



THE HUMAN COST OF

'CRUSHING' THE MARKET

CRIMINALIZATION OF SEX WORK IN NORWAY

AMNESTY
INTERNATIONAL



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Cover photo: Empty street in Oslo in area where sex is sold.
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GLOSSARY

BUYER/CUSTOMER/CLIENT: A person that pays for consensual sexual services provided by a sex worker.

CISGENDER: Cisgender is a term used to describe a person whose gender identity corresponds with the gender they were assigned at birth.

CRIMINALIZATION: The process of prohibiting consensual adult sex work and attaching punishment or penalties through criminal laws. This includes laws that punish selling or buying of sex and the organization of sex work
It also refers to other laws not specific to sex work which are either applied in a discriminatory way against people involved in sex work, and/or have a disproportionate impact on sex workers which can in practice work as a *de facto* prohibition. Such laws could include those on vagrancy or loitering. Similarly, immigration laws can be applied in a discriminatory way against sex workers as a *de facto* prohibition on sex work by migrants.

DECRIMINALIZATION OF SEX WORK: The removal, repeal and cessation of the above-mentioned criminalization measures. It does not refer to the decriminalization of human trafficking, forced labour or any other exploitative practices; violence against sex workers; rape and sexual abuse; or the sexual exploitation and abuse of children.

ERADICATION OF SEX WORK: Used in this report to describe a public policy approach that seeks to substantially reduce/eradicate all forms of commercial sex through the enforcement of criminal and other laws. Also known as prohibition.

HUMAN TRAFFICKING/TRAFFICKING: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (also known as the UN Trafficking Protocol) provides the internationally accepted definition of trafficking as “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 purposes of exploitation.”

Human trafficking, including in to the sex sector, is not the same as sex work.

PENALIZATION: The use of other laws, policies and administrative regulations that have the same intent or effect as criminal laws in punishing, controlling and undermining the autonomy of people who sell sex, because of their involvement in sex work. These measures include, but are not limited to, the imposition of fines, detention for the purposes of “rehabilitation”, deportation, loss of child custody, disentanglement from social benefits, and infringement on rights to privacy and autonomy.

SOCIAL SERVICE PROVIDERS: Used to describe agencies which operate with the purpose of providing social services- such as health care, drop-in centres, legal advice and other forms of practical support directly to people who sell sex. These agencies include those funded by government and those which operate using charitable fundraising.

SEX WORK: The consensual exchange of sexual services between adults for some form of remuneration – money or goods – with the terms agreed between the seller and the buyer.

SEX WORKER: Adults (persons who are 18 years of age and older) of all genders who receive money or goods in exchange for the consensual provision of sexual services, either regularly or occasionally. For the purposes of this report, it includes those who sell sex consensually but may not necessarily identify as “sex workers”.

THIRD PARTIES: Individuals who assist with facilitating the sale and purchase of sex. Distinctions should be made between exploitative third parties and those who provide support services to sex workers at their request (for example, security guards, secretaries, advertisers).

TRANSGENDER: Individuals whose gender expression and/or gender identity differs from conventional expectations based on the physical sex they were assigned at birth. A transgender woman is a woman who was assigned the male sex at birth but has a female gender identity; a transgender man is a man who was assigned the female sex at birth but has a male gender identity. Not all transgender individuals identify as male or female; transgender is a term that includes members of third genders, as well as individuals who identify as more than one gender or no gender at all. Transgender individuals may or may not choose to undergo gender reassignment treatment.

EXECUTIVE SUMMARY

“Last year was really hell for me.” That’s how Mercy, a Nigerian sex worker, described her experiences of discrimination, social exclusion and human rights abuses in Norway. Her story culminated in her being forcibly evicted from her home in 2014. The fact that Mercy was made homeless, without any due process or notice, constitutes a human rights violation under international law. That the forced eviction occurred as a direct result of Mercy reporting a rape and violent robbery that she was a victim of, makes the treatment she received as a sex worker in Norway even more egregious. She told Amnesty International:

“A little guy came to the house with a knife. I answered the door. There were nine of us in the house. He threatened us with a knife and robbed our money and phones... He forced us to have sex with him. The police took two or three hours to come. They took us all to hospital and got us a hotel for two nights. Later, we went back to the house and, two days later, the landlord threw us out... The police put pressure on the landlord. She gave us half a day to get out... I had to wander around Oslo for hours with my bags until I found somewhere to stay”

Mercy, a Nigerian sex worker working in Oslo

Mercy’s story is not an isolated case. Amnesty International learned of another violent robbery carried out against three women selling sex around the same time in March 2014 who were rapidly deported from the country after they reported the incident to the police.

