interviews followed the same questionnaire and were transcribed directly into the same format. As some informants talked more than others and shared information without being asked specific questions the transcription needed to be somewhat reorganised in the post-processing. In order to get an easier starting point for the analysis, the answers were divided into thematic main-categories and sub-categories that

followed the layout of the questionnaire. Thus applying a rather adapted or simplified *structuring content analysis* technique (Flick, 2011, pp. 136-139). I found that this technique of categorising the data was helpful when structuring the data and to some extent also analysing it. It was also useful in order to see where the respondents agreed or disagreed on certain topics, or if there were any categories that had a large variation of opinions. Being a police investigator with some experience in analysing more than one source of information and structuring data in order to be able to analysing it later, I found that making meticulous and detailed spreadsheets in Excel was impertinent to the further analysis. In order to be able to keep track of the information provided by each informant in the spreadsheets, the key-code referencing the informant was always applied – linking the information to its source. This proved useful when I checked and double-checked the data applied in each segment of the analysis. I applied what Kirsti Malterud (2001) refers to as decontextualisation – i.e. singling out some larger thematic categories and examining it meticulously on its own and together with other categories that dealt with similar issues (p. 486). This was, at times, very time-consuming and meticulous work. For example, examining one main category of data concerning *Challenging issues in investigations of THB-cases* proved to be a very fragmented dataset to analyse. The respondents voiced concerns and issues when asked about this topic, but they also made comments under other topics that related to this main category. I ended up noting several issues as sub-categories and noting every sub-category that each informant problematized. Consequently, I found that for example, issues related to the victims in THB-cases could not be one sub-category on its own without further analysing the data into additional sub-categories. Thus, one spreadsheet soon became three, each one digging deeper into the material – giving a more profound understanding of the various issues voiced by the informants.

Analysing the data according to the topics of the questionnaire provided structure when examining the data, but it also stipulated a natural looking-glass into the material when considering what was relevant and valid findings in the study. In order not to let my subjectivity and past experience in THB-cases dominate how and what I found to be relevant data in the study, I simply asked myself; *What did the respondents say in this topic.* Consequently, the data was scrutinized topic for topic, reading and rereading the transcribed interviews until I felt I could site them by heart. Each topic started with one spreadsheet in excel where the code-key for the 14 informants were listed and the sub-categories were

applied accordingly. This gave a profound understanding and overview of the collected data and at the same time it ensured that the analysis had the informants in the centre.

ETHICAL CONSIDERATIONS

When doing research on topics closely related to your own profession and interests, it is vital to keep in mind the ethical aspect of the process at all times. In this research process there have been several ethical considerations, the most important being the importance of doing research on ones own organisation and the anonymity aspect for the informants.

Researcher and Police Officer – Doing Research on ones Own Organisation

When I applied for the Masters programme at the Norwegian Police University College almost four years ago, I worked as a detective sergeant at the investigative branch at the Organised Crime Section in Oslo police district. At that time, I was what Brown (1995) classifies as an ‘inside-insider’ – a police officer doing police research. Not only would I then do research on policing issues, however, I would do research on issues directly linked to my day-to-day responsibilities as an investigator working on THB-cases. However, before starting the actual research process for this paper, I changed jobs from Oslo police district to the National Criminal Investigation Service (NCIS) where I no longer have responsibility for THB-cases, nor do I frequent the natural THB-gatherings such as seminars and events by KOM. Even though I would still be considered a ‘inside-insider’ according to Browns definition of the term, I now feel more like an ‘outside-insider’ – a former police colleague doing research on the police. This due to the fact that THB was such a major part of my professional (and personal) life the last two years at Oslo police district. Leaving this position also meant leaving the day-to-day issues related to THB-cases in my professional life.

My position as an ‘inside-insider’ (or possibly an outside-insider’) is important as it could raise some issues related to the conduction of - and the validity of - this research project. In some ways, the police background and the investigative experience could be a strength that gives a profound understanding and awareness to important issues. It could also result in an amount of acceptance and trust among the informants that an ‘inside-outsider’ or an

'outside-insider' would have difficulties in obtaining. The former being police researchers with a position within the police, but without the police background. The latter being researchers conducting research on the police from the outside (Brown, 1995, pp. 179-184).

On one side, there are some things you cannot learn through reading books and reports. Especially something as seemingly simple as the mere nature of the investigation process in any given criminal case. Reading about the penal codes and the hierarchy of the decision making processes will not provide a profound understanding of the symbiosis of a professional cooperation involved in the investigation. There are so many things that you have to understand and take into account. Things that are interlinked in an intricate web of essential factors that make up the total picture of how the formal and informal processes in the police organisation and police culture affects the way a police investigation is carried out. In addition, you need to understand how other aspects like resources, manpower, workload, political influence and the media, may have a direct or indirect impact on the investigation of criminal cases in any given police district. Hopefully, this understanding have aided my questioning of the informants and given a further understanding of the data that followed.

On the other side, there is always a risk that ones own thoughts and experiences may colour the whole research from start to finish. It could lead to a less objective research. However, it is only natural that ones reflections around the police role, the police organisation and police culture are a great part of ones professional self. Nevertheless, "objectivity, redefined by Haraway, means to recognise that knowledge is partial and situated, and to account adequately for the effects of the positioned researcher" (Malterud, 2001). Hence, the question is perhaps not whether or not the researcher manages to be objective – rather it is a question of being self-aware of ones own position, knowledge, views and opinions in order to be able to see how this can affect the research. As such it is important to be aware that the researchers private and professional background is a risk to the validity of the research project. The consciousness of this pitfall has strengthened my resolve to be attentive of my position as an insider and continuously evaluate every step of the research process.

Another aspect of doing research on my own organisation is the handling and sorting of the information and knowledge about policing issues that arise in the research project. It

became apparent during the research process that it was important to be conscious of the fact that I have knowledge about the investigation of THB-cases through my profession – knowledge and information a researcher would have to send a formal application to receive. Furthermore, the knowledge on how certain police districts are organised, what internal rules and regulations that regulate the policing strategies and priorities, might not be public. Thus, writing this paper, I constantly felt the need to be able to find public sources of information ensure not overstepping any boundaries when completing this report. I knew, for example, about the extensive efforts and cooperation made in Operation Lime, however, not much is written in open sources that could be used in this paper. Using newspaper articles to validate or “wash” information was difficult because some of the information in the articles was unreliable and pure assumptions, or to some extent, also fiction. In the end, the police magazine, *Norsk Politi*, made a series of articles about Operation Lime, thus providing a reliable source for this paper. Another example would be writing about the Stop Project in Oslo police district. Many open sources describes parts or persons on the project, however, knowing that this information is partly or wholly wrong, it could not be used as a reference. In this particular case, I ended up writing an e-mail to the Head of Section, Police Superintendent Harald Bøhler, asking him if he would answer some questions about the Stop Project. Luckily, he was willing to clarify some of the issues that other open sources had all wrong, and he was also willing to be cited. The same applies to information provided by Police Superintendent Jarle Bjørke about Operation South-West, and information from former Nordic Liaison Officer in Bulgaria and Romania, Frode Rognan, about THB-cases from that region.

Anonymity

The anonymity of the informants is important in this study, as this may be the very basis for the informant’s willingness to speak freely in the interviews. However, as the THB-cases are rather few, and the convictions are even fewer, the professional academic on THB is rather restricted in Norway. Knowing that only two police districts have formalised and specialised anti-THB units, and that some of the other larger cities have only a few persons dedicated to this field, is an important fact to consider. In fact, there was throughout the whole process a question if the police districts represented should be mentioned or if it should just be mentioned how many districts there were in total. The few ‘insiders’ of the THB academia in Norway might even recognise each other despite the usage of pseudonyms and disguised

locations (Christians, 2005, pp. 144-145). It is a fine line between informing the reader about the research process and the sampling of informants and protecting the informants from exposure (Stake, 2005, p. 459). Therefore, to ensure the anonymity of the informants, a code-key was created and utilized throughout the process when referring to the informants. Each informant has a unique combination of letters and numbers in order for me to be able to distinguish which informant said what without ever having to register their names or police districts in any material.

CHALLENGES

Working on this thesis has presented some challenges that I feel I misjudged the importance of when starting this research project. What was challenging was to know, or rather, to understand what needed to be presented, explained and discussed when it comes to policing issues that has relevance to the topic of this paper. I for one, have a tendency to dislike presentations that start off by showing the organisational map of an institution or organisation. However, as the progress of presenting how the Norwegian police investigate THB-cases evolved, it soon became apparent that it would be impossible for any given reader to understand the issue without placing the policing task of investigation in an national, organizational, legal and practical context. Consequently, the paper needed to describe the police organisation and how this may affect the investigation of criminal cases. It had to describe the legal framework in which the police are obliged to work. In addition, the paper had to illustrate generic issues relating to the investigation of criminal cases – without necessarily going into specific details that may vary from case to case. Thus, balancing the information that this paper needed, what I found relevant and what the average reader might find educational and interesting was not easy.

Another challenge this research presented, is a well-known problem to all researchers, the respondent fatigue. Many informants answered swiftly and were positive to the project and to participating. However, this was not always the case, and that was disappointing. Sending one, two or three requests by mail where the person ticks the box that indicates that he/she has read the mail, and then never receiving any answer to the request was tiring and time-consuming. Perhaps the experience was extra frustrating because I have always felt that investigators (this includes the police prosecutors) must stick together – as sort of ‘partners

in crime'. Because working as an investigator can be hard and lonely work. It can be frustrating to feel that the time and effort you put into a case is not appreciated or understood by colleagues whom have not worked with investigation to the same extent that you have. In addition, there is often much focus on the work done by patrolling officers and to a lesser extent on the work done by investigators. This applies to both the media and the general interest in academia.

Last, but not least, I would like to mention the challenge of interviewing, but not being able to include one informant that could have given this paper some extra spice. In June 2014, I interviewed a colleague from Portugal whom has been working with criminal investigations of THB in Portugal for approximately 10 years. He had some very interesting law enforcement perspectives on the challenges that THB-cases may produce. However, as Portugal has a completely different society, judicial system, police organisation and legal framework for working with these cases, it was a challenge to do a comparison in this paper without including a more through description of the differences between Norway and Portugal. The informant was, for instance, convinced that the Norwegian system where the prosecutors are embedded in the police is an advantage to the investigation of THB-cases. The Portuguese system has the two separated and this is a severe drawback to the communication in the investigation process. Still, the phenomena of THB is much the same, consequently challenges the Norwegian police and prosecutors face are much similar to challenges they face in Portugal. Especially relating to the victims of THB.

CHAPTER FIVE – DISCUSSION OF RESEARCH FINDINGS

This chapter presents the main findings uncovered after analysing the data from the interviewing of the informants. The interviews themselves were conducted in order to scrutinize the following:

Tracking the Trafficker?

- A qualitative study of the investigation of trafficking in human beings in Norway.

The research question is closely linked to the question whether the investigation focuses on the victim or the trafficker – and what implications this focus may entail for the investigation process. The findings are interlinked and may be a result of a snowball-effect where one issue leads to another issues and so on. The data show that there is a lack of competency in THB in general in the Norwegian police and that this affects the outcome of THB-cases in several ways. The police does not initiate THB-cases themselves, rather they are to a large extent recipients of information from others – especially the victim. And, as this chapter will illustrate, the victim itself is considered a great challenge in the investigation of THB-cases. The study also indicates that the organisational structure of the police districts may have some importance in how the investigation is conducted in the different police districts.

LACK OF COMPETENCY ON THB

The findings demonstrate that almost all of the informants assert that the competency on THB in the police organisation in general is too low. Only two informants state that the competency is too low, but that new efforts in the police district, it is slowly rising. And only one informant finds that the level of competency is satisfactory.

The general tendency among the informants is that there is a serious lack of proficiency, experience and understanding of what trafficking is and how you should investigate it to prove whether or not it has taken place. Some informants state that they did not really know about or had given much thought to human trafficking before they actually ended up investigating their first case. Others claimed they were under the impression that human trafficking was related to forced prostitution, and had not really considered the possibility

that trafficking could occur in restaurants, car washes or similar places. One informant statement was very to the point in that manner:

We need to move away from the perception that the ideal victim of human trafficking is a person that is locked out of the apartment in the morning and followed to work. That this person has a guard that looks after her, that she is beaten, threatened and locked up in the apartment in the evening again. It is not like that. A lot of people are willing to put up with a lot to be able to live in paradise. Even if you are deceived and misled – there is still a lot you would be willing to put up with (GP-S6).

These findings are largely congruent with the findings of Økland Jahnsen, whom, in her pre-study on human trafficking for labour exploitation, stated that several of her informants expressed that “they lacked knowledge and missed information, guidelines and concrete tools on the field⁶¹” (Jahnsen, 2014, p. 74).

It is also in accordance with GRETA’s findings, where they, in their first evaluation round of Norway in 2013, stated that “members of civil society consider that while there is a certain level of knowledge of THB among members of the police, prosecutors and judges lack training on THB-related issues.” and that “there is a need for continuing to improve the knowledge of judges, prosecutors, police investigators and lawyers regarding THB and the rights of victims of trafficking” (GRETA, 2013, p. 54).

Most informants, whether they are prosecutors or police investigators, are of the opinion that the lack of competence in THB is equally prominent with the investigators and the prosecutors. However, 2 prosecutor informants and 3 police informants state that the prosecutors have the main setback in competency. This could be a result of the fact that it is the prosecuting authority that has the leading responsibility of the investigation. Consequently, if the investigation has faults or is inconclusive, one could be tempted to fault the one in charge. Another reason might be that it is the prosecutors that evaluate the case in the end of the investigation. They make the assessment of the evidence and conclude whether or not the case is strong enough for an indictment. The police prosecutor and the police investigator may not have the same assessments of the evidence, and in the end, the prosecutor has the final say.

