

Mandate of the Special Rapporteur on trafficking in persons, especially women and children

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(Please use this reference in your reply)

23 September 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolution 53/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning a ██████████ national victim of trafficking who was charged with drug related offenses, despite indicators of trafficking in persons, and currently at risk of deportation to ██████████ despite risks in relation to his collaboration in the criminal proceedings and his situations as a victim of trafficking in persons.

According to the information received:

██████████ is a ██████████ migrant in Norway and victim of trafficking in persons for the purposes of forced criminality. Due to his role in the conviction for drug offences of the intermediary, who, allegedly, abusing his position of vulnerability arranged ██████████ work in a cannabis farm, he has applied for asylum based on fear of reprisals if returned to ██████████. At the moment ██████████ has no formal leave to remain in Norway since 6 August 2025. His asylum application was rejected in July 2025 in a decision which substantially relied on the criminal Appeal Court's judgment regarding the drug offences and the resulting criminal convictions of ██████████. While this decision was appealed, the appeal remains pending. In the interim he was only granted an extension of stay until 6 August 2025. An application was made for ██████████ to be given leave to remain pending the outcome of his asylum appeal. That application for leave to remain was heard in the asylum court on Tuesday 9 September. By a decision dated 12 September 2025 the Asylum Court rejected ██████████ application to stay in the country.

He is now immediately removable to ██████████ and ██████████. ██████████ ability to shelter him is now also in jeopardy. On the evening of Monday 15 September, the police contacted ██████████ previous address at ██████████ to proceed with deportation plans.

Background of the case

Prior to his travel to Norway, ██████████, a ██████████-year-old man, reportedly lived in ██████████ with his wife and children, performing various heavy work jobs and living in poor conditions. In 2018 ██████████ was recruited by a ██████████ intermediary who lived in Norway to work in Norway at a farm. Another ██████████ recruitment intermediary associated with the first arranged for ██████████ work in the farm. The second recruitment intermediary was in

charge of salary payments and workers' schedule, given the lack of understanding of Norwegian language of the workers in the farm many of whom were also [REDACTED] and had been recruited similarly.

Finally, [REDACTED] received an Offer of Employment which showed he would be working for six months as a seasonal worker/farmworker for 37.5 hours per week. The salary was stated as NOK 145 per hour. In order to process the documentation [REDACTED] paid several fees (1000 USD to the second intermediary and NOK 7000 for the application that was delivered at the Norwegian embassy in [REDACTED]). To pay these fees and finance the trip, [REDACTED] borrow money at a high interest rate at home in [REDACTED]. His wife was responsible for the loan while he was away. She was dependent on remittances sent by [REDACTED] whilst he was working in Norway in order to service the debt repayments and support the family.

On 5 January 2019, [REDACTED] was granted a seasonal work permit in agriculture for 6 months and was issued a D visa for entry to Norway on 7 January 2019. He finally arrived in Oslo on 1 April 2019 where he was met by the first intermediary. Once in Oslo, [REDACTED] processed and obtained the necessary residence permit. The permit was valid from 4 April to 4 October 2019.

Upon arrival the first intermediary had organized for [REDACTED] accommodation together with other workers in a one-bedroom apartment. Also, in the apartment lived an associate of the first intermediary to whom rent had to be paid (prior to accepting the job offer, [REDACTED] had been promised that he would live rent free in accommodation arranged by the recruiter. Neither the rent nor the type of accommodation, which was overcrowded, was in accordance with what he had originally been promised).

When [REDACTED] eventually arrived at the farm, he received a new contract, where the salary was lower than he had expected. Moreover, when salaries were due, [REDACTED] reportedly didn't receive any wages. When he raised his concerns with the second recruiter, he was eventually paid only a part of the salary (NOK 100 instead of NOK 145 per hour) and a total of NOK 2000 per work, which did not amount to the NOK 100 per hour, taking into account the hours he had worked. In this regard [REDACTED] was also not allowed to keep the time sheets for his work. These were kept by the second intermediary.