Amnesty International is deeply concerned that sex workers, a group that is recognized globally as being at increased risk of stigmatization, marginalization and violence, can face penalization in Norway when they report serious crimes. Norway is a country which prides itself on its strong human rights record at home and internationally and is a state party to all major UN and European human rights treaties relevant to the issues raised in this report. Norway is also a country that in recent decades has debated sex work issues and amended its legal framework.

The legal model adopted by the Norwegian government is promoted as one that encourages protection of people who sell sex, shields them from criminalization and instead shifts the criminal burden of blame to buyers of sex. Despite this, Amnesty International has found evidence of human rights abuses against

people who sell sex in Norway that are compounded by and, in some cases, directly caused by the legal framework. Amnesty International spoke with sex workers who had experienced violations of the right to housing, the right to security of person, the right to equal protection of the law, the right to health, the right to non-discrimination and the right to privacy. The issues described in this report demonstrate that Norway is not implementing its international obligations to respect, protect and fulfil the rights of people who sell sex.

HOW WE CONDUCTED OUR RESEARCH

This report is the result of three weeks of interviews undertaken in Oslo, Norway, between November 2014 and February 2015, as well as desk-based research. Amnesty International conducted a total of 54 interviews; 30 of which were with women who currently or previously sold sex. Three women Amnesty International interviewed described experiences of trafficking. Amnesty International also met with representatives of multiple agencies that provide social support services to people who sell sex. Interviews were conducted with government agencies including the Ministry of Justice and Public Security, the Oslo police district, the Regional Public Prosecution Office for Oslo and the Ombud for Equality and Anti-Discrimination. Amnesty International also met with a number of other civil society organisations as well as with lawyers and academic/social researchers.

AN EXPANDING LEGAL FRAMEWORK

In recent decades, the Norwegian government has, through legal change, expanded the scope for police intervention in, and control of, the commercial sex market. The breadth of the law on “promotion” of commercial sex has been expanded, meaning that it now criminalizes a wide range of activities associated with organizing sex work, such as renting premises, or working with others. At national level, new initiatives promoted by the Norwegian government to address human trafficking have focused on the reduction/eradication of sex work as the principal means by which human trafficking in the sex sector can be prevented. This is despite concerns expressed by a number of UN agencies and anti-trafficking groups, that conflating adult consensual sex work with human trafficking does little to reduce trafficking and leads to human rights violations.

In 2009, Norway became the third country in the Nordic region to make buying sex a criminal offence – a measure which, combined with the removal of laws that criminalize the direct act of selling sex, is commonly referred to as the “Nordic Model”. This move had been consistently rejected over the previous two decades. However, concerns about changes in the commercial sex market, in particular the arrival of an increasing number of Nigerian migrant women selling sex on the street in Oslo from 2003 onwards, exacerbated fears about unwanted migration, organized crime and human trafficking and helped galvanize support for the new law.

SEX WORKERS FACE INCREASING PENALIZATION AND POLICE CONTROL

The claims that individual sex workers are not criminalized or penalized under the “Nordic Model” in Norway and that the level of harm and stigma that sex workers experience is reduced, are not being realized on the ground. Amnesty International has found evidence that many sex workers remain subject to a high level of policing and are being targeted and penalized by police in multiple, intersecting ways. One social service provider told Amnesty International that:

“No other group in society has this much police attention and has to live with it – even though they are not doing anything illegal. This attention isn’t warranted even by the offence the clients are charged with, let alone the fact the sex workers are not breaking the law.”

Oslo police have over the last decade adopted a “preventative policing” approach to sex work which involves the enforcement of lower level offences as “stress methods” to disrupt, destabilize and increase the pressure on those operating in the sex sector. One academic researcher describes how police sources “in Oslo often use terms like they are going to ‘crush’ or ‘choke’ the [prostitution] market, and unsettle, pressure and stress the people in the market”. One example of this approach is “Operation Homeless”: an initiative that saw increased enforcement of the law on “promotion” of sex work – which makes it an offence to “let premises ... for prostitution”. “Operation Homeless” ran for four years between 2007 and 2011 and initiated the systematic and rapid eviction of many sex workers from their places of work and/or homes. (See Section 3.3 below). Whilst “Operation Homeless” was wound down in 2011, Amnesty International interviewed women, like Mercy, who had experienced eviction more recently.

Amnesty International has also found that many sex workers remain subject to a high level of surveillance by police as a means to enforce both the “promotion” law – leading to subsequent raids and evictions – and to identify and “stake out” sex workers as a means to identify buyers of sex in order to fine them. This places an unreasonable burden on sex workers and leads to subsequent raids, evictions and other forms of penalization. A lawyer interviewed by Amnesty International expressed concern that:

“The police use all of their efforts to take down the women as it’s the easiest way to get rid of the problem.”