⁶¹ My translation

However, the findings in this research indicate that there are two main issues related to the lack of competence in the prosecuting authority:

A: if they are unfamiliar with the phenomena itself, they might also be unwilling to recognise the case as a THB- case. Consequently, they are of the opinion that the case should be investigated as a breach of immigration laws, the use of illegal workforce, social dumping, pimping, assault, etc. In fact, one informant stated that one of the main problems in one THB-case was convincing the police prosecutor that it was a human trafficking case and not a pimping case. Even after the investigation of the case had ended, the prosecutor still did not think it was trafficking. In the end the state prosecutor had the final say, and indicted the suspected trafficker for THB (DP-S14).

This is in agreement with the findings stated in the TIP-report of 2014, which concluded that

Experts reported that prosecutors sometimes applied pimping charges to trafficking cases when the suspected trafficker used forms of coercion that were more subtle than violence; in these cases, victims in pimping cases were not eligible for the benefits provided under the trafficking laws. The government reportedly did not provide adequate training for prosecutors on applying the trafficking statute (State, 2014, p. 300).

B: the lack of experience and understanding of THB might lead to misinterpretation of the evidence in the case. Hence, the concluding assessment of the evidence might lead to a wrongful decision not to institute legal proceedings. As such, quite a few cases could wrongfully be closed due to prosecution decision ⁶² based on an assessment that the case does not have sufficient evidence to lead to conviction of the suspect. This is illustrated by one police prosecutor informant that claimed that the THB-cases are challenging when it comes to interpreting the law and understanding the cultural aspect when assessing the evidence. Furthermore, that the police prosecutors need to consider the “cultural context” of the evidence to a much larger extent than they do now. Failing to do so might lead to a misinterpretation of the evidence as a whole (BP-S5).

There is a general sentiment among the informants that the lack of competence in THB stems from a serious lack of professional training and transmission of competency.

⁶² In Norwegian: Påtalemessig avgjørelse “bevisets stilling” (henleggelseskode 058).

Lack of training

Several informants claim that trafficking in human beings is a field where you have to apply the saying “learning by doing” as there are no practical training seminars to attend in Norway. Some voice that The Police University College⁶³ (PHS) should take responsibility and make formal trainings incorporated in the basic education of new police officers. And in addition, PHS should make a training programme for specialists that are working on the investigation of THB-cases. Several of the informants mentioned the annual seminar hosted by KOM as a positive and welcomed event where THB-related issues could be discussed with peers. However, some voiced that this seminar should be more pinpointed to policing issues and not so much on the issues related to the non-policing agencies.

One informant claims that there is no formal training on THB in Norway, but there are several seminars in the other European countries. That “there are more than enough training seminars on THB – if you are just allowed to attend them”(AP-S3). However, attending seminars in the European Union is a costly business for the Norwegian police as Norway is not a member state. Where member states gets the expenses covered from Europol, Norway has to pay for their attendees. In reality, this means that the local police district where the police investigator or prosecutor works receives the invoice.

Lack of transmission of competency

There is no focus on the transmission of competency from one investigator to another in the police districts. And there is no focus on actually using the experience one investigator has gained from investigating THB on the next case (DP-S14).

The findings indicate that the informants see the need to learn from each other when it comes to investigating THB-cases. Both internally in the police district, and externally from other police districts that may have had more THB-cases. Some informants state that they wish that the NCIS would have a more prominent role in the transmission of competency. That they should have a more clear and open policy on THB and that they should be a natural contact point when someone working on THB has difficulties or just need to discuss

⁶³ Politihøgskolen

a case. Informant AP-S3 wishes that the NCIS would have a clearer role and a national responsibility for THB-cases in Norway. Informant BP-S4 stated that “the NCIS should be several steps ahead of the police districts when it comes to police investigation methods” in THB-cases. And that the THB-training and the transmission of competency to the police districts should be the responsibility of the NCIS (BP-S4).

Where some informants from different police districts are of the opinion that some of the special units such as the NCIS, PHS or KOM should take the lead and educate the districts, some police districts have made the initiative themselves with the training programme called *OP 224 South-West*⁶⁴.

OP 224 South-West

OP 224 South-West is a THB training programme that includes the police districts on the southwest coast of Norway. The project includes the police districts of Agder, Rogaland, Haugaland & Sunhordaland and Hordaland. It contains specific training on three different levels in the police districts: the top management level, the operational police personnel and the investigative sections. In order to ensure that the training programme has a pedagogic and professional platform, the group developing this programme received aid from Ellefsen at the Norwegian Police University College. The project received funding from Samordningsorganet in 2013, and the training started with the top management of the police districts. The training of the operational personnel will hopefully lead to more focus on potential victims of THB in situations where police officers previously would not even consider it due to lack of knowledge about the phenomenon itself. OP 224 South-West aims to strengthen the regional anti-trafficking work by raising the competency-level in the region through training and sharing experiences through best practises. In addition, the programme sets out to ensure that the region has a uniformed approach to their anti-THB-work (Bjørke⁶⁵).

⁶⁴ OP 224 Sørvest

⁶⁵ Police Superintendent at Hordaland police district , and former project manager, Jarle Bjørke, wrote about the project in an e-mail in May, 2015. He was so kind as to let me use this information in this paper.

THE INITIATION OF CASES

When the questionnaire for this research study was formed, one important topic to examine was the initiation of the THB-cases. The reason for this was a mixture of experience in investigation in general – and the knowing that even “the best” criminal case can go wrong if the initial steps are not taken to ensure that the investigation process is off on a good start. Hence, the information regarding how any THB-case starts might shed some light on several issues that could be interesting when it comes to the investigation of THB-cases; the competency on THB, the prioritizing of THB-cases and perhaps even finding the missing link between the number of cases reported to the police and the low number of convictions. Thus, “the number of cases registered by law enforcement might be an indicator of the functionality of the law enforcement apparatus in a given country, but is unlikely to be a good estimate of the number of trafficked victims” (Tyldum & Brunovskis, 2005, p. 23).

The study shows that the police rarely or seldom start up investigation of THB-cases based on the police identifying possible victims of trafficking. A majority of the informants had THB-cases that did not originate from police efforts. Several stated that they had/have THB-cases that originate from efforts made outside the police. I.e. the victim reports to the police, an NGO or a council for the aggrieved reports to the police, or other parties such as witnesses report their concern to the police. Only a minority of the informants state that they had or have cases of THB where the police have identified a possible victim of THB and started an investigation based on this discovery.

As the informants have diverse backgrounds and consequently different number of THB-cases in their working-experience, some of them had different cases that originated in different ways. This means that one informant may have answered that he has or had cases originating from the victims statement and another case where the police identified a possible victim. As such, there is not one correct answer to the question of how the case originates. However, the answers indicates that THB-cases in Norway starts in 5 different ways:

1. The victim reports THB to the police
2. The victim reports other crimes, the police initiate THB-investigation
3. THB is reported to the police by an NGO or another third party
4. THB-case is initiated based on information from other investigations
5. The police identifies a possible victim of THB

The findings suggest that the main contributor to THB-cases being registered with the police is the victim himself. Half of the informants stated that their THB-case was initiated when the victim reported the crime to the police, i.e. the case started by self-identification by the victim. In addition, several of the informants declared that their THB-case started when the victim reported another crime to the police, for example assault, threats, not receiving payment after doing a job, etc. Based on the victim's statement, the police started investigating if this person could be a victim of THB. The third category, which represents a minority of the informants, is also based on the victim's statement; however, an NGO⁶⁶, a council for the aggrieved⁶⁷, a crisis center, etc., reported it to the police. In all three of these categories, the police were in the receiving end of the information and did not initiate the investigation.

The fourth category, which represents only a few of the informants, is the start-up of an investigation after receiving information from another criminal investigation. This category is a mixture. It represents instances where witnesses or suspects in other criminal investigation give information, openly or covertly, that lead to a THB-investigation. In addition, it represents cases that originate from other initiatives, such as information from informants or covert surveillance in other criminal cases that lead to the start-up of a THB-case.

A minority of the informants had/have THB-cases that are based solely on the police identifying the possible victim of THB – or a situation where the police had reason to investigate if someone was exploited for purposes fitting to the THB paragraph. This category also includes cases that originate from a police initiative to investigate certain persons or groups of persons based on intelligence information.

⁶⁶ NGO=Non-Governmental Organisation

⁶⁷ Bistandsadvokat

These findings indicate that Norway does not fulfill the obligation set by the EC Convention against trafficking in human beings as article 27, section 1 states:

Each Party shall ensure that investigations into or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, at least when the offence was committed in whole or in part on its territory (Europe, 2005).

POLICE DOES NOT IDENTIFY POSSIBLE VICTIMS OF THB

The low number of cases initiated by the police, may stem from a multitude of intertwined and interlinked reasons. Tyldum and Brunovskis claim that the THB-cases registered by the police may be influenced by two factors. First, the ability of police agents to identify trafficking when faced with it. And secondly, the likelihood of being identified by the police

will depend on how the victims themselves behave in contact with representatives of law enforcement. It is interesting to note that even among trafficking victims who are subjected to severe physical and mental abuse, very few seem to ask for help when they have the possibility, and many go to great lengths to avoid contact with the police (Tyldum & Brunovskis, 2005, pp. 24-25).

Assuming that Tyldum and Brunovskis are right in their assertion, both factors are interesting when looking at the findings of this research study. As this paper has already discussed, the informants recognize that the competency on THB is too low in the police organization. And this is in accordance with the first factor. If the police officer does not consider the possibility of trafficking in any given situation, she might be face-to-face with a victim or a trafficker without knowing it. If you do not know what THB is, how can you possibly identify a victim of trafficking or recognize the behavior of a potential trafficker?

The second factor is also interesting in the sense that the findings of this paper illustrate that the main bulk of THB-cases originate from the victim's statement. If most victims, for various reasons, are unwilling to contact the police, one could assume that there are quite a few THB-cases never discovered. One reason as to why the police may not identify victims of THB could be the fact that some forms of exploitation may involve moving the victim from place to place. This could be a maneuver that provides the trafficker with more extensive

control over the victim, as the victim is unacquainted with his whereabouts, the people involved in the exploitation and the surroundings in general. In her study of court decisions on trafficking for sexual exploitation in Norway, Skilbrei (2010) found that “the victims often stayed in Norway and other countries only for short (weeks) or very short (days) periods” (p. 45). This made the identifying of the victims and the traffickers more difficult for law enforcement agencies.

According to Sønsterudbråten (2013), another reason why the police are not identifying possible THB-victims to the extent one would expect is the fact that they lack the resources to prioritize the field. Also because investigating THB-cases is resource-demanding due to the fact that the perpetrators are held in custody over longer periods, and the fact that it entails international aspects in the investigation as well as long and demanding circumstantiation in court (Sønsterudbråten, 2013, p. 87).

The implications of the police not recognizing a THB-case when confronted with it may also be severe in other aspects. The victim could lose even further trust and belief in the Norwegian legal system and the law enforcement in general. If the police do not recognize the victim, the exploitation may continue and that is in itself another cruelty. The victim could be wrongfully investigated as perpetrator of minor or gross violation of the penal code – and possibly convicted to years of imprisonment for something he was coerced or forced into doing by the trafficker. Furthermore, another implication could be that the victim is sent out of the country for violation of immigration laws, and perhaps even re-trafficked into exploitation.

A CASE DEPENDING ON THE VICTIMS STATEMENTS

Criminal cases that start solely based on the information of the victim could lead to a highly victim-oriented investigation. Thus, concentrating on the victim’s statement as a basis for the whole investigation. In many criminal cases, like for example a case of armed robbery, this is a less problematic approach because you would have a victim that reports to the police and gives his statement willingly and without any hesitation or misgivings. The victim have no reason to mistrust the police, and the perpetrator is unknown and unrelated to the victim. However, in THB-cases this is not necessary so.

The victim of THB may or may not tell the truth in his statement to the police. There are various reasons for this. Mistrusting the police, being traumatised or being under serious threats are common causes. Consequently, the initial phase of the investigation will be to investigate whether or not the statement is liable and trustworthy. If the investigation discovers that the victim's statement is faulty or that the statement does not have enough information for the police to identify the trafficker or the nature of the exploitation, the case may be closed. This implies that the victim-oriented approach places immense responsibility on the victim to provide the police with information that could push the investigation further.

The victim-oriented investigation is problematized by Hertz who claims that;

In contrast to other *police investigations* – for example, in the field of drugs trafficking where usually a lot of so-called “objective evidence,” such as the discovery of drugs or material *witnesses* is available - police depends, in HT cases, on the statement of the victim to prove the guilt of the offender. The key witnesses in trafficking crimes are also the victims, and in most cases have been at least psychologically (if not physically) traumatized (Hertz, 2002, pp. 130-131).

Even if the victim is willing to share everything he knows, and he is not traumatised, it still may not be enough. One informant saw the importance of the police using different investigative methods to identify the traffickers and the facilitators because

“the victims only know about one man – the man who tells them to go to work.

They cannot tell us anything about the network behind it all” (GP-S6).

One other important aspect to THB-cases is the fact that possible victims of THB in Norway are entitled to a reflection period⁶⁸ for 6 months. The reflection period is given to possible victims of THB in order to facilitate the victim's assistance and protection by the Norwegian Authorities. It entitles the possible victim to, among others, free legal aid, a place to live and financial support for living expenses (KOM, Unknown). “In order to be granted a temporary work or residence permit after the reflection period, the person must have filed a complaint to the police against the traffickers “ (KOM, p. 7).