No salary was reported to the Norwegian authorities and when questioned during the criminal case, the farm owner said he had no timesheets for [REDACTED] but could not rule out that he had worked on the farm. According to the information received, despite these discrepancies and lack of information to the Norwegian authorities no investigation was open regarding the labour conditions on the farm and potential labour law violations.

Due to the working and living conditions, especially lack of appropriate payment that was placing him and his family in [REDACTED] at risk of not repaying the loan on time, together with fear of reprisals by the intermediary if the concerns about labour conditions were raised, [REDACTED] left his work at the

farm to find other work in Norway.

At the end of April 2019, the first intermediary arranged for ██████████ to work in short-term renovation assignments. During this period, payment of wages, if any, was irregular. ██████████ tried to call the ██████████ Embassy in the spring of 2020 for help to return home without success. In addition, as a result of measures taken by the ██████████ Government due to COVID-19 pandemic, anyone travelling to ██████████ was required to quarantine on arrival for 14 days in a hotel. The stay was to be paid for by the individual themselves, a financial burden ██████████ or his family could not afford.

In summer/autumn 2020, the first intermediary asked ██████████ ██████████. The intermediary transported ██████████ to the site and left him to live and work there, even though the site was not prepared/fitted to be used as accommodation. ██████████ was promised NOK 40,000 at the end of the construction work project, however due to financial issues the construction work stopped after two months, and ██████████ received only around NOK 10,000 for the construction work. Given the situation of dependency towards the intermediary, ██████████ did not raise any concerns with the police or anyone else. At this point, the intermediary offered ██████████ work at a cannabis farm of his property in exchange for food, lodging in the cannabis farm and about NOK 40,000 after the cannabis work on the farm was completed. ██████████ did not immediately understand that it was illegal to grow cannabis in Norway. ██████████ worked 5-6 hours a day every day. He was working there without wages for almost three months when the police arrested him there.

██████████ was arrested on 12 November 2021 and remained in detention from that date on, including over a year in pre-trial detention that was continuously challenged by his lawyer. In the first interview with the police, ██████████ was reportedly collaborative with the law enforcement authorities and the criminal investigation about the cannabis farm. He also informed the police that he feared that he and his family would be subjected to reprisals by the first intermediary due to his collaboration and denunciation to the authorities.

In parallel to the criminal investigation for drug offences (cannabis farm), he was also identified in January 2021 as a victim of trafficking in persons by ROSA (organization funded by the Ministry of Justice to coordinate assistance to victims of trafficking in persons at national level). In March 2021 the Norwegian Police opened a trafficking in persons investigation in which both recruiters were suspects. ██████████ was granted a reflection period in May 2021 as a victim of trafficking in persons for a period of 6 months which was extended for another six months in January 2022 by the Directorate of Immigration (UDI), who noted in both the first and the extension request that there was evidence that ██████████ was exposed to human trafficking when the reflection period was granted.

Notwithstanding that (1) the police investigation into ██████████ human trafficking had not been concluded and (2) that he had a residence permit as a potential victim of human trafficking and was in a reflection period as a potential victim of trafficking, on 16 September 2021 a decision to prosecute ██████████

and the first intermediary for illegally manufacturing drugs as well as illegal obtention of electricity, as co-defendants was reached by the State Prosecutor's Office. ██████████ was also charged with immigration offences for not having renewed his residence permit. He was convicted of all the charges, namely serious drug crime, theft of electricity and penalty for illegal stay, by the District Court on 28 October 2021. ██████████ sentence was deducted given his support during the criminal investigation, in particular regarding the involvement of the first intermediary, who was convicted of serious drug crime and theft of electricity.

