



Norway

- Population: 5.1 million
- GDP per capita (in US dollars): 97,307
- Constitutional monarchy with a parliamentary system
- Human Development Index (HDI): 0.944 (1st rank among 187 countries)
- Gender Inequality Index (GII): 0.067 (9th rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 87 on a scale from 0 (highly corrupt) to 100 (very clean)

- No official national statistics on prostitution. Unofficial sources estimate that there are 1,500 'indoor' prostituted persons and 1,200 outdoor prostituted persons in the four principal Norwegian cities (*Fondation Scelles*, 2013).
- Abolitionist regime. The purchase of sexual services, considered a criminal offense since the law of December 12th, 2008, is punishable by a fine as well as a possible prison sentence of up to six months or a year. Procuring is punishable by up to five years of imprisonment.
- Trafficking in human beings is punishable by imprisonment for five years or 10-15 in aggravating circumstances (Article 224 of the Criminal Code).
- In 2014, 36 cases of trafficking for prostitution were reported, two of which were subject to trial.
- Overall, since the promulgation of the law criminalizing clients, prostitution has decreased by 20-25%.
- Country of destination for victims of trafficking for sexual exploitation.
- Principal origin countries: Eastern Europe (Bulgaria, Romania, Albania, Lithuania), Africa (particularly Nigeria), Brazil, Philippines, and increasingly, Syria.

Norway is one of two Scandinavian countries that are not a part of the European Union (the other being Iceland). Twice, in 1972 and 1994, the Norwegian people refused the country's accession to the European Union in a referendum. However, Norway is founding member of the Council of Europe, which it joined on May 5, 1949. According to a 2013 report by the Council of Europe Expert Group on Action against Human Trafficking (GRETA), Norway is primarily a country of destination for victims of human trafficking. The U.S. Department of State Report on Trafficking in Persons also supports this claim. Most of

the victims identified are probably foreign nationals. Norway is ranked as Tier 1 by the U.S. Department of State as one of the countries that fulfills the minimum standards for preventing and fighting against human trafficking.

Alarming current estimation: increasing number of identified victims

The financial crisis, which affected most European countries, made Norway an attractive target country for traffickers. Thus, the Norwegian police have been tracking more and more cases of trafficking victims. In 2012, 349 victims were investigated, 27% more than in previous years (*KOM*, 2012). In 2013, the Norwegian government identified and provided assistance to 350 victims of trafficking (227 women, 35 men, and 88 children) (*U.S. Department of State*, 2014). That same year, the Norwegian authorities investigated more trafficking cases than all previous years (30 investigations), although the number of actual convictions declined. In April 2014, the Norwegian police dismantled a large international trafficking network for prostitution in Bergen, the second largest city in Norway. The traffickers were students and workers of Nigerian origin, legally residing in Norway, which facilitate the exploitation of a dozen women for many years. Victims of trafficking for prostitution in Norway are mostly from Eastern Europe (Bulgaria and Romania), Africa (Cameroon, Democratic Republic of Congo, Eritrea, Ghana, Kenya, Niger, and Nigeria), Brazil, and the Philippines. The number of foreign prostituted persons in Norway has increased in recent years according to some Norwegian associations. The Church's City Mission (Kirkens Bymisjon), a center for prostituted persons, helped 987 people from 53 different countries in 2013 compared to 41 countries in 2012 (*NewsinEnglish.no*, July 24th, 2014). Only 70 of those who received aid were Norwegian. There was a significant increase in people originating from Bulgaria and Albania. This may be a result of Norway's severe rules on labor and migration.

Legislative Reform in 2008: The Criminalization of Clients

Human trafficking is criminalized in Article 224 of the Norwegian Penal Code, providing for imprisonment of up to five years. In its 2013 report, GRETA considered this penalty to be too light. A law amending the Penal Code was adopted in 2005, providing for an increase in the length of imprisonment to six years, but it has not yet been put into force. Various aggravating circumstances are listed in the Penal Code, so the term for imprisonment can be extended to 10 or even 15 years. The knowing use of services from a trafficked person is also punishable. Although the sale of sexual services is tolerated, buying has been a criminal offense since the law of December 12, 2008 (Article 202a of the Penal Code), which came into force on January 1, 2009. The penalty for the purchase of sexual services is a fine, which can be accompanied by imprisonment for up to six months or one year depending on the circumstances. By outlawing the purchase of sexual services, the Norwegian government aimed to change public attitudes, reducing the size of the market by constraining supply and demand, prevent prostitution and, therefore, sexual exploitation. The law also aims to protect prostituted persons and help them escape this activity. It is also applied extraterritorially; so Norwegian citizens or people living in Norway who buy sexual services in Norway or abroad