⁶⁸ Refleksjonsperiode

The reflection period may be important in several aspects in the THB-cases. The victim may use the 6 months to consider whether or not he wants to file a complaint to the police. If he does so after 6 months, the case could be cold even before the police start their investigation. The traffickers and the witnesses may be gone. Hence, investigative steps taken to locate addresses where the victim was exploited or was housed, may be futile as the traffickers may have changed addresses or they may even have left the city, or the country. The technical evidence such as telephone records and IP-addresses may be unavailable to the police. Phone data are deleted from central registers after three months (Brunovskis, 2012) and Internet Service Providers in Norway are obliged to delete historic data on IP-addresses after 21 days. Another aspect could be that the filing of a complaint after 6 months may make some question the motives of the victim. Does the victim really want to aid the police in their investigation to apprehend and prosecute the trafficker – or does the victim want a temporary work or residence permit? Not that this should be important, but this is frequently a defence strategy from the counsel for the defence in the media during the investigation. Most recently by John Christian Elden, defence council in the Lime-case, where he claims that the police order a filed complaint and pay for the order with residence permits (Bentzrød, Sætran, & Stenvaagnes, 2014; Eikeland, 2014). Furthermore, the strategy may also be applied in court to weaken the credibility of the victim.

If the police initiate a criminal case, they could build a strong case over time – before apprehending the perpetrator and contacting the victim. In such cases, the police may plan the investigation and gather evidence that could stand on its own. The tactical and technical investigative methods could to a much farther extent enlighten all aspects of the case. If the investigation succeeds in investigating the trafficker, the exploitation and the network of facilitators, the case could have more aspects to consider when assessing the evidence. As such, the whole case would not solely depend upon the victim's statement. In fact, the findings indicate that cases reported to the police by the victim were more prone to be closed because the investigation failed to identify the perpetrator⁶⁹. Furthermore, informants who had cases that were closed due to insufficient evidence⁷⁰ often had cases

⁶⁹ Henleggelseskode 014 – ukjent gjerningsmann.

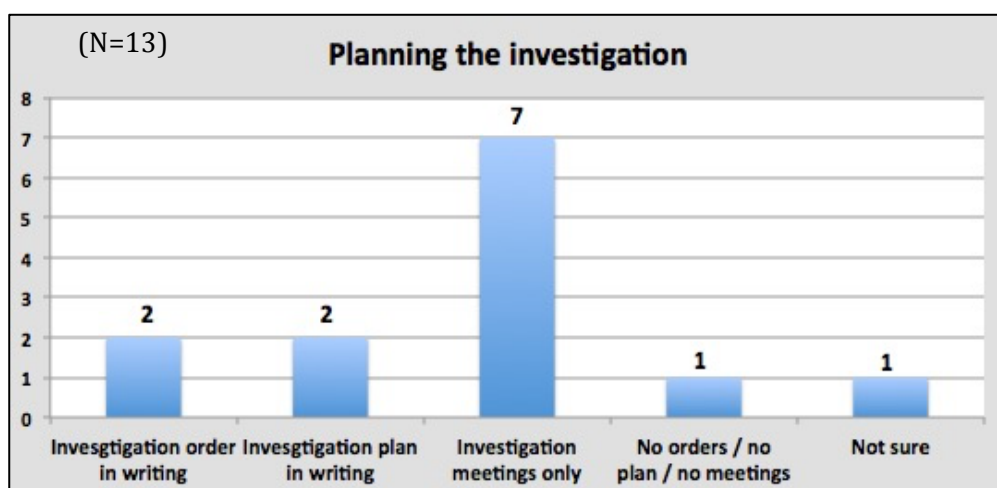
⁷⁰ Henleggelseskode 058 – bevisets stilling

reported by the victims. This could indicate that the starting point of the investigation may be important with regards to the outcome in the end.

PLANNING THE INVESTIGATION

Only two of the informants stated that they use investigation orders on THB-cases. One informant answered that they had just recently started the practise of investigation orders. Furthermore, two of the informants explained that they did not use investigation orders per se, but that an investigation plan was formed. All four informants who stated that they had written documents on how the investigation should proceed – also stated that regular investigation meetings were essential in addition to the documents to ensure that the investigation proceeded in the right direction.

The table below illustrates that only 4 out of 13 of the informants stated that they structure the investigation strategy in a written document. The majority of the informants profess that they do not use any written documents to plan the investigation, however, that they have daily or frequent investigation meetings to discuss the case. One informant claims that they do neither of the above. Note that the informant representing the council for the aggrieved was not asked about this aspect of the case, as they are not included in such details in the investigation process of criminal cases.



Investigation order or plan

The State Prosecutors and the Director of Public Prosecutions⁷¹ have at several occasions voiced the importance of utilizing an investigation action plan or investigation order in the investigation of serious criminal cases as such a plan might contribute to a more effective and correct investigation of the case (OST, 2012; Riksadvokaten, 1999, 2013). In his evaluation of the police and the prosecuting authority's investigation of cases of sexual assault, the Director of Public Prosecutions stated that an investigation action plan should (among others):

- Be in writing and should be prepared by the prosecutor and the lead investigator in collaboration.
- It should be produced as soon as possible after receiving the filed complaint, and it should state when the investigation is estimated to be concluded, taking in consideration the resources available.
- It should state which investigative steps are necessary and in what order they are to be conducted and whom is responsible for conducting them.
- It should be a dynamic document open for revision, updates, corrections and adaptations to the development in the investigation of the case.

(Riksadvokaten, 2013, p. 3)

It is not clear why the different police districts or the various investigation units within the police districts have different policies with regards to the usage of investigation orders or plans. One informant stated that they did not have an investigation plan or meetings to discuss the investigation of the THB-case until the investigation was concluded and the police prosecutor was to evaluate the evidence. And that this was the way it was usually done in most cases – THB or not (FP-S9). Informant CP-S11 stated that they did not have any routines for making investigation plans or orders in any cases. And that it was considered sufficient to have daily meetings to discuss the cases. The informant was concerned that an investigation order could take some of the focus off the case and make the investigation process “too formal and bureaucratic” (CP-S11).

⁷¹ Riksadvokaten

CHALLENGING ISSUES IN THB-INVESTIGATIONS

The study demonstrates that the informants have faced a multitude of challenging issues that have complicated the investigation of their THB-cases. The answers vary to such degree that it is difficult to pinpoint any significant findings that could be applicable to a substantial number of the police districts and police investigations of THB-cases. The informants emphasized matters that were related to very different aspects of the investigation – varying from the lack of competence in THB itself, the lack of priority and lack of resources to issues related to the victims. However, when analysing their answers there are some main categories where the informants are in agreement.

The findings show that a vast majority of the informants have found that there is a multitude of demanding issues related to the victims in THB-cases. These issues are of such importance that there was a need to analyse these findings further. Furthermore, the findings demonstrate that there is a general agreement among the informants that it is problematic for the THB-investigation that the cases are highly resource demanding compared to other criminal investigations. And that it is difficult to prove that the penal provision of §224 is fulfilled. The lack of objective evidence is also considered a difficulty. These four categories may be interlinked – where one problem manifests itself, another often follows. However, there might be many different aspects to these matters.

ISSUES RELATED TO THE VICTIM

The victims of the THB-cases are reoccurring as a specifically challenging element in the investigation of THB-cases. When the data is broken down to four main categories, it is evident that these issues may affect the investigation process in various ways. When the respondents are asked if they have experienced any challenging issues in the investigation of THB-cases in general, quite a few of the respondents voice issues concerning the victims. When the respondents are asked if they have experienced any challenging issues related to the victims of THB that they have not experienced in the same way in other types of investigations, all informants have some special considerations. Some issues are specifically related to the type of exploitation the victim has been under. I.e. the victim of trafficking for sexual exploitation may have somewhat different issues than victims of trafficking for labour exploitation. Furthermore, the nationality and religion of the victim is also an important

factor here. However, there are still quite a few issues related to the victims that can be generalised based on the informants' statements.

Trust issues or under threats

More than half of the informants state that it is challenging in the investigation of THB-cases that the victim does not trust the police with their true story or that the victim is under pressure because of threats towards themselves or their families. With regards to the trust issues, this often manifests itself in statements that are adapted, lacking of important details or not the complete true story. This is frustrating, time-consuming and a big challenge to the investigators and the prosecutors. One informant asserted; "it does not mean that they are less trustworthy. But some can start believing that they are not trustworthy because of it" (AS-S3). And if the investigation is victim-oriented, that means that bringing a less trustworthy victim in front of a judge can be challenging for the prosecutor. Quite a few of the informants emphasized that THB-cases with victims with low credibility due to questionable statements and criminal backgrounds or such, was very challenging. Some were reluctant to try the case before the courts if the case did not have any other objective evidence. Informant BP-S5 claimed that it is a common mistake to believe that victims of THB can be compared to victims of sexual assaults:

This misapprehension leads to an expectation of a victim sitting in the courtroom, crying innocently. The victim of human trafficking can be completely obnoxious. Without any sympathetic traits what so ever. Because they are terrified and damaged. The fear of what will happen to them and their families are so much bigger than the wish and belief that they can get out of this (BP-S5).

One informant claimed to have been in contact with a victim of trafficking for sexual exploitation in the initial phase of the investigation. The victim disappeared from the shelter and reappeared in another city in Norway some time later. When the police contacted that victim again she thought she was to sell sex to the police officer that was there to take her statement. When the police officer told her why he was there, she continued to undress. When the police officer told her to stop, she asked him why – she had sold sex to many

Norwegian police officers (CP-S10). The informant stressed that if what that woman said was true, there was no wonder why she did not trust the police. Informant BP-S4 stressed the importance of understanding that some of the victims may not trust the police in the country where they are from. Some might have experienced harassment, rape and corruption by the police in their home country.

Informant BP-S5 stressed the importance of understanding the seriousness of the threats the victim may be under. It often involves friends or family in another country where the Norwegian police have no authority or influence. Informant FP-S9 claimed that the investigation of one case stranded because they had to consider the cultural aspect related to the victim and the victims family in their home country. Continuing the investigation could endanger the victim and the victim's family due to the fact that it was clear that someone close to the victim's family in that country was involved in the trafficking and sexual exploitation of the victim. In addition, the cultural and religious aspect meant that the victim's family could not, under any circumstances, know that the victim had been sexually exploited, as this would be considered fatally shameful for the entire family. Informant AP-S17 stressed the importance of understanding that the victim of THB is different from other victims because they are systematically exploited.

Most other victims become victims because something happens to them at a certain point – they are robbed, stabbed, etc. But a victim of THB has been contacted at home where their vulnerability has been exploited and set in a system. They are often promised a better life and they become victims in a calculating and cold system that exploits them. In addition, there are often family relations. And it is hard for a victim to talk on his uncle, father or mother (AP-S17).

Following up the victim and the victim does not consider himself a victim

The two last categories linked to challenges related to the victims in THB-cases, are the time-consuming task of following up the victim and the issues correlated to the fact that some victims do not consider themselves victims.

Some of the informants voiced the concern regarding the task of following up the victim. They experienced that they spent much time on practical tasks like communicating with the crisis centre, the municipality, the council for the aggrieved about housing, medical support, funding, safety issues, trust issues and so forth. These are important tasks, however, time-consuming and produce little or no physical evidence of progress in the investigation. Several of the informants highlighted the importance of a close collaboration with and involvement of the council for the aggrieved. The earlier the victim got an appointed council, the earlier these time-consuming tasks could be, partly or wholly, handled by someone else than the investigator. This was considered important for several reasons. First and foremost because the victim were given council about rights and the legal process – including how to handle the police and the importance of giving a correct statement to the police. But the importance of freeing capacity to actual investigative steps in the case was a positive spill-over-effect of the council for the aggrieved. Informants also saw that leaving the following-up of the victims to personnel that were not involved in the investigation was positive as the victims could develop strong bonds to these persons as they learned to trust them. A bond that would not be appropriate in an investigator-victim-relationship. Even though it was considered important to build trust over time in order to aid the victim to share the whole story, the informants were in agreement that this is a fine line that must not be crossed due to the importance of the objectivity in the investigation.

As some informants highlighted the challenge of following up the victims, other informants stated that the co-operation with non-governmental organisations, the council for the aggrieved, the municipality and other state parties related to the victims was good and took pressure off the investigator in the cases. Other informants did not consider this an issue harder in THB-cases than in other difficult cases involving traumatised victims. According to informant AP-S1 the issues relating to following up the victims may prove to be more challenging for investigators working in an organised crime unit than other investigators, as they are not used to dealing with victims and councils for the aggrieved. They are used to handling large drug cases where they have confiscated the drugs and apprehended the suspect. Thus, dealing with THB-cases with victims and witnesses with or without relation to the victim and the suspect may be demanding for these investigators (AP-S1).

The last category when it comes to challenges related to the victims is the fact that some victims do not consider themselves victims. Some informants claimed that this was a challenging issue in THB-cases. When the victim does not consider himself a victim, he could have little or no willingness to co-operate with the police. He may have no wish to step out of the situation where he is exploited and he may not be disposed to share information about important aspects such as recruitment, transportation, exploitation and living condition, etc. The victim may, in fact, consider himself lucky that he was able to escape the harsh conditions of his home country and that he is now working and providing for himself – even with meagre income and tough working and living conditions. Some informants claimed that these situations were especially difficult because the victim's statements could be used against them in court and that the council for the defence could use the statements in their defence of the suspected trafficker.

RESOURCE DEMANDING CASE

It is a recurring issue among the informants that THB-cases are challenging because they are resource demanding and time-consuming. The informant representing the council for the aggrieved had seen a worrying tendency that THB-cases which are not prioritised and given the proper resources often ended in cases closing without any investigational steps being taken. And that;

It used to be difficult to get the cases in on the right track. The police did not understand that it was human trafficking and you had to fight to get the state prosecutor to make an indictment for THB. This has changed – now the cases are coded as human trafficking very early. But the police no longer have the resources to work with the cases.

There is a general agreement among the informants that THB-cases need more than one investigator over time in order to get anywhere with the case. The investigators must be given time and room to work with this THB-case without the disturbance of being pulled into other cases or other policing activities. Several informants assert the importance of taking the time to build trust and confidence with the victim.