The evidence gathered by Amnesty International also indicates that street-based sex workers are regularly subjected to police stops, questioning and identity checks and are often penalized as a result of these stops. Such penalties include being detained and/or deported, being subsequently evicted from their apartment, being fined for failing to give their address to the police or given exclusion notices requiring that they leave the area immediately or face sanctions. Wendy, a young woman of African origin told researchers how she had been stopped by plain clothed officers:

“I was just walking down the street. I wasn’t working. I was chatting to my friends. I thought they were bad guys and I was scared. The police asked to see my papers and I showed them. They asked my friends questions – did they have condoms, why did they have them? They told us to go away and that they better not see us on the street – we better not come back for 24 hours or they would take us to the station.”

Amnesty International heard testimony from service providers and individual sex workers that women who sell sex had been questioned by police for carrying condoms or felt apprehensive about carrying condoms in case it led to police action against them. A representative of Oslo police district confirmed to Amnesty that the existence of condoms in indoor premises would be considered contributory evidence that the sale of sex was occurring there. This approach can act as a de facto penalty on the possession of condoms by sex workers, creating a barrier to the realization of their right to sexual and reproductive health.

VIOLENCE AGAINST SEX WORKERS

As is the case in many countries, sex workers are at high risk of violence and abuse in Norway. The violence they encounter comes at the hands of a range of perpetrators including clients, members of the general public, third parties involved in sex work and organized gangs who prey on them, capitalizing on their isolation and marginalized status. However, rather than being a group with which police prioritize building relationships with to minimize marginalization and offer protection; many sex workers, depending on their circumstances, instead have to risk eviction, police surveillance, loss of livelihood and/or deportation if they engage with police.

It is not surprising then that many of the women interviewed by Amnesty International reported being extremely reluctant to report crimes to police. Nearly all of the women Amnesty International interviewed said that they would only consider engaging with police as a last resort- often only in extreme circumstances where there was an immediate threat to their life. A 2012 study by the largest provider of services to sex workers in Norway found that only 16% of the 123 women they surveyed reported receiving help from the police after a violent incident. Maria, an indoor sex worker, told Amnesty International:

“If a customer is bad you need to manage it yourself to the end. You only call the police if you think you’re going to die. If you call the police – you risk losing everything.”

SAFETY COMPROMISED

Actions that sex workers themselves take to increase their safety are also being compromised. The sex workers that Amnesty International interviewed outlined varying degrees and forms of risk mitigation in their work. For example, Celin, a Norwegian indoor sex worker, told Amnesty International:

“I do different things to stay safe. I never go to private homes – and definitely never the first time you meet a customer. I don’t know who’s going to meet me there. Your own apartment and hotels are much safer than a customer’s apartment. Also no one can call me without a number coming up. I want customers’ numbers so they can be traceable if I ever need to go to police.”

Women interviewed by Amnesty who worked on the street described undertaking their own assessments when first engaging with buyers - principally through short conversations that allowed them to assess the buyers’ motivations. Many street-based sex workers also identified going to a buyer’s home as carrying a significant risk and as something they wanted to avoid. However, most of the women interviewed reported

being asked to visit buyers' homes in order to protect them from detection by police. Street-based sex workers spoke more frequently of visiting buyers' homes. In the testimonies that Amnesty International collected this was strongly associated with violent incidents against street-based sex workers. None of the street-based workers Amnesty spoke with owned their own properties and were most vulnerable to eviction if the police identified that they took buyers to their own homes. Tina, a Nigerian street-based sex worker, told Amnesty:

“Some customers can hurt you at their apartments. They can hurt you because they know we are too scared to go to the police. We have to obey their rules because we are in their house. We can't bring them to ours.”

A number of the social service providers that Amnesty International spoke with raised concerns that the purchasing ban had created a “buyer's market” which compromises sex workers' safety. A representative of Oslo Police told Amnesty International that he believed there had been a reduction in buyers who were most likely to respect the agreement with the seller:

“Many of the good clients – those who respect the law, the younger generation – are no longer out there. But bad clients are still there.”

The evaluation of the ban on buying sex, conducted by Vista Analysis, a social science consultancy, on behalf of the Norwegian government, acknowledges that:

“Women in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced. At the indoors market, prostitutes express concerns for ‘out calls’. They prefer to have customers visiting them at their own apartment or own hotel room.”

Social service providers and police informed Amnesty International that the “promotion” law is being interpreted as applying to the use of hotel rooms- meaning that hotels can be held liable for “promotion” if sex work occurs in their premises. Almost all of the migrant sex workers interviewed by Amnesty International reported being profiled by and/or excluded from hotels.