The sentences were appealed at the Court of Appeal as the police investigation on trafficking in persons continued. During the investigation for trafficking in persons, the intermediary was made aware of the evidence against him regarding his role in trafficking in persons and changed his statement at the Court of Appeal regarding the drug offence, downplaying the situation of ██████████ dependency on him. The Court of Appeal verdict on 28 March 2022, whilst accepting the human trafficking police investigation regarding ██████████ claims to have been trafficked had still not been concluded, and notwithstanding the Prosecutor stating that it could not be ruled out that ██████████ was a victim of trafficking in persons ruled that ██████████ was not a victim, contrary to the District Court's previous ruling. ██████████ appeal was dismissed and his sentence increased to three years in prison. An application was made to appeal the Court of Appeal's decisions regarding ██████████ to the Supreme Court's Application Committee, which was dismissed.

After his release, after serving his criminal sentence, he was housed by ██████████.

While I do not wish to prejudge the accuracy of these allegations, I believe the circumstances of the case raise concerns to several human rights violations, especially, regarding the situation of ██████████ as a potential victim of trafficking in persons for the purpose of forced criminality. The situation described would contain elements and indicators of trafficking in persons as per the definition set in article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), ratified by your Excellency's Government on 23 September 2003 which defines trafficking in persons as "the 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. 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". According to the reported facts of the case, ██████████ first details of recruitment, including incurring into debt for recruitment fees, as well as changing conditions of contract only upon arrival at country of destination, as well as lack of payment of wages and further costs related to accommodation managed by the recruiter himself, are all indicators of trafficking in persons (as set forth in A/HRC/23/48/Add.4, appendix I and A/HRC/35/37, para. 66). The subsequent position of vulnerability in which ██████████ was placed as a potential victim of trafficking was further used as means to re-traffic

██████████ for the purposes of forced criminality.

I believe that a failure to, on the one hand, adequately investigate the evidence regarding trafficking in persons (information received indicated that no further investigation had been done regarding the labour abuses occurring in relation to the work in the first farm), and on the other hand, apply the principle of non punishment as explicitly enshrined in the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), article 26, ratified by your Excellency's Government on 17 January 2008, including through the denial of ██████████ leave to remain in Norway (especially considering that, reportedly, the trafficking in persons investigation was not finalized) may also result in a denial to the right of protection and assistance to a victim of trafficking in persons, as per international obligations (as established for instance in article 6 of the Palermo Protocol and articles 10 to 14 of the Council of Europe Convention) and as established by the European Court of Human Rights in *V.C.L. and A.N. v. United Kingdom*.

Concerns regarding his situation as a potential victim of trafficking

In addition to the concerns above I would like to reiterate the obligations emanating from article 6 of the Palermo Protocol, concerning assistance to and protection of victims of trafficking in persons, including implementation of measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations. I also wish to reiterate obligations enshrined in the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), in particular article 13 and 14 regarding reflection period and residence permit. I would like to refer to article 14.1, regarding the obligation to take into consideration the personal situation of the victim in the renewal of a residence permit. I would also like to bring your Excellency's Government attention article 16, which explicitly calls States "When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary". I am concerned that the repeated fear of reprisals that ██████████ reportedly voiced at different stages of the investigation may not have been adequately considered in line with this obligation.

Regarding the application of the principle of non punishment, I wish to highlight the importance of ensuring effective implementation of the non-punishment principle, and in particular the obligation to ensure the prompt and effective identification of victims of trafficking in order for the principle to be effectively applied. As reiterated in my report to the Human Rights Council in 2021, recalling the European Court of Human Rights, "effective implementation of the non-punishment principle is essential to ensuring that States' duties to take protective operational measures of assistance and protection, including of non-refoulement, are met. In its decision in *V.C.L. and A.N. v. United Kingdom*, the European Court of Human Rights recognized that prosecution may conflict with the State's duty to take operational measures to protect a victim, or potential victim, "where they are aware, or ought to be aware, of circumstances giving rise to a credible suspicion that an individual has been trafficked". Highlighting a core purpose of the non-punishment principle, the Court held that it was "axiomatic" that prosecution would be injurious to a victim's "physical, psychological and social

recovery and could potentially leave them vulnerable to being re-trafficked in future” (A/HRC/47/34, para. 28).