The international aspect of the cases is often mentioned as a time-consuming aspect as rogatory letters and international police co-operation is vital, but slow. In

addition to the time-aspect, sending police investigators and prosecutors abroad to investigate is financially challenging to some police districts. This could be one explanation as to why the NCIS register that some of the police districts apparently neglect to follow up evidences that lead abroad (Politidirektoratet, 2013). Several informants stress the use of interpreters as another massive item of expenditure in these cases. In total, if the police districts are not willing to spend time, manpower and money on these cases, there is little chance of succeeding. Some informants clearly state that the resources are allocated and used elsewhere – and as long as THB has to compete with narcotics, there is no chance of winning priority. Informant EP-S12 is of the opinion that investigation in general is given a lower priority due to the high focus on the operative personnel, the contingency function and the emergency response.

DIFFICULT TO PROVE THE PENAL PROVISION

Several of the informants state that it is difficult to prove the penal provision of THB. Some claim that the low number of convictions has made the boundaries unclear as to what is THB and what is other related crime. The informants voiced questions like: What is the difference between forced labour and forced services? What is needed to prove the victim was in a vulnerable situation? How can you prove that the victim has been exploited? What is coercion as defined in the penal provision? How can you prove that there has been any coercion if it is culturally implied, but never voiced? What is poverty – *really*? What does *real poverty* mean for the victim, the family and the culture?

There was a general sentiment that the lack of precedent creating convictions on human trafficking-cases makes the investigation difficult. Some informants voiced the concern that especially cases of THB for labour exploitation are difficult to prove. AP-S17 claimed that it is especially difficult to identify victims of labour exploitation because there often seems to be a lack of vulnerability and coercion. “That the potential victims have a high degree of freedom to move about and that they do not seem to be under any threats or restrictions” (AP-S17). According to GP-S6, it is difficult to understand the mechanisms that keep the victim in the work-related situation. It is difficult to understand why they stay, why they continue in a situation so incomprehensible to us. As hard as it is to understand, the harder it

is to prove legally. All these elements mentioned by the informants are interlinked to the fact that there is less or no objective evidence in THB-cases. Thus making the evidence in THB-cases more open to interpretation.

Numerous informants stressed that it is a serious problem that the Criminal Procedure Act does not open up for special investigation methods such as communication control (CC) unless the THB-case is considered to be a gross violation of the penal code section 224⁷². Informant CP-S10 stated that the legislative power made a “real blunder” when they did not include trafficking in the legislative process for the CC. Those of the informants who had used CC in THB-cases highlighted the evidential weight of this investigation method in several aspects. Some claimed that the CC provided objective evidence to an otherwise difficult case. That the traffickers spoke openly about their business and their exploitation-methods of the victims. It often revealed the expanded network and could lead to new investigative leads that they could never have found without the CC.

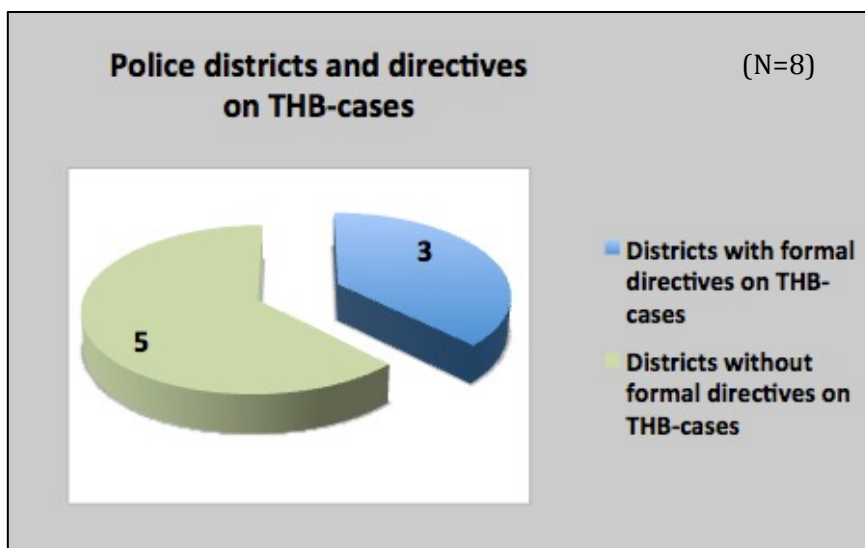
ORGANISATIONAL STRUCTURE

The findings indicate that the organisational structure of the police districts play an important part in the investigation of THB-cases in the districts. This is prominent in several aspects. The most obvious, and perhaps not very surprising, is the significance of having a dedicated anti-trafficking unit in the police district.

In addition, the findings demonstrate that the lack of formal directives in the police districts⁷³, regarding the responsibility to investigate and/or prosecute THB-cases, could be of great importance to the investigation of THB-cases.

⁷² The Criminal Procedure Act § 216a, states that “the court may make an order permitting the police to carry out communications surveillance when any person is with just cause suspected of an act or attempt of an act a) that is punishable pursuant to statute by imprisonment for a term of 10 years or more”(Justisdepartementet, 2006b).

⁷³ Most police districts have formal directives regarding the dedicated responsibility to investigate certain types of serious crimes such as homicides, sexual exploitation of children and gross drugs cases. These formal directives are called “saks-og trekkinstruks”.



According to the informants, only 3 out of the 8 police districts in this study have formal directives stating that all THB-cases in the police district shall be investigated and/or prosecuted by a dedicated unit or section within the police district.

When analysing the data further, the findings of this study show that there are three different ways of organising the police districts when it comes to the investigation of THB-cases:

1. Official anti-THB units with formal responsibility of investigating and prosecuting some/all THB-cases in the police district.
2. Dedicated investigators and/or prosecutors within an organised crime unit in the police district whom have the formal responsibility of investigating and/or prosecuting some/all THB-cases in the police district.
3. No formal directives allocating responsibility of THB-cases to any dedicated unit or personnel. The THB-case is to be investigated and prosecuted according to the local regulations for assigning any criminal case in that police district. In most instances this means that the THB-case will be handled at the local police office or investigation unit where the THB-case is first registered.

The difference in the organisational structure within the police districts will to some extent possibly mean that THB-cases are handled and investigated quite differently in the various police districts. At first glance, one could think that this would imply that districts organised

with no formal directives or dedicated personnel would do poorly on the THB-cases. And those with special anti-THB units or dedicated personnel within an organised crime unit would do better. However, this is not necessarily the case.

On one side, some of the informants from larger police districts, where THB was on the agenda and the district had formal directives as to the allocation of THB-cases, claimed that they did not have the proper resources to investigate the THB-cases they were allocated. Hence, the responsibility did not come with the needed resources in manpower or capital. One informant felt that working with trafficking cases was like “working uphill”(CP-S10) and that it all came down to whether or not the leadership of the police district were willing to allocate more resources and personnel to the fight against THB, or if they were just talking the talk. Another informant stated that one of the most challenging aspects of working with THB-cases was the lack of understanding from the leadership that resulted in disagreements with regard to which THB-cases should be prioritised and not (AP-S3).

On the other side, other informants from smaller districts without any dedicated unit or personnel, were clear on the fact that once they received an important and serious criminal case such as an THB-case, this would naturally be prioritised and the necessary resources would be allocated. Where lack of resources might be an issue in larger districts, the lack of experience and comprehension of the phenomena and the legal framework could be more apparent in the smaller districts. However, lack of resources and lack of knowledge is an issue in both small and large districts, with or without anti-THB units or dedicated personnel. Furthermore, these findings could indicate that it is not enough to have dedicated personnel and a dedicated anti-THB-unit if this unit is not prioritized with resources – both in personnel and money, and last but not least, time to work meticulously and undisturbed.

Three Norwegian cities maintained specialized anti-trafficking units in their police forces. In 2012, observers reported that the Oslo police department reassigned officers with specialized anti-trafficking training to the organized crime unit, resulting in fewer investigations of trafficking cases in the capital city; in 2013, the Oslo police filed no new trafficking cases. Observers reported that police districts have too few resources devoted to investigating human trafficking (Department, 2014, p. 300).

LOW STATUS

There is a hierarchy within the Norwegian police organisation when it comes to different policing activities. Recent years, the investigation of criminal cases has become a low-status policing activity in Norway. There seems to be a “brain drain” in to operative police work to such an extent that recruitment, quality and competence is lacking in the Norwegian Investigative Departments (Politidirektoratet, 2013, p. 16). This study shows that the hierarchy within the investigation departments themselves is rather strict as well.

There is consensus between the informants that investigating human trafficking cases has low status. Some mentioned that the status is slowly rising, but that it is still low. Others were crystal clear about the fact that the status was low, bad even. One informant stated that some of the other police officers gave their unit the nickname “hooker patrol”⁷⁴ when they started working with human trafficking for sexual exploitation (BP-S4).

The investigation of THB-cases is often organised within organised crime units, and as such, they are “competing for priority” (AP-S2) against drug cases. And they are loosing every time. Some stated that there are a lot of nice words and plans – and that the whole department was supposed to prioritize human trafficking very high. But that the reality is very different. Informant BP-S4 stated that “investigating human trafficking is not as sexy as investigating drugs trafficking:” And that the chiefs seem to count the years in prison for the perpetrator – and as human trafficking cases result in 1-3 years imprisonment compared to 10-12 years for drugs trafficking, the choice was given (BP-S4). Informant DP-S14 stated that THB-cases has no status at all compared to drugs-cases. Furthermore, that they had to fight hard to get resources such as the undercover surveillance team to be willing to do any work on THB-cases at all.

It is not clear why the investigation departments in the police have problems with low status and bad recruitment. This is a study in itself, and has not been a subject of further questioning and scrutinizing in this paper. To some extent, the number of informants voicing this concern shows that is a problematic issue for those working on THB-cases. However, investigators and prosecutors working in larger police districts seemed to feel this more acutely than their colleagues in smaller police districts. Trying to give reason as to why this

⁷⁴ Translated by me from the Norwegian expression “horepatruljen”.

is the case would only be speculation from my part. Though, surely some of the reasoning could perhaps be found in the police culture.

WHY ARE THE NUMBERS OF CONVICTIONS LOW?

When the informants were asked if they could, based on their own experience and reflections on the field of investigating and prosecuting THB, think of any reason why the number of convictions are relatively low, they had a variety of reasons as to why this is the case. A majority of the informants found that the main reason to the low number of convictions was due to the lack of competency in THB. And more than half of the informants voiced that there are few convictions because it is hard to prove the penal code. These issues have been discussed in chapter four as parts of the main findings of this research project.

Furthermore, quite a few of the informants thought that a lack of priority of THB in the police organisation could be a contributing factor to the low number of convictions. This is closely connected to the last main category of reasons proposed by the informants, namely the lack of resources.

Informant GP-S7 stated “It does not do much good if you sit inside and know about human trafficking if the ones working outside meet potential victims without being able to identify them.” Whereas, another informant claimed that there are no cases to investigate. That the lack of competency runs through the whole organisation – including the court of law (GP-S6).

Informant AP-S17 stated that the reason could be a combination of two things – a lack of priority and a lack of understanding the THB-cases. One informant claimed “it is easier and cheaper for the police district to run an operation where they send out 15 Nigerians in 24 hours than to investigate whether 5 of them could be a victim of human trafficking. It is not the weakest of the weak whom make trouble for the Norwegian system” (CP-S10).

HOW TO DO BETTER?

The answers to this last question in the interviews are closely linked to the informants' answers and reflections on the former question. As the answers to the former question were rather varied, consequently the answers to this last question were equally wide-ranging. Some of the informants had more than one answer to this question. However, analysing the data, three main categories of ways for police and prosecution authority to do better on THB were prominent. The findings illustrate that a vast majority of the informants think that more training to increase the competency on THB would be an important step in the right direction. In addition, half of the informants claimed that there needs to be allocated more resources, both in money and in personnel. Furthermore, numerous informants voiced the importance of having dedicated personnel on THB-cases.

The need for more training and more resources are closely linked to the informants reasoning for few convictions on THB – lack of competency, resources and priority, and has been discussed both in chapter four and previously in this chapter. The importance of having dedicated personnel includes the informants that voice the importance of having persons that work solely on THB-cases and are allowed to “bury themselves” in these cases without other disturbances. Several informants claimed that the investigation of THB-cases should be allocated to special anti-THB units such as the EXIT group in Hordaland police district. One informant proposed that more police districts should have such groups, and that all anti-THB units in Norway should be named EXIT as this is a well-known name within and without of the police organisation. Only, the groups should be called EXIT Hordaland, EXIT Oslo, EXIT Rogaland and so forth (CP-S10).

In addition, the category of informants wanting dedicated personnel also includes the informants whom stress the importance of having a fixed police prosecutor on the case from start to end of the investigation. Quite a few of the informants voiced a concern to the fact that the responsible prosecutor throughout a lengthy investigation could often change several times before the investigation was concluded. In addition, several were of the opinion that the police prosecutors must be tougher in the sense that they have to try more cases before the courts. One informant claimed that there was a general tendency of police prosecutors to indict perpetrators only when the prosecutor was sure of conviction. And

that it is easier to close down the investigation without an indictment when the prosecutor feels insecure. But this cannot be applied in THB-cases. That it is the court that should make the final say in whether the penal provision is proved and the indicted person is guilty or not. It should not be up to the prosecutors to decide (CP-S11).

Recent events in the media seem to suggest that the informants whom claim that there is a need for more dedicated personnel have some politicians on their side. According to NRK, the Norwegian Ministry of Justice and Public Security has decided to allocate funds to the foundation of five new anti-THB units that shall be situated in the five largest cities in the country. The anti-THB units are to have the same organising as the EXIT-group in Hordaland police district, i.e. fixed police investigators and police prosecutors (Platou & Pettersen, 2015). Undersecretary of the Ministry of Justice and Public Security, Vidar Brein-Karlsen, stated to NRK that there is a need for more robust investigative units on THB. And that there is a need for more specialist competency among both police investigators and police prosecutors (Platou & Pettersen, 2015).