Nearly all of the sex workers Amnesty spoke to, regardless of the location they sold sex from, identified being able to work with others as a means to increase safety. However, the definition of “promotion” under the law is broad enough to criminalize sex workers working together or with any other person, such as a cleaner, receptionist or security guard.

The aim of the “Nordic Model”: that criminal blame be shifted from seller to buyer, is not being realized for many people who sell sex in Norway, particularly the most marginalized. In terms of seriousness, in many cases, the threat and impact of forced eviction, deportation and loss of livelihood on people who sell sex far exceeds the implications of a 15,000 and 25,000 kroner (approx. US\$1,700–2,850) fine for buyers. The criminalization of sex work in Norway and the reluctance it creates among many sex workers in reporting crime to police is also creating a situation whereby perpetrators of violence against sex workers, including abusive clients, enjoy relative impunity for serious criminal offences.

Despite recognizing that the current legal approach in Norway has led to reduced negotiation power for people selling sex on the streets and that reliance on abusive buyers has increased, Vista Analysis concluded that the increasing pressure in the sex sector was:

“...in line with the intentions of the law and... thus not considered as [an] unintended side effect...”

Similarly, an Expert Advisor to the Ministry of Justice and Public Security told Amnesty International that:

“It comes back to the question of ‘is it a problem that people in prostitution are in trouble’. No one has said at a political level that we want prostitutes to have a good time while we also try to stamp out prostitution.”

A CULTURE OF STIGMA AND DISCRIMINATION

Social service providers and some sex workers interviewed by Amnesty International expressed concern that attitudes towards people who sell sex have hardened in recent years and cited media reports, research and the experiences of sex workers as evidence that negative attitudes towards sex workers have become more common. Indoor sex worker Ellie described to Amnesty International the change she felt had occurred:

“When the government made prostitution illegal, it made people see us as illegal. People started looking at us with different eyes than before”.

A 2011 study which explored the effect that the introduction of the law against buying sex has had on public attitudes in Norway found that, whilst there was evidence of increasing support for the criminalization of buying sex in some areas, at the same time “Norwegians became more likely to think it should be illegal to sell sex than they would have been in the absence of legal change.” The authors recognized that this change in attitudes was the “opposite of what was intended by legislators.”

Sex workers that Amnesty International interviewed frequently spoke of negative experiences they had had with members of the public. The discrimination that women described, especially in the case of Nigerian migrant sex workers, was often interwoven with racism and anti-migrant sentiment. Mary told Amnesty International:

“It’s mostly women [but] sometimes men who insult us. It’s happened lots of times. [They say things like] ‘You prostitute go back to your own country’. ‘Fuck off out of my sight’”.

INCREASING EXPOSURE TO EXPLOITATION

Seven migrant women who sold sex told Amnesty International how they had nowhere to go following their eviction and had to rely on friends, associates, strangers, homeless shelters or had slept in public spaces until they found somewhere else to stay. Amnesty International also found evidence indicating that the criminalized nature of sex work leaves some sex workers vulnerable to potential exploitation by landlords who offer not to report them to police in exchange for higher rent, among other things, or by associates who exploited their homeless situation following their eviction. A 2012 report on the experiences of women involved in prostitution in Norway identified how lack of stability in housing has been found to be a crucial determinant in terms of sex workers’ exposure to exploitation:

“Housing has been a key factor in the development of exploitation – we saw a number of Eastern European women when they first came here shortly after the millennium that were dependent on others just to obtain housing, but also help with advertising and other aspects of prostitution. As they got their own network of contacts and managed to arrange this themselves, several of them became independent actors.”

AN INEFFECTIVE TRAFFICKING RESPONSE

Amnesty International met with three women who were survivors of trafficking into the sex sector in Norway. They described varying experiences involving coercion, exploitation and, in some cases, extreme violence. Amnesty International also met with an organization that provides support services to survivors of trafficking.

Human trafficking amounts to a grave human rights abuse. Under international law, Norway has a range of obligations to prevent trafficking, protect victims of trafficking, and ensure effective investigation and prosecution of trafficking crimes. In order to properly fulfil its obligations under international law, Norway’s anti-trafficking approach must be realized in a way that does not violate human rights.

The scale and forms of punitive intervention in the commercial sex market that the Norwegian government and legal framework now support are compromising the safety of many people who sell sex and are directly contributing to violations of their human rights. At the same time, the evidence relied upon by the Norwegian authorities to justify punitive crackdowns as effective anti-trafficking efforts is fundamentally weak and undermined by alternative evidence demonstrating that victims of trafficking are often negatively impacted by police crackdowns on the sex work market.