can also be convicted. This legal activity has thus become increasingly rare in Norway. Finally, procuring is also illegal (maximum five years imprisonment) as well as advertisements for prostitution and public announcements of offers, arrangements, and applications of sexual services (maximum six month imprisonment). In early January 2014, the Oslo court sentenced an 80-year-old Norwegian to a fine of 2,400 € (2,600 US\$) for soliciting the services of a prostituted person. He is likely the oldest man to have been convicted under this law. If he refuses to pay the fine, he will be required to serve 15 days in jail. According to a survey by Sentio for the Klassekampen newspaper, 65% of Norwegians are in favor of criminalizing the purchase of sexual services.

A Law Still Criticized Today

Some claim this ban on the purchase of sexual services drives prostituted persons to operate secretly, consequentially making them more vulnerable and exposed to violence. Norwegian organizations that help prostituted persons, such as Prostitueres Interesseorganisasjon i Norge (PION), and research institutes such as Fafo, are also opposed to the penalization of the client.

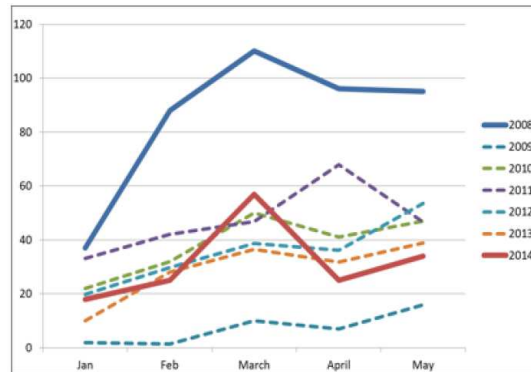
On the other hand, the Norwegian police rule out the possible danger of this law; the National Rapporteur of Human Trafficking, Kajsa Wahlberg, said, “the fewer women in prostitution, the less violence”. *Pro Sentret*, a field association of Oslo, plays a major role in the criticism of this law. It has published studies (*Fair Game* in 2008 and *Dangerous Liaisons* in 2012) designed to prove its danger and has claimed that violence against prostituted persons has only increased since the criminalization of clients. However, these studies should not be immediately trusted. The sample sizes are too small to be representative and they were not analyzed in the same durations. Also, all violent occurrences are combined and their frequency is not taken into account. *Pro Sentret* does recognize that there has been a decline in the number of prostituted persons and clients. However, it is important to recognize that this secrecy enables clients to demand anything they want from prostituted persons.

A Positive Assessment of the Law

Five years after the adoption of the law criminalizing the purchase of sexual services, the Norwegian government now wants to evaluate its results. This prohibition has been greatly debated in Norway because of the moral and ethical questions that it raises. A report on this evaluation was commissioned in the 2013 Fall by the Norwegian Ministry of Justice and Public Security. Published August 11, 2014, this evaluation was conducted independently by *Vista Analysis* from January to June 2014 (*Rasmussen*, 2014). The report is nearly 200 pages long based on interviews with prostituted persons, the police, and support organizations. The main contribution of this evaluation is that the ban on sexual services has led to a reduction in the demand because the clients are afraid of being prosecuted. In fact, more than 1,500 people have been fined since the adoption of this law. The drop in demand has caused a decrease in rates, creating a problem for prostituted persons who are often from poor countries and have no other alternatives to survive. Immediately following the implementation of the law, the prostitution market, stabilized to a lower level than that of before 2009. The most significant

change concerns street prostitution (outdoor prostitution) in Oslo. Fieldwork consistently shows that the size of the prostitution market has now stabilized to a level of 40-65% of the market prior to the law.

Number of Street Prostituted Persons in Oslo from 2008-2014



Source: Rasmussen I., Strom S., Sverdrup S. et al., *Evaluation of Norwegian legislation criminalising the buying of sexual services (Summary)*, Ministry of Justice (Norway), Vista Analyse, no.2014/30, July 2014.