In addition to these main categories, there was a general agreement among the informants that the NCIS should have a more prominent role in the THB-field. Several informants voiced that the NCIS should have special investigators that could aid in difficult THB-cases in the same way that the NCIS have special investigators that aid the police districts in cases of homicide and sexual exploitation of children and such.

Furthermore, quite a few informants expressed that THB is a social problem that should involve more than just the police – that the police can not and should not try to fight THB alone. The importance in improving the co-operation and information exchange between all the different agencies and organisations involved in the victims or the perpetrators was highlighted.

CHAPTER SIX – CONCLUSION AND RECOMMENDATIONS

This chapter will try answer the research question that first initiated this study. However, it will first give a brief backdrop as to what this paper has examined in order to present a professional context of the investigation of THB-cases in Norway. After that, a brief summary of the main findings from the research project will be presented, but not discussed, as they have been thoroughly debated in chapter five. The findings will make the foundation for the answer to the research topic:

Tracking the Trafficker?

- A qualitative study of the investigation of trafficking in human beings in Norway.

In the end some recommendations on how the Norwegian police could improve on the investigation of THB-cases will be presented before it some proposals to future research on the topic will be voiced.

This paper has scrutinized how the Norwegian police investigate cases of trafficking in human beings (THB). One main question was whether the investigation focuses on the victim or the trafficker – and how this focus may affect the investigation process.

In order to answer these questions, THB in itself was defined and problematized from a law enforcement perspective; defining the phenomena as a crime against humanity as well as a crime against international and national laws. The international definition as stated by the Palermo Protocol and the Council of Europe Convention on Action against Human Trafficking has been the very foundation for the Norwegian legal framework, the understanding of and the fight against, human trafficking. Hence, this definition has been utilized and problematized in this paper in order to illustrate important aspects of the crime in which the police investigators and police prosecutors need to be aware of in order to investigate and prosecute. The various forms of human trafficking may involve different ways of contacting, recruiting, transporting, exploiting and concealing the victims. These aspects have been discussed in order to give a more profound background to the various issues that may need to be addressed when conducting a criminal investigation of THB-cases. Furthermore, the Norwegian police organisation with the two-track system where police investigators and police prosecutors co-operate in the investigation of criminal cases has been discussed in order to place the investigation of THB-cases in a situational context.

The importance of this co-operation is illustrated by the fact that the sampling of informants for this research project included both police investigators and police prosecutors in order to give a complete picture of the investigation process in these cases. The informants have various experiences with THB and are sampled from 8 different police districts. They were all interviewed on the basis of a pre-planned questionnaire with topics relating to the investigation process of THB-cases. The data from the interviews was analysed, problematized, discussed and presented in the previous chapter.

Main findings in this study

Lack of competency in THB

The main findings of this study show that there is a severe lack of competency in trafficking for human beings in the Norwegian police. Almost all of the informants claim that the competency is too low, whereas only two of them state that the competency is low, but slowly rising due to recent developments in the police district. Only one informant finds the competency-level satisfactory. The informants explain the lack of competency to scarcity of training and lack of transmission of competency between investigators and prosecutors within the district and between districts. Consequently, the police do not initiate THB-cases themselves, however they are much dependent on the victim's self-identification and willingness to file a complaint to the police. A majority of the informants claim that their THB-case(s) did not originate from police efforts, i.e. the case was reported by the victim, an NGO or by council for the aggrieved. This results in THB-cases being, to a high degree, victim-oriented, thus placing much responsibility of the investigative progress on the victims ability to provide information that may identify the perpetrator or other clues that may push the investigation forward.

Challenging issues in THB-cases

The fact that so many THB-cases are dependent on the victim in order to be able to prove whether or not the crime has taken place, who the trafficker(s) are and how the exploitation has been carried out, is problematic for the outcome of the investigation. This due to the fact that a vast majority of the informants voice issues related to the victim as a demanding matter in THB-cases. The challenges related to the victims are varied and much dependent on the type of exploitation and the victim's background and relation to the perpetrator.

However, a repeating issue among the informants is the challenge of the victims having trust issues or that they are under threats. Some of the informants also find it difficult that the victims of THB have credibility issues. Stemming from either the victims background or the victim's fragmented, incorrect or incomplete statements. The credibility issues complicate and impede the investigation of the case. Other issues voiced by the informants are linked to the fact that some victims do not consider themselves victims and the time-consuming task of following up the victim.

In addition to the issues related to the victim of THB-cases, the informants find it challenging that the THB-cases are such resource-demanding cases. A majority of the informants voiced this concern, as it is hard to get enough resources in manpower, time and money to investigate the cases properly. Many also highlighted the international aspect of the cases as a vital, but slow and resource-demanding aspect of THB-cases. The last, but not the least important challenge in THB-cases, is voiced by several of the informants – namely the fact that it is difficult to prove the penal provision in these cases. The lack of precedent convictions, competence and experience in THB-cases were emphasized as important reasons as to why this was considered a severe challenge. Some informants claimed that the lack of objective evidence in THB-cases leaves the evidence in THB-cases more open for interpretation. Furthermore, that the fact that the Criminal Procedure Act does not open for use of special investigation methods, such as communication control, is a grave drawback in THB-cases as these special investigation methods could provide important objective evidence not reliant on the ability or willingness of the victim or witnesses in the case.

Planning the investigation

The findings show that a minority of the informants state that they structure the planning of the investigation in a written document. In addition to this written document, they also have investigation meetings where the progress of the case is discussed. A majority answered that they did not use any form for written plan or order when investigating THB-cases, however that they had investigation meetings. This finding is not congruent with recommendations made by the state prosecutor and the director of public prosecutions whom recommend the using of an investigation order or plan in any investigation of serious criminal cases.

Organisational structure

This study indicates that the organisational structure of the police districts play an important part in the investigation of THB-cases. According to the informants, only 3 out of 8 districts have formal directives stating that all THB-cases within the police district shall be investigated and/or prosecuted by a dedicated unit or section within the police district. The findings also indicate that it is not enough to have dedicated personnel and a dedicated anti-THB-unit if this unit is not prioritized with resources – both in personnel and money, and last but not least, time to work meticulously and undisturbed.

Low status

There is consensus between the informants that investigating human trafficking cases has low status. Some mentioned that the status is slowly rising, but that it is still low. Others were crystal clear about the fact that the status was low, bad even. One informant stated that some of the other police officers gave their unit the nickname “hooker patrol”⁷⁵ when they started working with human trafficking for sexual exploitation (BP-S4). This was perceived as highly condescending.

Why few convictions

When asked why there are such few convictions on THB in Norway, several informants had more than one answer to this. However, a majority of the informants found it to be because of the lack of competency in THB among police and prosecutors. A repeating issue among the informants was the fact that it is hard to prove the penal code. Furthermore, a minority of the informants found that the lack of priority of THB in the police district was an important contributor. And a few of the informants linked it to the lack of resources in the police district. Hence, the informants found that a mixture of lack of competency on THB, which can be linked to the difficulty in proving the penal code, and the organisational variations such as priority and resources to be the main reasons for Norway’s low number of convictions.

⁷⁵ Translated by me from the Norwegian expression “horepatruljen”.

How to do better?

When the informants are asked how they think the police and the prosecuting authority can do better on THB, they have various answers. However, their answers are much linked to their reasoning as to why the numbers of convictions are low. The findings illustrate that a vast majority of the informants think that more training to increase the competency on THB would be an important step in the right direction. In addition, numerous informants claimed that there needs to be allocated more resources, both in money and in personnel.

Furthermore, half of the informants voiced the importance of having dedicated personnel on THB-cases.

Tracking the Trafficker?

- A qualitative Study of the Investigation of Trafficking in Human Beings in Norway.

This study shows that the investigation of trafficking in human beings in Norway is to a very high degree victim-oriented. Consequently, the police efforts are to a large extent focused on the victim rather than on tracking the trafficker – at least in the beginning of the investigation. Relying on the social theory of victimology, one can through understanding the victim, also learn much about the perpetrator and the crime that has been committed.

However, the question is whether or not the police have enough knowledge and understanding about the victims to be able to see this learning-point. As the study indicates that the police do not initiate THB-cases themselves, rather they are dependent on the victims being able and willing to step out of their situation of exploitation and share their stories. This can be viewed in the social context of the capitalist theory as placing another responsibility upon the victim after they must accept their “social guilt” of choosing a situation where their exploitation could occur in the first place. Thus, the police place responsibilities for the victims’ own mental and physical welfare, their personal safety and human rights upon the victim himself. In addition, if the victims are able and willing to talk to the police, the police place a tremendous obligation upon the victim to provide the investigation with information that can lead to the identification of the trafficker or other exploiters. In stead, the police could perhaps scrutinize the victims, their social circumstances and their relation to the exploiters in order to gather as much information

about the trafficker as possible. This information could be analysed and utilized in order to work intelligence-led towards special groups or persons in society that are or could be involved in trafficking and exploitation of human beings. In short the police do not track the trafficker, they track the victim. And that does not necessarily have to be incorrect. It just has to be performed with the correct mind-set and the correct motive. I.e. the victim should not be scrutinized order to clarify the credibility and integrity of the victim. Rather, the police should analyse the victim in order to profile the traffickers. Thus, methodically and skilfully track the traffickers down.

When examining the findings of this study, it is tempting to draw on the conflict theory in order to understand not only the phenomena of trafficking in human beings and the victim-trafficker relationship. But also when analysing the relationship between the investigation of THB-cases and other cases, such as gross drugs trafficking, and the relationship between the policing task of investigating criminal cases and operational police work. The police is in itself a hierarchic organisation where titles and positions are important in various aspects. Even though the police per se have a common ground and a common purpose, there seems to be a fragmentation of policing tasks that creates 'insiders' and 'outsiders' within the organisation. As such, the competition for limited resources is a daily struggle where the investigation of trafficking in human beings seems to be prioritised lower than the investigation of cases of trafficking in drugs. And the investigation of criminal cases per se, is prioritised lower than the operational police work. These are intricate and opaque interactions that may have an affect upon the organisational framework in the police districts when it comes to pinpointing focal areas where the districts are to spend their resources. In the day-to-day police work, these high priorities may not be heeded in the extent the leadership of the police district hope or intend. Perhaps they may not be able or willing to prioritise THB, or perhaps they are not able to see to that their priority is followed through down the hierarchal ladder to the police personnel working out in the field or with the daily investigation of criminal cases in the district. Consequently, appointing special units or personnel in the police districts to investigate THB-cases may not be enough to enable the districts to identify victims or traffickers and to investigate and prosecute this crime.

Recommendations

Considering all these factors that may have a causal effect on the investigation of THB-cases and perhaps also the number of convictions on THB, there are, based on the findings of this study, some overall steps that could be taken to improve the national fight against THB. And consequently, enhancing the quality of the investigation and prosecution of THB-cases overall.

First and foremost, there should be a national co-ordinated strategy for raising the awareness, understanding and competency in THB among police and prosecutors. Relevant training such as the training programme Op South-West should be implemented and executed nationally. Thus placing responsibility for prioritizing this work where it belongs and at the same time ensuring that potential victims and prosecutors are identified investigated and prosecuted without delay. The main responsibility for producing the appropriate educational training programme should be placed with a group of professionals with a combination of skills; profound knowledge and understanding of the complexity of the crime of THB and how this may affect the victims and the traffickers in various situations. Professional experience in detecting and handling victims of THB, extensive experience in investigation of criminal cases – preferably THB-cases and prosecuting proficiency with experience in evaluating and understanding the evidence and prosecuting THB-cases in a court of law. In addition, this group should include personnel with pedagogic insight or teaching experience to ensure that the training programme is constructed and carried out with high educational quality.

Secondly, the new police reform should ensure that the new and larger police districts have a written and formal strategy on the anti-THB work in any given police district. All police districts should have unified directives stating which unit or section in the police district have the responsibility for investigating and prosecuting THB-cases in that district. However, it is important that the police districts do not fall for the temptation to appoint only one person in charge for the anti-THB-work to be done in the police district – thus “freeing” other police personnel of their daily obligation of being on the alert in all situations that have indicators of trafficking. Not to mention the duty of making the initial investigative steps and ensuring that the victim is being handled at an appropriate manner with regard to

their rights and needs as a possible victim of THB. If the police are able and willing to identify users, sellers and traffickers of drugs on a large scale – a crime without any first-line victims – they should be able to identify and prosecute traffickers whom deal in human beings. Police districts should have specialised units such as the EXIT-group in Hordaland police district. The group should include operational personnel, investigators and prosecutors working solely with THB-cases. However, as this study has shown, it is important that this group is given priority and appropriate resources and personnel in order for the group to succeed. However, it is vital to highlight the fact that some of the success in Hordaland police district is due to the co-operation between the police and other parties involved with the victims – such as the municipality, the NGOs, the council for the aggrieved etc. Co-operation of this kind should be enhanced and prioritised in all police districts.

In order to ensure that all the anti-THB work in the various districts is executed from the same unified strategic platform, there should be appointed regional THB co-ordinators. These co-ordinators should facilitate transmission of competency between the different police districts with regards to learning points from previous or on-going cases. Their work could also include setting up a forum on the learning platform KO:DE in which all employees in the police organisation has available. This forum could raise topics and questions relating to challenges in THB-cases – where all police investigators or prosecutors may post both questions and answers. In addition, there should be a national co-ordinating body that works closely with the regional co-ordinators in order to gather relevant information, work on new investigative methods and perhaps also initiate a closer collaboration on a strategic level with the other Nordic countries on the THB-area. This collaboration should enhance the information flow between the countries to ensure that traffickers may not easily move their victims between the countries in order to stay under the radar. It is not far fetched to assume that victims trafficked to Norway by land or sea may have been exploited in the other Nordic countries. Or that traffickers operating in Norway also operate in our fellow Nordic countries.