Despite being promoted as anti-trafficking efforts, it is unclear to what extent initiatives like “Operation Homeless” have contributed to identifying victims and/or perpetrators of trafficking. Out of 280 reported cases of trafficking into the sex sector in Norway between 2006 and 2014, only 32 have resulted in the successful conviction of perpetrators. In Oslo, the annual rate of conviction has ranged between zero (in 2010, 2012 and 2014) and three (in 2011).

The enforcement of the legal framework and “preventative policing” approaches to sex work are increasing the vulnerability of people who sell sex in Norway, placing them at increased risk of exploitation. The strategic deportation of many migrant women who sell sex, some of whom may be victims of trafficking, also leads to failures in the detection of trafficking and identification of victims and leaves individuals at risk of re-trafficking. It also means that perpetrators in these cases are not brought to justice. The crude measurement of success that Norway is applying to its anti-trafficking work – namely, an overall reduction in the commercial sex market – means that Norway can in effect claim success for deporting trafficking victims to

other countries. A representative of Oslo police district acknowledged that: “We deport trafficking victims. Many of them don’t know that they are victims, but they are according to the law.”

Furthermore, the overall conclusion, that levels of sex work, and by association trafficking, in Norway have reduced substantially as a result of the adoption of the so called “Nordic Model”, has been systematically questioned by academics working in the field who point to “too many uncertainties” in the data used to claim success.

The women that Amnesty International interviewed described varying reasons why they sold sex. For many, selling sex was a means to address economic hardships that they and/or their families were subject to. Social exclusion, marginalization and poverty can be a major influence on people’s entry into sex work. States have obligations to tackle this social and economic injustice by respecting and protecting the economic, social and cultural rights of all people. To guarantee that people do not have to rely on selling sex to meet their or their families’ immediate needs, states must take action to ensure that people can e

njoy their human rights to an adequate standard of living, to education, to health, and to freedom from discrimination among other rights. States must also ensure that people can participate freely in society without undue interference or repression by the state.

Rather than prioritizing the realization of the human rights of people who sell sex as the central aim of policy making in this area, the Norwegian government has instead adopted a criminalization approach. At its essence this approach supports reduction/eradication of the commercial sex market over all other aims and as such, the impact on the human rights of people who sell sex is often overlooked or seen as less important than the aim of reduction/eradication.

Amnesty International is therefore calling on the Norwegian authorities to change its approach and instead place the protection of the human rights of all people who sell sex at the centre of its response to commercial sex. Amnesty International is calling on the Norwegian government to undertake a programme of legal reform that decriminalizes adult consensual sex work, and ensures legal protections from exploitation for people who sell sex that comply with international human rights standards. Amnesty recommends that the Norwegian government develops and issues a White Paper which makes recommendations on the establishment of a legislative, policy and regulatory framework that realizes the human rights of people who sell sex in Norway, as well as, funding a long-term research project that provides research-based knowledge about the living conditions of sex workers in Norway.

Amnesty International also recommends that the forthcoming national plan of action on trafficking should confirm the distinction between consensual adult sex work and human trafficking and ensure that anti-trafficking measures do not adversely affect the human rights and dignity of any person, in particular those who have been trafficked, people who sell sex, migrants, refugees and asylum-seekers. Amnesty is also calling for an immediate cessation of the use of “stress method” policing practices against people who sell sex in Norway.

Additional recommendations appear at the end of this report.

METHODOLOGY

This report is part of a series of research reports undertaken by Amnesty International to document human rights abuses experienced by sex workers in four countries and to explore the role which criminal laws on sex work and penalization of sex workers play in relation to these abuses. The other reports in the series are: *Outlawed: The human cost of criminalizing sex work in Papua New Guinea*; *Harmfully Isolated: Criminalizing sex work in Hong Kong*, “*What I’m doing is not a crime*”: *Sex work in Buenos Aires, Argentina*.

This report is the result of three weeks of interviews conducted in Oslo, Norway, between November 2014 and February 2015, as well as desk-based research. During the visits to Oslo, Amnesty International conducted a total of 54 interviews.

Amnesty International spoke with 30 women who currently or previously sold sex in Norway. Nine of the women interviewed had stopped selling sex in recent months and years. Three of the women interviewed identified as transgender women. Three women described experiences of human trafficking. Despite attempts to reach out to men who sell sex, Amnesty International was unable to secure interviews with any male sex workers. This report, therefore, details the experiences of cis- and transgender women who currently sell, or have recently sold, sex in Norway. Whilst this report focuses solely on these groups, Amnesty International recognizes that there is potential for other transgender people and cisgender men who sell sex to experience marginalization and human rights abuses similar to those outlined in this report.

Of the women Amnesty International interviewed, 25 described soliciting sex from the streets with the sale of sex then occurring in a range of locations, including the women’s own apartments, the homes of buyers of sex and other spaces including in public places. Five of the women interviewed worked exclusively indoors: advertising sexual services through the internet with the sale of sex occurring primarily in their own apartments or hotels.