Similar observations have been made for other major Norwegian cities such as Bergen and Stavanger. As for indoor prostitution, the report estimates that it has decreased by 10-20% since 2008, although this assessment comes with a degree of uncertainty given the difficulty in evaluating this market. Overall, prostitution in Norway has decreased by 20-25% since the enactment of the law. Due to the financial crisis, Norway has become particularly attractive because of its effective economic policy and good condition of its finances. The report estimated, still with a high degree of uncertainty, that without the law, the Norwegian prostitution market would have been 15% larger than in 2008 and 45% larger than the current market. In addition, the penalization of clients has decreased demand, as Norway has become a less attractive market for human trafficking for prostitution. The activity and earnings of procurers are declining. Finally, the law has helped change the opinion of young men who are now speaking out against the purchase of sexual services. As for the violence experienced by prostituted persons since the application of the law, the report found no evidence of an increase, contrary to the claims of Pro Sentret. On the contrary, the act has actually strengthened the rights of prostituted persons by providing them with a tool to protect themselves from violent customers as they can report them to the police. Similar to the law, this report has been subject to criticism by prostituted persons and pro-prostitution organizations. They believe that the decline in prostitution numbers is due to the fact that it is now practiced more on the Internet. In addition, they noted that the evaluation was not exhaustive and that it was not possible to know global prostitution statistics.

An Abrogation of the penalization of Clients ?

In power since October 2012, the coalition between the Conservative Party (Høyre) and the Progressive Party (Fremskrittspartiet) has opposed the law passed in 2008 criminalizing clients and wishes to abolish it. Due to the report published by *Pro Sentret* revealing worrying figures about an increase in violence against prostituted persons, some Norwegian politicians

have begun to doubt the law (*Bjørndahl*, 2012). They have presented the afore mentioned criticisms and the fact that *Pro Sentret*'s interviews with prostituted persons claim they feel more in danger than ever before. This report has even been used in other countries, such as France, by critics of the client's penalization. Given the positive results of the August 2014 evaluation, the Conservative Party seems to have changed its mind and wants to keep the law, especially as the Norwegian population seems in favor of maintaining it (*Matlary*, 2015). However, the Progressive Party still wishes to abolish it. With both parties forming the majority, nothing is gained even though some are betting on a continuation of the law. A prostitution survivor, Tanja Rahm, published a blog post, questioning the wide public support of the parties wanting to remove the penalizing law. She was a prostituted person for three years and, addressing her former clients, explains that she never wanted to spend time with them, even though she pretended the opposite, and that the use of prostitution is not a choice but an obligation for survival. She says that banning the purchase of sexual services will allow a decrease in demand from clients, and that men who are willing to pay for sex will have to build healthy and normal relationships (*Aftenposten*). Tanja Rahm's statements have given way to continuous debates about the policy on prostitution in Norway. Therefore, because of the positive conclusive evaluation, the Norwegian law criminalizing clients seems to be politically secure, as it has produced the desired effects.

Insufficient Protection for Victims in Irregular Situations

According to the U.S. Department of State Report on Trafficking in Persons, the Norwegian government has adopted a victim-centered approach by offering many different services to victims through specialized NGOs and local government. Norwegian municipalities are legally required to house victims of trafficking in help centers, regardless of their immigration status. However, no government agency has primary responsibility for the identification of trafficking victims (*GRETA*, 2013). This increases the risk of varying levels among treatment among victims. In principle, all agencies, organizations or individuals (social workers, police, teachers, medical personnel...), who have a reason to believe that a person may have been trafficked, have a legal duty to identify that person as a possible victim and direct her to the appropriate authorities and aid programs. Victims of human trafficking may also report themselves to the authorities or NGOs. In other words, it is not necessary to have formal identification as a victim of trafficking to be eligible for assistance and protection. An alleged victim of trafficking is entitled to a six-month period of reflection with the Norwegian Directorate of Immigration (UDI), a time in which he or she can receive assistance and choose whether or not to help the Norwegian authorities to prosecute traffickers. In 2013, 30 victims benefited from this period of reflection. A temporary residence permit limited to 12 months can be granted to victims that file a complaint with the police against their trafficker so that they can be available during the investigation and a possible trial. This status allows them to receive protection and accommodation, to work in Norway, and to have access to public services. However, this protection is only temporary. To obtain refugee status, the trafficking victim must prove that a return to their country of origin would be a serious danger (*European Commission* 2014). In order to identify potential victims of trafficking, Norway uses a list of standard indicators. Once signs of trafficking have been

detected, the authorities in charge of asylum conduct a thorough investigation to determine victimization. Thus aid is given only to victims who represent extreme cases. In 2013, the Norwegian authorities issued 38 temporary residence permits and granted refugee status to 19 people. However GRETA, in its 2013 report, suggested that the Norwegian authorities should intensify their efforts to strengthen cooperation with origin countries. This would help find a solution to the problem of trafficking victims who are unable to get residence permit in Norway without identity papers.