Future research

Future research on this field could scrutinise whether the police organisation has implemented any plans or instructions on how to work intelligence-led on THB. How and where does the police work in order to gather information about possible victims or traffickers? Does the police look for victims or traffickers randomly out in the streets among prostitutes, car washes, and restaurants? Or do they assess information from several sources in order to pinpoint their focus on special groups, persons or organisations? Is the police organisation able to utilize new technology in order to actively profile victims and traffickers on other arenas than the traditional markets? For example, to what extent does the police monitor networks, forums, or sites on the Internet in order to gather intelligence or investigate whether trafficking in human beings is carried out or is facilitated online? To what extent does the police consider victims of other types of crimes to be possible victims of THB? E.g. children exploited to produce video or photos of sexual character. And to what extent does the police consider whether or not persons investigated for other crimes, such as drug trafficking, immigration offences, theft, terror or war crimes could in fact be victims of THB?

Furthermore, previous research indicates that there are some areas that could be more relevant to scrutinize than others. In order to get a more complete picture of the investigation of THB-cases, or rather the handling of the case from start to finish, one more element in the chain should be inspected and analysed; the judges and the judicial system. How is the competence among Norwegian judges on the phenomena of trafficking in human beings in relation to the national framework? And to what extent do they apply this competence in their assessment of the evidence in their court rulings. Some informants in this study found it difficult to prosecute cases of THB as the competence-level among the judges varies greatly from case to case and judge to judge. Is there a system of educating and training the judges before they are to give court rulings on these cases? Is there, or should there be, a system that ensures that judges with previous experience in assessing THB-cases should be appointed to other THB-cases?

Final reflections

This study has shed some light on how trafficking in human beings is investigated in Norway. There are some issues and obstacles to overcome, but focusing on the phenomena itself is a good starting point. It is hard to look for something if you do not know what to look for. As such, this research project was not motivated by a need to evaluate the quality of the investigation. Rather, it was driven by the desire to find out if there are any prominent issues or challenges in THB-cases that could be addressed. If not only to bring these challenges out into the light and show the investigators and prosecutors out there that they are not alone in experiencing and trying to tackle them. But also in order to demystify these THB-cases and illustrate that the challenges out there are shared and they are possible to overcome. In short, this paper addresses the common saying within the police organisation: *If the police only knew what the police know...*

(Word count: 33 346)

BIBLIOGRAPHY

- Albanesse, J. S. (2011). *Transnational Crime and the 21st Century*. New York: Oxford University Press.
- Amundsen, I. H. (2013). Norges innsats mot menneskehandel er stusselig. *Journalen*. Retrieved 05.02.15, from <http://journalen.hioa.no/journalen/Magasin/2013/06/05/--norges-innsats-mot-menneskehandel-er-stusselig>
- Arneberg, H., & Dragland, L. L. (2015). Politiet: Ung kvinne tvunget til å selge sex på gata i Oslo i tre år. Retrieved 06.05.15, from <http://www.osloby.no/nyheter/krim/Politiet-Ung-kvinne-tvunget-til-a-selge-sex-pa-gata-i-Oslo-i-tre-ar-7889136.html>
- Arocha, L. (2010). Theoretical Perspectives on Understanding Slavery: Past and Present Challenges. In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe. Character, Causes and Consequences* (pp. 30-40). London, UK: Palgrave Macmillan.
- Bales, K. (2012). *Disposable People - New Slavery in the Global Economy* (Revised Edition ed.). London, Enland: University of California Press, Ltd.
- Barner, J. R., Okech, D., & Camp, M. A. (2014). Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade. *Societies*, 4, 148-160. Retrieved from Societies website
- Bentzrød, S. B., Sætran, F., & Stenvaagnes, R. (2014, 12.09.15). Lime-saken: Ga oppholdstillatelse til vitne. Retrieved 02.05.15, from <http://www.aftenposten.no/nyheter/iriks/Lime-saken-Ga-oppholdstillatelse-til-vitne-7704155.html>
- Beredskapsdepartementet, D. K. J. o. (2015). *Endringer i politiloven mv. (Trygghet i hverdagen - nærpolitireformen)*. (Prop. 61 LS). Oslo, Norge: Retrieved from <https://www.regjeringen.no/contentassets/0f5847ca5bae4b2996b6441423e5ea09/no/pdfs/prp201420150061000dddpdfs.pdf>.
- Block, L. (2011). *From politics to policing : the rationality gap in EU Council policy-making*. Utrecht: Eleven International Publishing.
- Brown, J. (1995). Police research: some critical issues. In F. L. B. Loveday, S. Savage (Ed.), *Core issues in Policing* (pp. 177-190). Harlow: Pearson Education Limited.
- Brunovskis, A. (2012). Balancing protection and prosecution in anti-trafficking policies. A comparative analysis of reflection periods and related temporary residence permits

- for victims of trafficking in the Nordic Countries, Belgium and Italy. Copenhagen, Denmark: TemaNord.
- Brunovskis, A., & Surtees, R. (2007). *Leaving the past behind?: when victims of trafficking decline assistance : a research co-operation between Fafo and NEXUS institute* (Vol. 2007:40). Oslo: Forskningsstiftelsen FAFO.
- Brunovskis, A., & Tyldum, G. (2004). *Crossing Borders - An Empirical Study of Transnational Prostitution and Trafficking in Human Beings*. Oslo, Norway: Fafo.
- Carrabine, E., Cox, P., Fussey, P., Hobbs, D., South, N., Thiel, D., & Turton, J. (2014). Victims and Victimization *Criminology - A sociological introduction* (Third ed., pp. 153-174). London & New York: Routledge.
- Christians, C. G. (2005). Ethics and Politics in Quantitative Research. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage Handbook of Qualitative Research* (Third ed., pp. 139-164). Thousand Oaks, London, New Delhi: Sage Publications.
- Christie, N. (1986). The Ideal Victim. In E. A. Fattah (Ed.), *From Crime Policy to Victim Policy* (pp. 17-30). London: The MacMillan Press.
- Clawson, H. J., Duch, N., & Cummings, M. (2006). *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Washington, DC: CALIBER an ICF International Company.
- CNN. (2014). The CNN Freedom Project - Ending Modern-Day Slavery. Retrieved 23.04.2014, 2014, from <http://thecnnfreedomproject.blogs.cnn.com/>
- Commission, E. (2013). Trafficking in human beings. Retrieved 25.01.2015, from http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/index_en.htm
- Crossman, A. (2015). Conflict Theory. Retrieved 25.01.2015, from <http://sociology.about.com/od/Sociological-Theory/a/Conflict-Theory.htm>
- Davitti, D. (2010). Shrinking Responsibilities: Receiving Countries and the Structural Causes of Conflict-Related Child Trafficking. In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe. Character, Causes and Consequences* (pp. 41-59). London, UK: Palgrave Macmillan.
- Dussich, J. P. J. (2006). Victimology - Past, Present and Future. In S. Cornell (Ed.), *Resource Material Series No 70* (pp. 116-129). Fuchu, Tokyo, Japan: UNAFEI.

- EconomyWatch. (2010). Define Global Economy. Retrieved from:
http://www.economywatch.com/world_economy/world-economic-indicators/global-economy/define-global-economy.html
- Eikeland, O. (2014, 19.09.14). -Politiet bestiller en anmeldelse og betaler med oppholdstillatelser. *Nettavisen.no*. Retrieved 02.05.15, from
<http://www.nettavisen.no/ipad/8486778.html>
- ERRC. (2011). Breaking the Silence. A report by the European Roma Rights Centre and People in Need. Budapest, Hungary: European Roma Rights Centre.
- Eurojust. (2015a). Background: Mission and tasks. Retrieved 06.06.2015, from
<http://www.eurojust.europa.eu/about/background/Pages/mission-tasks.aspx>
- Eurojust. (2015b). Eurojust in context. Retrieved 06.06.2015, from
<http://www.eurojust.europa.eu/about/background/Pages/eurojust-context.aspx>
- Eurojust. (2015c). Press release: Criminal gang behind trafficking in human beings for sexual exploitation dismantled. Retrieved 06.06.2015, from
<http://www.eurojust.europa.eu/press/PressReleases/Pages/2015/2015-05-20.aspx>
- Europe, C. o. (2005). Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory report. *Council of Europe Treaty Series - No. 197*. Retrieved 24.05.15, from http://www.globaldetentionproject.org/fileadmin/docs/Council-of-Europe-Convention-on-Action-against-Trafficking-in-Human-Beings-2005_.pdf
- Europol. (2012). Trafficking in Human Beings in Europe. The Perspective of Europol. The Hague: EUROPOL.
- Europol. (2013a). SOCTA 2013: EU serious and organised crime threat assessment. The Hague, Netherlands: European Police Office.
- Europol. (2013b). TE-SAT 2013; EU Terrorism situation and Trend Report. Van Deventer, the Netherlands: European Police Office.
- Eurostat. (2013). Trafficking in Human Beings Luxembourg: Eurostat European Commission.
- Farr, K. (2005). *Sex Trafficking - The Global Market in Women and Children*. New York: Worth Publishers.
- Farrell, A. (2012). Improving Law Enforcement Identification and Response to Human Trafficking. In J. Winterdyk, B. Perrin, & P. Reichel (Eds.), *Human Trafficking: Exploring the International Nature, Concerns, and Complexities* (pp. 181-206). Boca Raton: CRC Press.

- Flick, U. (2011). *Introducing Research Methodology. A beginner's Guide to Doing a Research Project*. London: SAGE Publications Ltd.
- Fremmerlid, T., Bernhus, R., Wardrum, B. H., & Svendsen, E. (2014). 18 personer pågrepet etter Lime-razzia. Retrieved 05.02.15, from http://www.rb.no/lokale_nyheter/article7573495.ece
- Gallo, G. (2012). Research Paper: Conflict Theory, Complexity and Systems Approach. *Systems Research and Behavioral Science*. Retrieved 25.05.15, from <http://www.di.unipi.it/~gallo/Papers/Conflicts&Systems.pdf>
- Gerspacher, N., & Pujas, V. (2010). International police organizations: the missing link to effective cooperation. In F. Lemieux (Ed.), *International Police Cooperation - Emerging issues, theory and practice* (pp. 241-259). Cullompton, Devon: Wilan Publishing.
- Google. (2015). Choosing a research topic. from https://www.google.no/search?q=Choosing+a+research+topic&ie=utf-8&oe=utf-8&gws_rd=cr&ei=sH7XVP-gIaX4ywOnklGoCA
- Greenwood, P., Chaiken, J. M., & Petersilia, J. (2005). The investigative function. In T. Newburn (Ed.), *Policing - Key Readings* (pp. 247-261). Abingdon: Routledge.
- GRETA. (2013). Reports concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway. First evaluation round. In C. o. E. Directorate General of Human Rights and Rule of Law (Ed.), *GRETA (2013)5*. Strasbourg, France: Council of Europe.
- Græsvik, F., Sørtdahl, E., & Stamnes, D. (2015). Hussein (14) fra Sagene i Oslo kjemper mot IS i Irak. Retrieved 06.02.15, from <http://www.tv2.no/a/6519878>
- Grønmo, S. (2004). *Samfunnsvitenskapelige metoder*. Bergen, Norway: Fagbokforlaget.
- Haberfeld, M. M., & McDonald, W. H. (2005). International Cooperation in Policing. In P. Reichel (Ed.), *Handbook of transnational crime & justice*. (pp. 286-309). Thousand Oaks: Sage Publications.
- Hanlon, M. (2011). The New Slavery -- Human Trafficking. Retrieved 27.04.2014, from <http://www.foxnews.com/opinion/2011/09/15/new-slavery-human-trafficking/>
- Hertz, A. (2002). Human Trafficking and Police Investigations. In J. Winterdyk, B. Perrin, & P. Reichel (Eds.), *Human Trafficking: Exploring the International Nature, Concerns, and Complexities*. (pp. 129-153). Boca Raton: CRC Press.
- Howard, N. (2014). On Capitalism and Coersion. Are trafficking, slavery and forced labour actually necessary for maintaining liberal capitalism? Retrieved 25.05.15, from

<http://www.aljazeera.com/indepth/opinion/2014/04/capitalism-coercion-2014417133923106962.html>

Hull, U. o. (2015). Professor Kevin Bales. Retrieved 04.05.15, from

<http://www2.hull.ac.uk/fass/socsci/staff/academic-staff/bales,-kevin.aspx>

INTERPOL. (2013). Retrieved 15.09.2013, from [http://www.interpol.int/About-](http://www.interpol.int/About-INTERPOL/Overview)

[INTERPOL/Overview](http://www.interpol.int/About-INTERPOL/Overview)

INTERPOL. (2015a). Trafficking in Human Beings Operations. Retrieved 25.05.15, from

<http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Operations>

INTERPOL. (2015b). World - A global presence. Retrieved 07.02.15, from

<http://www.interpol.int/Member-countries/World>

Jahnsen, S. Ø. (2014). Menneskehandel og tvangsarbeid. En forstudie om

gråsoneproblematikk innenfor innsatsområdet arbeidsmarkeds kriminalitet. *PHS Forskning 2014: 3*. Retrieved 30.04.15, from

<http://brage.bibsys.no/xmlui/bitstream/id/247529/menneskehandel.pdf>

Jobe, A. (2010). Accessing Help and Services: Trafficking Survivors' Experiences in the United Kingdom. In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe- Character, Causes and Consequences* (pp. 164-180). Hampshire, UK: Palgrave Macmillan.

Johannessen, A., Tufte, P. A., & Christoffersen, L. (2010). *Introduksjon til samfunnsvitenskapelig metode*. Oslo: Abstrakt.

Johnsrud, N. (2014, 1.8.2014). Ingen bakmenn dømt i 2013. from

<http://www.dagsavisen.no/innenriks/ingen-bakmenn-d%C3%B8mt-i-2013-1.290516>

Joutsen, M. (2005). International Instruments on Cooperation in Responding to Transnational Crime. In P. Reichel (Ed.), *Handbook of transnational crime & justice*. (pp. 255-274). Thousand Oaks: Sage Publications.