The nationalities of the women that Amnesty International interviewed varied significantly and included Norwegian, Romanian, Bulgarian, Brazilian, Nigerian, and nationals of North African countries. Twenty three of the women Amnesty interviewed were migrants. Most migrant women had residency within the Schengen area, meaning that they were able to stay in Norway for varying periods.

Amnesty International met with representatives of agencies that provide social support services to people who sell sex in Norway, including representatives and staff of Pro Sentret, Norway’s national centre of expertise on prostitution and largest provider of support services to people in commercial sex. Amnesty International also met with staff of Nadheim Kirkens Bymisjon (Nadheim), a charitable centre run by the Church City Mission in Oslo that provides a range of support services to people who sell sex. Amnesty also met members of the Client Council of service users of Nadheim. Interviews were conducted with representatives of PION, a civil society organization representing sex workers in Norway. Amnesty International also met with a representative of the ROSA Project, an organization that delivers the national assistance programme for women who have experienced trafficking in Norway.

Meetings were held with an expert advisor from the Ministry of Justice and Public Security and representatives of the Oslo police district, the Regional Public Prosecution Office for Oslo and the Municipality of Oslo.

Amnesty International held further meetings with the Ombud for Equality and Anti-Discrimination in Norway (LDO), the Norwegian LGBT Association (LLH), the feminist organization Kvinnefronten, and the Norwegian Tenants Association, Leieboerforeningen.

In addition, Amnesty International met with four lawyers who work in a variety of capacities on legal matters relating to sex work: providing pro-bono legal advice to sex workers on a range of issues; legal representation for victims of trafficking and sex workers who have been the victims of violent crimes; and legal representation to individuals facing sanctions under sex work laws. Interviews were also conducted with five academic/social researchers who have worked on issues relating to sex work and trafficking in Norway including staff at the Institute for Labour and Social Research (Fafo), the University of Oslo, the National Police Academy and the social science analysis company, Vista Analysis.

The names and identifying details of many of the women who spoke with Amnesty International about their experiences of selling sex have been changed at their request to protect their privacy and/or safety. Amnesty International uses pseudonyms throughout this report unless instructed not to by the women themselves. All of the interviews were conducted in English. Interviewees were informed of the purpose of the interview, its voluntary nature and the ways in which the information would be used. All interviewees provided verbal consent to be interviewed. All were told that they could decline to answer questions and could end the interview at any time. The contact details of Amnesty International were provided to interviewees, and/or to the NGOs who helped arrange the interviews, to ensure that interviewees could contact Amnesty researchers if they had any further questions or wished to withdraw their testimony.

Amnesty International is grateful to all of the individuals who agreed to be interviewed or who provided information during this research. Amnesty particularly appreciates the time that women took to share their personal stories. While these stories have not been detailed in their entirety, all of the testimonies shared, without exception, helped inform this report. We are also grateful to Pro Sentret, Nadheim Kirkenes Bymisjon, the ROSA Project and PION for their efforts to identify people who would be willing to speak with us about their personal experiences.

The research carried out by Amnesty International is qualitative, so this document does not present its findings in quantitative terms.

NOTE ON THE NORWEGIAN PENAL CODE

In 2005, the Norwegian Parliament enacted a new Penal Code in order to streamline and modernize the 1902 code. However, due to the complexity of devising a new police IT system to process the changes, the new Penal Code did not come into force until 1 October 2015. In terms of the changes relevant to this report, laws on sex work and immigration remained largely unchanged. However, their numerical position in the Penal Code altered. This report, therefore, refers to the new numbering of the relevant sections of the Penal Code and highlights previous numbering where appropriate in footnotes.

1. HUMAN RIGHTS AND COMMERCIAL SEX IN NORWAY

On 1 January 2009, Norway became the third country¹ in the Nordic region to make buying sex a criminal offence – a measure that, combined with the removal of laws which criminalize the direct act of selling sex, has come to be known as the “Nordic Model” of prostitution law. This move had first been considered by the Norwegian authorities as far back as 1982 following lobbying by some feminist organizations and Christian groups² but had been consistently rejected in the intervening years. However, by 2008, concerns about changes in the commercial sex market and fears about unwanted migration, organized crime and human trafficking helped to secure the necessary support for adoption of the so-called “Nordic Model”.³

The aim of the Norwegian authorities in introducing a ban on buying sex was to reduce demand for commercial sex – thereby, it was hoped, reducing the size of the market and consequently making Norway a less attractive destination for human trafficking into the sex sector.⁴ At the same time, legislators argued that the criminal burden of blame for prostitution would be more firmly put on buyers of sex- rather than those selling. These two outcomes combined, it was anticipated, would improve the situation for people who sell sex by ensuring that fewer would be trafficked into Norway and that those in the country selling sex would be better recognized as victims of gender-based violence and inequality, rather than as criminal actors.