I also highlight the obligation to ensure that, “the principle of non-punishment is applied to: (a) All forms of trafficking, including for the purpose of sexual exploitation, labour exploitation and forced criminality, as well as to both cases of international trafficking and cases of internal trafficking; (b) Any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation regardless of the gravity or seriousness of the offence committed; (c) Criminal, civil, administrative and immigration offences, as well as other forms of punishment, [...]; (d) Any situation of deprivation of liberty, including immigration detention and detention pending removal, transfer or return proceedings.” (A/HRC/47/34, para. 57).

Finally, I also wish to recall that “the obligation to ensure the effective application of the non-punishment principle rests on the State, arising from its positive obligation to take protective operational measures of identification, protection and effective investigation. Where criminal proceedings have already commenced, the burden of vacating a guilty plea or initiating an abuse of process or judicial review does not rest with the victim of trafficking; it rests with the State, as a positive obligation to ensure non-punishment and an essential requirement of States’ obligation of due diligence” (A/HRC/47/34 para. 47).

Given the particular circumstances of this case, I also wish to recall obligations enshrined in article 5 of the Palermo Protocol, calling on State parties to ensure effective implementation of the obligation of criminalization of trafficking in persons for all its purposes, including forced criminality. I am concerned that despite the first consideration of ██████████ as a victim of trafficking in persons, and indicators identified, there may have been a failure to undertake effective investigations into allegations of trafficking in persons, or to ensure international cooperation in the investigation of trafficking in persons leading to a lack of accountability for this serious human rights violation and serious crime, and continued impunity for trafficking in persons. I am also concerned that potential violations of obligations contained in article 28 of the Council of Europe Convention may have occurred during the investigations, particularly in relation to the adoption of “such legislative or other measures as may be necessary to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators”.

In addition, I would like to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the Office of the High Commissioner for Human Rights in July 2002, complemented by an accompanying Commentary published in 2011. In particular, I would like to refer to principle 7 regarding non punishment of victims for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons as well as principle 8 and 9 regarding adequate protection and assistance, including access to adequate and unconditional physical and psychological care, as well as legal assistance for the duration of any criminal, civil or other actions against suspected traffickers.

Concerns regarding the principle of non-refoulement

I am concerned that the deportation of ██████████ could constitute a violation of the obligations of *non-refoulement* arising under international human rights law and customary international law. Article 3 of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment (CAT), ratified by Norway on 9 July 1986, states: “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” Article 3(2) states “For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.” Article 2, paragraph 2, provides that the prohibition against torture is absolute and non-derogable and emphasizes that no exceptional circumstances whatsoever may be invoked by a State Party to justify acts of torture in any territory under its jurisdiction. In the context of the prohibition against torture and other forms of ill-treatment, the principle of non-refoulement is applicable to all situations with no exceptions, and to all human beings, without discrimination.

Further, General comment No. 4 (2017) of the Committee against Torture states that trafficking in persons may constitute torture (as included in a non-exhaustive list of human rights situations that may constitute an indication of a risk of torture), to which the principle of *non-refoulement* should be applied. This includes whether the person concerned would be deported to a State where he or she was subjected to or would run the risk of being subjected to slavery and forced labour or trafficking in human beings.

In this regard I would like to draw the attention of your Excellency’s Government to my report to the Human Rights Council “Refugee protection, internal displacement and statelessness” (A/HRC/53/28), which states that the obligation of *non-refoulement* also applies to risks of trafficking in persons arising from non-State actors, where the State is unable or unwilling to provide protection (A/HRC/53/28, para. 30). Such protection must include specialized assistance measures for victims of trafficking and persons at risk of trafficking (A/HRC/53/28, para. 35).