Justisdepartementet. (1996). Oversettelse av Norske lover - The Police Act. Retrieved 04.05.15, from <http://www.ub.uio.no/ujur/ulovdata/lov-19950804-053-eng.pdf>

Justisdepartementet. (2006a, 17.11.2014). The Criminal Procedure Act - With subsequent amendments, the latest made by Act of June 2006 No. 53. Retrieved 01.02.15, from <http://www.legislationline.org/documents/section/criminal-codes>

Justisdepartementet. (2006b). The General Civil Penal Code. Retrieved 17.11.2014, from <http://www.legislationline.org/documents/section/criminal-codes>

- Kara, S. (2010). *Sex Trafficking - Inside the Business of Modern Slavery*. New York, USA: Columbia University Press.
- King, N. (2004). Using interviews in qualitative research. In C. Cassell & G. Symon (Eds.), *Essential Guide to Qualitative Methods in Organizational Research* (pp. 11-22). London, UK: SAGE Publications Ltd.
- Kleiven, M. E. (2012). Nordic police cooperation. In M. E. Kleiven (Ed.), *MASTERMODULEN 3C - INTERNATIONAL POLICING 2013*. (pp. 10). Oslo: Politihøgskolen.
- Knutsson, J. (2013). Måling av effektivitet i etterforskning. Delrapport i "Etterforskningsprosjektet". *PHS Forskning 2013:3*. Retrieved 24.05.15, from http://brage.bibsys.no/xmlui/bitstream/handle/11250/175108/effektivitet_etterforskning.pdf?sequence=1&isAllowed=y
- KOM. (2008). VEILEDER - Identifisering av mulige ofre for menneskehandel. Oslo, Norway: Koordineringsenheten for Ofre for Menneskehandel - Politidirektoratet.
- KOM. (2013). Rapport fra Koordineringsenheten for Ofre for Menneskehandel 2012. Oslo, Norway: Politidirektoratet.
- KOM. (2014). Rapport fra Koordineringsenheten for Ofre for Menneskehandel 2013. Oslo, Norway: Politidirektoratet.
- KOM. (Unknown). You Have Been Granted a Reflection Period. Retrieved 26.04.15, from https://www.politi.no/vedlegg/rapport/Vedlegg_398.pdf
- Kondraki, L. (Writer). (2010). The Whistleblower [Film]. In C. Piovesan, A. Kaufman, C. Rattray, B. Mueller, & W. Mueller (Producer). Canada: Samuel Goldwyn Films.
- Kripos. (2013). Den organiserte kriminaliteten i Norge - trender og utfordringer 2013-2014. Oslo, Norway: Kripos.
- Kvale, S., & Brinkmann, S. (2012). *Det kvalitative forskningsintervju* (2 ed.). Oslo, Norway: Gyldendal Akademisk.
- LaineHarper. (2014). The Four Theories of Victimization. Retrieved 31.01.2015, from <http://laineharper.hubpages.com/hub/The-Four-Theories-of-Victimization>
- Lee, M. (2011). *Trafficking and Global Crime Control*. London: SAGE Publications Ltd.
- Lemieux, F. d. r. (2010). *International police cooperation : emerging issues, theory and practice*. Cullompton, Devon ; Portland, Or.: Willan Pub.
- Lindberg, P. (2014). Stolte av innsatsen mot menneskehandel. *Bergens Tidende*. Retrieved from <http://www.bt.no/nyheter/lokalt/Stolte-av-innsatsen-mot-menneskehandel-3083891.html>

- Lovdata. (2015). Lov om rettergangmåten i straffesaker (Straffeprosessloven). Kort om loven. Retrieved 04.05.15, from <https://lovdata.no/dokument/NL/lov/1981-05-22-25>
- Maguire, M. (2008). Criminal investigation and crime control. In T. Newburn (Ed.), *Handbook of Policing* (Second ed., pp. 430-465). Abingdon: Taylor & Francis.
- Malterud, K. (2001). Qualitative research: standards, challenges and guidelines. *The Lancet*, 358(Qualitative Research Series), 483-488.
- McRedmond, P. (2010). Defining Organized Crime in the Context of Human Trafficking. In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe. Character, Causes and Consequences* (pp. 181-197). London, UK: Palgrave Macmillan.
- Munck, R. (2010). Slavery: Exception or Rule? In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe. Character, Causes and Consequences*. (pp. 17-29). London, UK: Palgrave Macmillan.
- Myhrer, T.-G. (2015). Kvalitet i etterforskningen. Særlig om påtaleansvarliges rolle og betydning. Delrapport i "Etterforskningsprosjektet". *PHS Forskning 2015:1*. Retrieved 24.05.15, from http://brage.bibsys.no/xmlui/bitstream/handle/11250/282259/kvalitet_i_etterforskningen.pdf?sequence=1&isAllowed=y
- NESH. (2003). Forskningsetiske retningslinjer for samfunnsvitenskap, jus og humaniora. Vedtatt av Den nasjonale forskningsetiske komité for samfunnsvitenskap og humaniora 15. februar 1999, med endringer vedtatt 24. september 2003. Retrieved 06.06.2014, from http://www.svt.ntnu.no/psy/hms/forskningsetiske_rett.pdf
- NESH. (2014). Ethiske retningslinjer for forskning på internett. Retrieved 08.04.2015, from <https://www.etikkom.no/globalassets/documents/publikasjoner-som-pdf/forskningsetiske-retningslinjer-for-forskning-pa-internett.pdf>
- Okkenhaug, L. S., & Torheim, Ø. (2010). De tar flest menneskehandlere. *Bergens Tidende*. Retrieved from <http://www.bt.no/nyheter/De-tar-flest-menneskehandlere-1787507.html>
- Olsen, F. (2015). Politiet etterforsker taktekker for menneskehandel: - Arbeidere utnyttet på det groveste. Retrieved 05.02.15, from http://www.rogalandsavis.no/index.php?page=vis_nyhet&NyhetID=98211

- OSCE. (2011). Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach. Vienna: SPMU (Strategic Police Matters Unit); OSCE.
- OST. (2012). Inspeksjon av Romerike politidistrikt - Av Oslo Statsadvokatembeter. Retrieved 26.04.25, from <http://www.riksadvokaten.no/filestore/Dokumenter/Oslo/Inspeksjoner/Romerikepd20122.pdf>
- Papantoniou-Frangouli, M., & Moritz, T. (2010). Trafficking for Sexual Exploitation: Researching the Demand Side. In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe. Character, Causes and Consequences* (pp. 123-141). London, UK: Palgrave Macmillan.
- Platou, J., & Pettersen, G. (2015). Justisdepartementet forsvarende at ofre for menneskehandel sendes ut. Retrieved 09.05.15, from <http://www.nrk.no/fordypning/justisdepartementet-forsvarer-at-ofre-for-menneskehandel-sendes-ut-1.12309771>
- Politidepartementet, J.-o. (2006). Stopp menneskehandelen. Regjeringens handlingsplan mot menneskehandel (2006-2009). 12/2006. Retrieved 03.05.15, from https://www.regjeringen.no/globalassets/upload/jd/vedlegg/stopp_menneskehandelen.pdf
- Politidirektoratet. (2010). The Norwegian Police. *POD publikasjon 2010/07 E*. Retrieved 17.11.2014, from https://www.politi.no/vedlegg/rapport/Vedlegg_858.pdf
- Politidirektoratet. (2013). Etterforskningen i politiet 2013. Retrieved 13.03.2014, from https://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_2439.pdf
- Politidirektoratet. (2015). Samordningsorganet - Årsrapport 2014. Retrieved 08.04.15, from https://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Rapport_Samordningsorganet_2014-EndeligOP.pdf
- Politiet. (2010). Oslo Politidistrikt - Om oss. Retrieved 05.04.2015, from https://www.politi.no/oslo/om_oss/Tema_475.xhtml
- Politiet. (2011). Tvangsarbeid - Kartlegging av indikatorer. Oslo, Norway: Utlendings- og forvaltningsseksjonen, Oslo Politidistrikt.
- Politiet. (2012a). Om Hordaland politidistrikt. Retrieved 05.04.2015, from https://www.politi.no/hordaland/om_oss/

- Politiet. (2012b). Oslo politidistrikt - Organisering. Retrieved 05.04.2015, from https://www.politi.no/oslo/om_oss/Tema_479.xml
- Politiet. (2014a). Bekjempelse av menneskehandel. Retrieved 05.04.2015, from https://www.politi.no/strategier_og_analyser/strategier_og_tiltak/Tema_18.xml
- Politiet. (2014b). Om Kripos. Retrieved 06.02.15, from https://www.politi.no/kripos/om_kripos/Tema_71.xhtml
- Politiet. (2015). Oslo Politidistrikt. Retrieved 05.04.2015, from <https://www.linkedin.com/company/oslo-politidistrikt>
- Project, P. (2014). Polaris Project - Combating Human Trafficking and Modern-day Slavery. Retrieved 23.04.2014, from <http://www.polarisproject.org/human-trafficking/overview>
- PST. (2015a). PST - Etterforske. Retrieved 06.02.15, from <http://www.pst.no/oppgaver/etterforskning/>
- PST. (2015b). Åpen Trusselvurdering 2015 (pp. 15). Oslo, Norway: Politiets Sikkerhetstjeneste.
- Regjeringen.no. (2015). Raskere ikrafttredelse av straffeloven. Retrieved 24.05.15, from https://www.regjeringen.no/nb/om_regjeringa/solberg/Regjeringens-satsingsomrader/Regjeringens-satsingsomrader/trygghet-i-hverdagen-og-styrket-beredskap1/Raskere-ikrafttredelse-av-straffeloven/id753153/
- Reiss, E., & Strøm-Olsen, N. (2014). *Norsk Slaveri - Hvordan det moderne slaveriet kom til Norge*. Oslo, Norge: Frekk Forlag.
- Riksadvokaten. (1999). Riksadvokatens rundskriv 3/1999 - ETTERFORSKNING. Retrieved 26.04.15, from http://riksadvokaten.no/filestore/Dokumenter/Eldre_dokumenter/Rundskriv/Rundskrivnr3for1999-Etterforskning2.pdf
- Riksadvokaten. (2013). Politiets og påtalemyndighetens behandling av voldtektssaker - oppfølging av regjeringens handlingsplan mot voldtekt 2012-2014 - Direktiver og anbefalinger. Retrieved 26.04.15, from <http://www.riksadvokaten.no/filestore/Dokumenter/2013/Dokument.pdf>
- ROSA. (2011). ROSA ÅRSRAPPORT 2011 (Reetablering, Oppholdssteder, Sikkerhet, Assistanse). Oslo, Norway: Krisesenter Sekretariatet.
- ROSA. (2013). ROSA ÅRSRAPPORT 2013 (Reetablering, Oppholdssteder, Sikkerhet, Assistanse). In K. Sekretariatet (Ed.). Oslo, Norway: ROSA.

- Røkeberg, M. (2014). Familie tiltalt for omfattende menneskehandel. Retrieved 05.02.15, from <http://www.dt.no/nyheter/familie-tiltalt-for-omfattende-menneskehandel-1.8662680>
- Røksund, A., Sneip, E., Kristensen, S. R., Humlegård, O. R., Fimreite, A. L., Hermansen, F., & Nylund, M. H. (2013). Ett politi - rustet til å møte fremtidens utfordringer. (Politianalysen) *NOU 2013:9* (Vol. NOU 2013:9). Oslo, Norway: Departementenes servicesenter - Informasjonsforvaltning.
- Shelly, L. (2010). *Human Trafficking - A Global Perspective*. New York, USA: Cambridge University Press.
- Skilbrei, M.-L. (2010). Taking Trafficking to Court. *Women & Criminal Justice*, 40-56.
- Solberg, J. P. (2015). Tema: Etterforskning. Operasjon Lime. *Norsk Politi*, 6-20.
- Stake, R. E. (2005). Qualitative Case Studies. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage Handbook of Qualitative Research* (Third ed., pp. 443-466). Thousand Oaks, London, New Delhi: Sage Publications.
- State, U. D. o. (2014). Trafficking in Persons Report 2014. Retrieved 04.02.15, from <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>
- Stokke, O., Dragland, L. L., & Thorset, N. S. (2015). Dømt til fengsel i menneskehandelsak. Retrieved 06.02.15, from <http://www.aftenposten.no/nyheter/iriks/Domt-til-fengsel-i-menneskehandelsak-7866684.html>
- Lov om straff (straffeloven), LOV-2014-06-20-49 fra 01.07.2014 C.F.R. (2005).
- Straffeprosessloven. (1986, 17.11.2014). Lov om rettergangsmåten i straffesaker (Straffeprosessloven). Retrieved 17.11.14, from <https://lovdata.no/dokument/NL/lov/1981-05-22-25>
- Sønsterudbråten, S. (2013). Bistand og beskyttelse til ofre for menneskehandel. Tverretatlig samarbeid i Oslo og Bergen. Fafo-rapport 2013:01. from http://www.fafo.no/media/com_netsukii/20291.pdf
- Taylor, J. (2010). Police smash Romanian 'child trafficking ring'. Retrieved 25.05.15, from <http://www.independent.co.uk/news/uk/crime/police-smash-romanian-child-trafficking-ring-2104694.html>
- TraCCC. (2015). Terrorism, Transnational Crime and Corruption Center (TraCCC). Key Personnel. Dr. Louise Shelly, Founder and Director. Retrieved 04.05.15, from <http://traccc.gmu.edu/about-us/key-personnel/-shelley>

- Trædal, T. J. (2015). Her er endringene i reformforslaget. Retrieved 06.06.2015, from <http://www.politiforum.no/no/nyheter/2015/juni/Her+er+endringene+i+reformfor+slaget.d25-T2tHS3y.ips>
- Tyldum, G. (2010). Limitations in Research on Human Trafficking*. *International Migration*, 48(5), 1-13.
- Tyldum, G., & Brunovskis, A. (2005). Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking. *International Migration*, 43(1/2), 17-34.
- UNODC. (2003). The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Palermo: United Nations.
- UNODC. (2004a). Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Palermo: United Nations.
- UNODC. (2004b). *The United Nations Convention against Transnational Organized Crime and the protocols thereto*. Vienna: United Nations.
- UNODC. (2009). Global Report on Trafficking in Persons. Vienna.
- UNODC. (2013). Issue Paper: Abuse of a position of vulnerability and other "means" within the definition of trafficking in persons. Retrieved 10.05.15, from http://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf
- UNODC. (2014a). Global Report on Trafficking in Persons 2014. Retrieved 03.05.15, from http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf
- UNODC. (2014b). United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Retrieved 23.04.2014, 2014, from <http://www.unodc.org/unodc/en/treaties/CTOC/>
- Vollebæk, L. R. (2012a). Menneskehandel med barn. Barnevernets kunnskap om og arbeid med barn utnyttet i menneskehandel. Oslo, Norway: Redd Barna.
- Wheaton, E. M., Schauer, E. J., & Galli, T. V. (2010). Economics of Human Trafficking. *International Migration*, 48(4), 114-141.