The introduction of the ban on buying sex marked the culmination of a process of change in the Norwegian public and legal response to commercial sex that had been ongoing since the 1970s. The three decades prior to 2008 had seen a gradual hardening in approach- moving away from a response which prioritized social interventions in response to sex work, towards one which relied more heavily on the utilization of criminal law as a means to substantially reduce and potentially eradicate commercial sex.⁵

¹ Sweden first adopted this approach in 1999 when it outlawed the buying of sex. Finland instituted a partial ban on the buying of sex – criminalizing buying sex from victims of trafficking or persons involved in sex work organized by a third party, in 2006.

² S.Ø. Jahnsen, “Syndefloden” som skremte Medie-Norge. 2 January 2009, available at: www.pion-norge.no/pion/artikler_ind.php?id=1056_0_47_0_C_02.01.09; G. Bucken-Knapp and J.K. Schaffer, “Why Norway banned the purchase of sexual services: Ideas and prostitution policy”, 2010, pp. 5–6 (hereinafter: G. Bucken-Knapp and J.K. Schaffer, “Why Norway banned the purchase of sexual services”); M-L. Skilbrei, “The Development of Norwegian Prostitution Policies: A Marriage of Convenience between Pragmatism and Principles” (hereinafter: M-L. Skilbrei, “The Development of Norwegian Prostitution Policies”), 2012, *Sexuality Research and Social Policy*, 9 (3), p. 244-257.

³ S.Ø. Jahnsen and M-L. Skilbrei, “From Palermo to the Streets of Oslo: Pros and cons of the trafficking framework”, *Anti-Trafficking Review*, issue 4, 2015, pp. 156–160 (hereinafter: S.Ø. Jahnsen and M-L. Skilbrei, “From Palermo to the Streets of Oslo”); G. Bucken-Knapp and J.K. Schaffer, “Why Norway banned the purchase of sexual services”, 2010, pp. 5–6.

⁴ Interview with expert advisor from the Ministry of Justice and Public Security, 23 January 2015 who- stated that “justification [for the ban on buying] was to decrease the market to prevent trafficking”; See also (Norwegian parliamentary debate on introduction of law against buying sex): Odelstinget - Møte torsdag den 20. November 2008 kl. 18.58 Available at: www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Odelstinget/2008-2009/081120/5/#a1

⁵ M-L. Skilbrei, “The Development of Norwegian Prostitution Policies”; M-L. Skilbrei, “Transnasjonal prostitusjon i brytningen mellom kriminalitetsbekjempelse og innvandringskontroll”, in N.B. Johansen; T. Ugelvik & K. Franko Aas (reds), *Krimigrasjon? Den nye kontrollen*

Academic research exploring the last three decades of the country's response to sex work illustrates how sporadic peaks in the visibility of commercial sex have triggered public outcries and concern; resulting in police crackdowns that have dispersed, often temporarily, different pockets of the commercial sex market⁶. These crackdowns have been characterized by police and authorities searching for creative ways to apply existing criminal and other laws to prohibit sex work in certain geographic areas, venues and by specific groups, in response to public concern.⁷ The former CEO of Pro Sentret described these past events, telling Amnesty International: *"We have a history of chasing people around the city."*⁸

Throughout this period the Norwegian Parliament has also responded by broadening the scope of the legal framework including expansion of the crime of "promotion" of prostitution. Norway's ratification of the United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children (UN Trafficking Protocol), also led to the introduction of a new section in the Penal Code against human trafficking and further changes to the law on "promotion". Since 2003, the Norwegian government has produced four national action plans addressing human trafficking, together with targeted government funding and directives to crack down on "organized prostitution".⁹

The end result of these changes has been a renewed, reinvigorated and more co-ordinated attempt by the Norwegian authorities to substantially reduce, and potentially eradicate, commercial sex in the country, predominately through increased criminalization and law enforcement. The Norwegian government has, through legal change, expanded the scope for police intervention in, and control of, the commercial sex market. Despite the fact that sex work and human trafficking for the purposes of sexual exploitation continue to be recognized as separate phenomena under international and Norwegian law, in practice they are increasingly conflated in Norway – with the reduction/eradication of sex work, viewed as the principal means by which human trafficking into the commercial sex, can be prevented.