In addition, many prostituted persons are afraid to file a complaint with the police when they are victim to violence or abuse because they fear being sent back to their country due to their illegal situation. Instead of investigating potential aggressors, police often only investigate the women. In March 2014, this was the case for three Algerian mothers who were beaten and stabbed in a motel (*Live Leak*, April 6th, 2014). They had obtained permanent residence permits in Italy so they were allowed to travel freely in Norway for up to three months. However, the Norwegian police took their passports and forced them to return to Italy, only giving back their passports two weeks after their attack. Although they needed help and care, they were imprisoned, put in a transit center, and returned to Italy before their injuries could heal. This example is one of many cases that illustrate the discrimination suffered by many victims of trafficking from the Norwegian police because of their nationality. As police investigate cases, they tend to examine residence status, finding a way to return victims from Norway, instead of focusing on abusers.

According to Rosa, an association for helping prostituted persons, sex trafficking networks organized with Norway as the destination are rarely identified or prosecuted so traffickers often see their activity as a safe trade. Only 36 cases of trafficking for prostitution were reported in Norway in 2014, two of which were subject to trial. This can be explained by a lack of police resources which discourages victims from reporting cases of trafficking, especially for illegal immigrants who run the risk of being deported. Victims of trafficking are often sent back to Italy under the Dublin Regulation of the European Union because it is the country in which they were first registered as asylum seekers. Once there, they are punished by traffickers and forced into prostitution to offset the loss in revenue.

The August 2014 evaluation of the law stressed the need to continue to develop social policies and provide more options for those wanting to leave prostitution (language courses, internships, work opportunities...). In addition, a mandate was given to the Coordination Unit for Victims of Human Trafficking (KOM) to assist central, regional, and municipal authorities and other organizations to identify victims of trafficking and provide them with assistance and protection.

Specific Protection for Child Victims of Trafficking

Child victims of sexual exploitation are the subject of special attention from the Norwegian authorities. The Child Welfare Act was amended in 2012 to strengthen the protection and care of minors victims of trafficking for prostitution. In order to take their immediate need for protection into account, minors can be placed in a specialized institution for child protection or a foster family for up to six months without their consent. On April 21st, 2015, Børge Brende, the Minister of Foreign Affairs, announced that Norway would

produce up to 50 million Norwegian Kroner (5.32 million €/5.76 million US\$) to finance measures helping refugees and migrants in transit in African countries so as to prevent the risk of dangerous crossings of the Mediterranean. Norway is also actively combatting trafficking in regions in crisis, in conflict, or affected by natural disasters.

Sources

- « Norwegian Police Don't Help Prostitutes », *Live Leak*, April 6th, 2014.
- Bjørndahl U., *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to*, Municipality to Oslo, 2012.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2013.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2014.
- European Commission, *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures*, European Migration Network (ENM), March 2014.
- Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway*, First evaluation round, GRETA(2013)5, Strasbourg, May 7th, 2013.
- Matlary J. H. (Prof.), « A 'Liberal Profession'? The Norwegian Debate on the Sex Buying Act », in: *Human Trafficking: Issues Beyond Criminalization*, Pontifical Academy of Social Sciences (The), Vatican City, 17-21 April 2015.
- Mouvement du Nid-France, « Norvège : la pénalisation des "clients", ça marche ! », *Prostitution et Société*, no.183, September 2014.
- Rasmussen I., Strom S., Sverdrup S. et al., *Evaluation of Norwegian legislation criminalising the buying of sexual services (Summary)*, Ministry of Justice (Norway), Vista Analyse, no.2014/30, July 2014.
- *Report from the national coordinating unit for victims of trafficking – 2011*, Coordination Unit for Victims of Human Trafficking (KOM), July 2012.
- Sandnes H. E., « Norwegian ban on buying sex affects immigrant women », *Science Nordic*, October 12th, 2014.
- U.S. Department of State, *Trafficking in Persons Report*, June 2014.
- Woodgate E., « More foreigners in prostitution », *NewsinEnglish.no*, July 24th, 2014.

- Fafo : <http://www.fafo.no/>
- Prostitueres Interesseorganisasjon i Norge (PION) : <http://www.pion-norge.no/>
- Pro Sentret : <http://prosentret.no/>
- Tanya Rahm (blog) : <http://tanjarahm.dk/blog/>