- Wylie, G., & McRedmond, P. (2010). Introduction: Human Trafficking in Europe. In G. Wylie & P. McRedmond (Eds.), *Human Trafficking in Europe. Character, Causes and Consequences* (pp. 1-16). London, UK: Palgrave Macmillan.
- Yin, R. K. (2003). *Case Study Research. Design and Methods* (Vol. 5). London, UK: Sage Publications, Inc.
- Aardal, E., & Svendsen, C. (2014). Jihadisttrafikk fra Norge har skutt i været. Retrieved 06.02.15, from <http://www.nrk.no/norge/stadig-flere-nordmenn-til-syria-1.11985274>

APPENDIX:

1. Project approval from
The Data Protection Official for Research at the Norwegian Social Science Data Services.
(Personvernombudet for forskning ved Norsk Samfunnsvitenskapelig Datatjeneste – NSD.)
In Norwegian only.
2. Project approval from
The National Police Directorate, Section for Legal Affairs.
(Politidirektoratet – Juridisk forvaltningsseksjon.)
In Norwegian only.
3. **Interview guide.**
In Norwegian and English.



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Bjørn Barland
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Postboks 5027 Majorstua
0301 OSLO

Vår dato: 20.02.2014

Vår ref: 37634 / 3 / LT

Deres dato:

Deres ref:

TILBAKEMELDING PÅ MELDING OM BEHANDLING AV PERSONOPPLYSNINGER

Vi viser til melding om behandling av personopplysninger, mottatt 13.02.2014. Meldingen gjelder prosjektet:

<i>37634</i>	<i>Etterforskning av menneskehandelsaker i Norge</i>
<i>Behandlingsansvarlig</i>	<i>Politihøgskolen, ved institusjonens øverste leder</i>
<i>Daglig ansvarlig</i>	<i>Bjørn Barland</i>
<i>Student</i>	<i>Lone Charlotte Pettersen</i>

Personvernombudet har vurdert prosjektet og finner at behandlingen av personopplysninger er meldepliktig i henhold til personopplysningsloven § 31. Behandlingen tilfredsstiller kravene i personopplysningsloven.

Personvernombudets vurdering forutsetter at prosjektet gjennomføres i tråd med opplysningene gitt i meldeskjemaet, korrespondanse med ombudet, ombudets kommentarer samt personopplysningsloven og helseregisterloven med forskrifter. Behandlingen av personopplysninger kan settes i gang.

Det gjøres oppmerksom på at det skal gis ny melding dersom behandlingen endres i forhold til de opplysninger som ligger til grunn for personvernombudets vurdering. Endringsmeldinger gis via et eget skjema, <http://www.nsd.uib.no/personvern/meldeplikt/skjema.html>. Det skal også gis melding etter tre år dersom prosjektet fortsatt pågår. Meldinger skal skje skriftlig til ombudet.

Personvernombudet har lagt ut opplysninger om prosjektet i en offentlig database, <http://pvo.nsd.no/prosjekt>.

Personvernombudet vil ved prosjektets avslutning, 15.06.2015, rette en henvendelse angående status for behandlingen av personopplysninger.

Vennlig hilsen

Katrine Utaaker Segadal

Lis Tenold

Kontaktperson: Lis Tenold tlf: 55 58 33 77

Vedlegg: Prosjektvurdering

Kopi: Lone Charlotte Pettersen lone_pettersen@yahoo.no

Dokumentet er elektronisk produsert og godkjent ved NSDs rutiner for elektronisk godkjenning.

Avdelingskontorer / District Offices:

OSLO: NSD, Universitetet i Oslo, Postboks 1055 Blindern, 0316 Oslo. Tel: +47-22 85 52 11. nsd@uio.no

TRONDHEIM: NSD, Norges teknisk-naturvitenskapelige universitet, 7491 Trondheim. Tel: +47-73 59 19 07. kyrre.svarva@svt.ntnu.no

TROMSØ: NSD, SVF, Universitetet i Tromsø, 9037 Tromsø. Tel: +47-77 64 43 36. nsdmaa@sv.uit.no



Personvernombudet for forskning

Prosjektvurdering - Kommentar

Prosjektnr: 37634

Det gis skriftlig informasjon og innhentes skriftlig samtykke for deltakelse. Personvernombudet finner informasjonsskrivet tilfredsstillende utformet i henhold til personopplysningslovens vilkår.

Innsamlede opplysninger registreres på privat pc. Personvernombudet legger til grunn at veileder og student setter seg inn i og etterfølger Politihøgskolen sine interne rutiner for datasikkerhet, spesielt med tanke på bruk av privat pc til oppbevaring av personidentifiserende data.

Prosjektet skal avsluttes 15.06.2015 og innsamlede opplysninger skal da anonymiseres og lydopptak slettes. Anonymisering innebærer at direkte personidentifiserende opplysninger som navn/koblingsnøkkel slettes, og at indirekte personidentifiserende opplysninger (sammenstilling av bakgrunnsopplysninger som f.eks. yrke, alder, kjønn) fjernes eller grovkategoriseres slik at ingen enkeltpersoner kan gjenkjennes i materialet.

Personvernombudet legger til grunn at registerdata er aggregerte opplysninger som ikke kan knyttes til enkeltpersoner samt at det ikke hentes ut og registreres personopplysninger fra de dommer en skal ha tilgang til. Registerstudien og tilgang til dommene omfattes derfor ikke av meldeplikten.



POLITIET

POLITIDIREKTORATET

Lone Charlotte Pettersen
Oslo Politidistrikt Majorstuen politistasjon
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Deres referanse
2014/15

Vår referanse
2014/01247-5 501

Dato
10.09.2014

Søknad om intervju med polititjenestepersoner - Lone Charlotte Pettersen

Politidirektoratet viser til søknad av 24.02.2014 vedrørende dispensasjon fra taushetsplikt ved forskningsprosjekt knyttet til mastergradsoppgave vedrørende politiets etterforskning av menneskehandelsaker.


Rådet for taushetsplikt og forskning har i brev av 28.07.2014, anbefalt dispensasjon fra taushetsplikt for de opplysningene søknaden gjelder. Rådet skriver i sitt brev av søker imidlertid bør bes om å innrette seg slik at personopplysninger i minst mulig grad løftes frem i intervjuene.

Politidirektoratet slutter seg til anbefalingen.

Politidirektoratets samtykke til dispensasjon fra taushetsplikt er betinget av at all innsamling, oppbevaring og bruk av taushetsbelagte opplysninger skjer på en faglig forsvarlig måte, og at alle personidentifiserende opplysninger anonymiseres ved eventuell publisering. Videre må forholdet til personopplysningslovens melde- og konsesjonsplikt være ivarettatt gjennom melding til NSD. I og med at søker er ansatt i politiet og underlagt lovbestemte taushetspliktsregler, er det ikke behov for å undertegne en egen taushetserklæring.

Det vises i sin helhet til vedlagte brev fra Rådet for taushetsplikt og forskning av 01.05.2014.

Med hilsen


Steinar Talgø
seksjonssjef


Heidi Keseler Venner Toward
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Politidirektoratet

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Besøk: Hammersborggata 12
Tlf: 23 36 41 00 Faks: 23 36 42 96
E-post: politidirektoratet@politiet.no

Org. nr.: 982 531 950 mva
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MOTTATT

30 JUL 2014

RÅDET FOR TAUSHETSPLIKT OG FORSKNING

c/o Anders Narvestad
 Institutt for offentlig rett
 Postboks 6706
 St. Olavs plass 5
 0130 Oslo

Politidirektoratet
 Postboks 8051 Dep.
 0031 Oslo
 ref.: 2014/01247-2 501

POLITIDIREKTORATET	
30 JUL 2014	
Arkt.: 14-18	Arkt.kode: 501
Saksnr: 14/1247	Dok.nr: 4

28.7.2014

SAK 2014/15 – SØKNAD OM INTERVJU MED POLITITJENESTEPERSONER – LONE CHARLOTTE PETERSEN

Vi viser til brev fra Politidirektoratet (POD) 11. juni 2014, med forespørsel om en vurdering fra Rådet for taushetsplikt og forskning.

Bakgrunnen for henvendelsen er en søknad POD har mottatt fra politiførstebetjent og mastergradsstudent ved Politi hogskolen Lone Charlotte Pettersen, i tilknytning til hennes masteroppgave om politiets etterforskning av menneskehandelsaker. Prosjektet veiledes av Maren Eline Kleiven. Det framgår av søknaden at hun ønsker å «foreta dybdeintervju av politietterforskere og jurister som har jobbet med menneskehandelsaker» og at «[s]pørsmålene vil være konkret rettet mot tema som; oppbygning av saken, etterforskningsordre, prioriteringer og konkrete utfordringer som er spesielle innen disse sakstypene.»

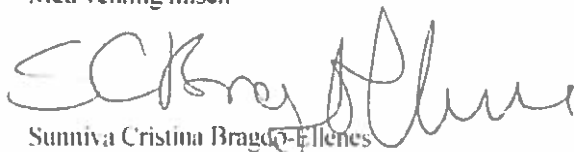
Rådet utelukker ikke – slik direktoratet også er inne på i sin henvendelse – at det kan være tilfeller hvor det ikke er mulig for polititjenestepersonene å gi informative svar i en intervju situasjon uten å komme grensene for taushetsplikten for nære. Med tanke på disse tilfellene kunne et alternativ til dispensasjon i prinsippet være at de berørte privatpersonene ble forespurt om å involveres i nevnte forskningsprosjekt. Samfunnet har imidlertid et rimelig krav på å kunne forske på politiets etterforskning av menneskehandelsaker, uten å være avhengig av samtykke fra dem straffesaksopplysningene gjelder.

Rådet samtykker derfor til at POD dispenserer fra taushetsplikten. Pettersen bør imidlertid bes om å innrette seg slik at personopplysninger i minst mulig grad løftes fram i intervjuene. I denne sammenhengen har vi også merket oss søkerens opplegg for informasjonssikkerhet. Videre bør det angis som en forutsetning fra direktoratets side at innsamling, oppbevaring og bruk av taushetsbelagte opplysninger må foregå på en faglig forsvarlig måte, samt at alle personidentifiserende opplysninger må anonymiseres ved eventuelle publikasjoner.

Avslutningsvis påpeker vi at det – etter at enkelte lovendringer trådte i kraft 1. juli 2014 – er noe uklart for oss om direktoratets beslutning vil skje med grunnlag i forvaltningslovens regler, jf. henvisningen fra politiloven § 24, eller med grunnlag i politiregisterloven § 33. Dette har vi ikke

gått nærmere inn på, siden vilkårene for å dispensere i alle tilfeller ser ut til å være identisk utformet («Når det finnes rimelig og ikke medfører uforholdsmessig ulempe for andre interesser»).

Med vennlig hilsen



Sumiva Cristina Bragdo-Ellesnes
leder

INTERVJUGUIDE – TEMATISK OVERSIKT (NORSK)

- **INNLEDNING: FAGLIG BAKGRUNN**
- **ORGANISERING i DISTRIKTET IFT MH**
- **ETTERFORSKNINGEN**
 - Oppstart av sak
 - Planlegging / Etterforskningsordre?
 - Samarbeid mellom jurist/etterforsker
 - Samarbeid i distriktet
 - Hvilken del av etterforskningen er mest krevende?
 - Hvilken del av etterforskningen er mest avgjørende for sakens utfall?
- **FORNÆRMEDE**
- **MISTENKTE**
- **METODEBRUK**
- **ETTERFORSKNING I UTLANDET**
- **SAMARBEID MED ANDRE ETATER**
- **KOMPETANSE PÅ FELTET**

HVORFOR HAR VI SÅ FÅ DOMMER PÅ DETTE FELTET?

HVORDAN KAN VI BLI BEDRE?

INTERVIEW GUIDE – THEMATICAL OVERVIEW (ENGLISH)

- **INTRODUCTION: PROFESSIONAL BACKGROUND**
- **ORGANISING IN THE POLICE DISTRICT (WITH RELATION TO THB)**
- **THE INVESTIGATION**
 - The initiation of cases
 - Planning / Investigative orders
 - Cooperation – police investigator and prosecutor
 - Cooperation within the district
 - Which part of the investigation is most challenging
 - Which part of the investigation is most vital to the outcome of the case
- **THE VICTIM**
- **THE SUSPECT**
- **INVESTIGATIVE METHODS**
- **INVESTIGATING ABROAD**
- **COOPERATION OUTSIDE THE POLICE ORGANISATION**
- **COMPETENCY ON THB**
- **WHY FEW CONVICTIONS?**
- **HOW CAN WE DO BETTER?**