I would also like to raise a similar concern under article 3 of the European Convention on Human Rights, ratified by Norway on 12 June 1964, and the risk of the deportation leading to the imminent risk of irreparable harm, as per cited article which provides that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. As above, the protections afforded by article 3 are absolute, non-derogable and subject to no exception, neither under the Convention nor under general international law (see, for example, *Ireland v. United Kingdom*, No. 5310/71, para. 163, ECtHR 1978). As has been recognised by the European Court of Human Rights, asylum seekers are considered to be particularly vulnerable, and in need of special protection (*M.S.S. v. Belgium and Greece*, No. 30696/09, para. 251, ECtHR 2011) “because of everything [they have] been through during [their] migration and the traumatic experiences [they were] likely to have endured previously” (*ibid.*, para. 232). As Special Rapporteur, I note that the Court has stated that, “the principle according to which indirect refoulement of an alien leaves the responsibility of the Contracting State intact, and that State is required, in accordance with the well-established case-law, to ensure that the person in question would not face a real risk of being subjected to

treatment contrary to Article 3 in the event of repatriation (see, mutatis mutandis, T.I. v. the United Kingdom (dec.), No. 43844/98, ECHR 2000-III, and M.S.S. v. Belgium and Greece, ...[Application No. 30696/09] para. 342).” (Case of Hirsi Jamaa and Others v Italy, Application No. 27765/09, para. 146).

Additionally, article 40(4) of the Council of Europe Convention on Action Against Trafficking in Human Beings provides: “Nothing in this Convention shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.” The Explanatory Report to the Convention, with regard to article 40(4), notes: “The fact of being a victim of trafficking in human beings cannot preclude the right to seek and enjoy asylum and Parties shall ensure that victims of trafficking have appropriate access to fair and efficient asylum procedures. Parties shall also take whatever steps are necessary to ensure full respect for the principle of non-refoulement.” (Council of Europe Convention on Action against Trafficking in Human Beings 2005, Explanatory Report, para. 377). The obligation of non-refoulement has been stated also by the monitoring body, the Group of Experts on Action against Trafficking in Human Beings (GRETA). See: Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.” (GRETA(2020)062).

Furthermore, I wish to refer to article 14 of the Universal Declaration of Human Rights, which states that “everyone has the right to seek and enjoy in other countries asylum from persecution.”

In this context I would also like to refer to principle 11 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking regarding safe return to her country of origin, if the victim so wishes, or alternatives to repatriation if there is a concern for her safety, recalling the international legal rights of trafficked persons as victims of human rights violations to adequate and appropriate remedies, including compensation. Finally, principle 13 of the Principles and Guidelines states that “States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or non-State actors”.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations;

2. Please provide any information if any consideration was given during the asylum proceedings to evidence of trafficking in persons for forced criminality, and the fear of reprisals if [REDACTED] was returned to his country of origin;
3. Please provide information on the measures being taken to ensure compliance with the State's obligation of due diligence to prevent trafficking in persons, including, in particular, victims of trafficking for forced criminality, and to ensure early identification and effective access to protection, and access to effective remedies, including to compensation;
4. Please provide information of any measures taken to ensure that the principle of non-punishment of victims of trafficking in persons is adequately and promptly applied as soon as there are reasonable grounds for believing that a person is a victim of trafficking, and especially in cases of trafficking in persons for forced criminality;

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge the authorities to re-consider the case of [REDACTED], taking into account the elements and circumstances of the case that, as exposed above, could give reasonable ground to the consideration of [REDACTED] as a victim of trafficking in persons. In addition, and in line with the effective application of the principle of non-punishment, I urge your Excellency's Government to take all necessary measures to provide for expungement or sealing of all related criminal records and relief of any sanctions imposed. Pending the implementation of a specific legal provision on non-punishment, I recall that States should comply with their non-punishment obligation by interpreting existing domestic legal norms, including defences of duress or a state of necessity, as general clauses of exemption of liability. As stated by the Special Rapporteur on trafficking in persons, especially women and children in A/HRC/47/34, "States should ensure that those defences are adapted to the trafficking context, recognizing the many subtle forms of coercion experienced by victims of trafficking, including abuse of a position of vulnerability and all the means set out in the definition of trafficking".

Please accept, Excellency, the assurances of my highest consideration.

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children