

UNODC Working Group trafficking October 2021

Statement from Norway to agenda item 3

From Jan Austad, Ministry of Justice and Public Security, Norway

- The excellent background paper mentions that some States have adopted measures to address the responsibility of businesses and legal persons, due diligence in the supply chain and the relationship between business and human rights.
- I am glad to add Norway to the list of states that have now passed legislation on this issue.
- In June this year, Parliament adopted a “Transparency” act building on a report and suggestions from the Norwegian Ethic Information Committee.
- The purpose of the act is to promote enterprises respect for fundamental human rights and decent work related to the production of goods and services. The purpose is also to ensure that the general public have access to information on how the enterprises address human right issues within the enterprise and in its supply chains. The Transparency Act is meant to be beneficial for many different actors in society. Civil society, the media and academia will gain access to information that can contribute to identifying, influencing and communicating socially important information. Investors who are striving to achieve high social and corporate governance standards in their investments will be able to use the Act to obtain information in order to make ethical investments.
- The act entails obligations for larger Norwegian enterprises selling goods and services in or outside of Norway. The act also includes obligations for some larger foreign enterprises selling goods and services in Norway.
- The act builds on the UN Guiding Principles on Business and Human Rights and OECDs Guidelines for Multinational Companies.
- The act includes an obligation for the enterprises to conduct due diligence to identify, prevent and mitigate adverse impacts on fundamental human rights and decent working conditions in the enterprises' own operations, their supply chains and other business relationships.
- The enterprises are obligated to publish a report on their websites with key findings from their due diligence processes, and respond to specific enquiries for information from consumers, organisations and others.
- An important question is to consider if mandatory legislation is necessary. Several businesses in Norway were already taking strong measures to ensure that slavery and trafficking in persons did not take place in any of their supply chains and in any part of their own business. It was concluded that it creates a more level playing field if all businesses contribute.

- A difficult question with transparency laws is how to ensure compliance. In Norway, the background for establishing the Ethic Information Committee was to examine how to secure information for the consumers and protecting consumers interests.
- We have a well established *Consumer Authority* - an independent administrative body tasked with supervising the market, enforcing consumer protection laws and advising traders on how to observe the regulatory framework. So, it seemed natural to task this Consumer Authority with providing guidance to enterprises on the implementation of the act and enforce the act to ensure compliance. The Norwegian Consumer Authority can reach an administrative decision with penalties to enterprises that do not comply with the Act.

- Experience from other countries suggest that this is a difficult field to legislate. Our Act will be evaluated after being in force for some time. The purpose of the evaluation is to assess whether the Act is working in accordance with its purpose. We will at the same time consider including smaller enterprises in the act.
- In concluding, let me again point to the high value of the background papers that the secretariat prepares for our meetings. I urge you all to consider disseminating these background papers to colleagues and other authorities in your countries.
- Thank you.