These efforts have been welcomed by some who have commended the Norwegian government's resolve to crack down on abuse. However, while the Norwegian government deserves recognition for its willingness to take the issue of human trafficking seriously, in order to properly fulfil its obligations under international law, Norway's anti-trafficking approach must be realized in a way that does not violate human rights. As this report will detail, the scale and forms of punitive intervention in the commercial sex market that the Norwegian government and legal framework now support are compromising the safety of many people who sell sex and are directly contributing to human rights abuses. At the same time, the evidence relied upon by the Norwegian authorities to justify punitive crackdowns as effective anti-trafficking efforts is fundamentally weak and undermined by alternative evidence demonstrating that victims of trafficking are often negatively impacted by punitive police action in the sex work market.

av de fremmede (hereinafter: N.B. Johansen; T. Ugelvik & K. Franko Aas (reds), *Krimigrasjon?*), Universitetsforlaget, 2013, Chapter 5, p. 99.

⁶ M-L. Skilbrei, "The rise and fall of the Norwegian massage parlours: Changes in the Norwegian prostitution settings in the 1990s", *Feminist Review* 67, pp. 63-77; M-L. Skilbrei, "The Development of Norwegian Prostitution Policies"; D. Stenvoll, "From Russia with Love? Newspaper Coverage of Cross-Border Prostitution in Northern Norway, 1990- 2001" (hereinafter: D. Stenvoll, "From Russia with Love?"), *European Journal of Women's Studies* 9, no. 2, 2002, pp. 143-162.

⁷ M-L. Skilbrei, "The rise and fall of the Norwegian massage parlours"; M-L. Skilbrei, "The Development of Norwegian Prostitution Policies"; D. Stenvoll, "From Russia with Love?"; S.Ø. Jahnsen, "Innestengt eller utestengt? Norsk prostitusjonspolitikk og kampen mot menneskehandel" (hereinafter: S.Ø. Jahnsen, "Innestengt eller utestengt?"), 2014, University of Bergen.

⁸ Interview with Liv Jessen, 26 November 2014.

⁹ Interview with Expert Advisor, Ministry of Justice and Public Security, 23 January 2015.

1.1 “THE NORDIC MODEL”

The “Nordic Model” is a term that is often used to describe the similarities in legislative approaches to sex work across a number of Nordic countries, namely Sweden, Norway, Iceland and to some extent, Finland.¹⁰ It is also regularly termed the “Swedish Model” on account of it being first adopted by the Swedish Parliament in 1999.¹¹

There is no confirmed definition of the “Nordic model” and studies have outlined how the impetus for introducing the model varied to some degree across the Nordic region,¹² as well as underlining variations in how criminal justice and welfare approaches have been applied in the different countries¹³. However, the model can broadly be described as comprising three component legal features:

- It makes buying sex a crime punishable primarily through fines.
- It removes laws that criminalize the direct act of selling sex, including laws on solicitation.
- It criminalizes the organization and/or promotion of selling sex through a variety of different criminal offences

Much of the public debate and media focus surrounding this model focuses on the ban on buying sex. This focus on the ban on buying as the defining characteristic of the “Nordic Model” obscures the fact that it is not the only law through which sex work is criminalized and policed in countries which have this model. A variety of laws that criminalize the organization or promotion of sex work remain –meaning that activities such as advertising, “promoting prostitution” or letting premises where sex work occurs are still illegal in most of these countries.¹⁴ In Norway, there are a number of laws that are used to prohibit most commercial sex and to penalize/police the people who sell it.

This report, therefore, does not consider the impact of the ban on purchasing sex in isolation. Rather it considers how the range of laws that prohibit commercial sex in Norway – and make up the so-called “Nordic Model” – impact on the lives and human rights of sex workers. It also considers how other laws – such as immigration provisions – are being used in a targeted way against people who sell sex, as a means to reduce/eradicate sex work.

SUPPORT FOR THE NORDIC MODEL IN NORWAY

Amnesty International met with a number of organizations that support the adoption of the “Nordic Model” in Norway and the ban on buying sex specifically. Most significantly, the Ombud for Equality and Anti-Discrimination in Norway (LDO), the feminist organization, Kvinnefronten, and the ROSA Project, the organization that delivers the national assistance programme for women who have experienced trafficking in Norway, all expressed their support for the “Nordic Model” to Amnesty International. While reasons for supporting this model differed, they generally fell into three categories. Representatives of these organizations considered that:

¹⁰ Finland has instituted a partial ban on the buying of sex which criminalizes buying sex from victims of trafficking or persons involved in sex work organized by a third party.

¹¹ Y. Svanström, “Prostitution in Sweden: debates and policies 1980–2004”, in N. Westmarland and G. Gandoli (eds), *International approaches to prostitution: Law and policy in Europe and Asia*, 2006.

¹² G. Bucken-Knapp and J.K. Schaffer, “The Same Policy, But Different Ideas: The Ideational Underpinnings of the Norwegian and Swedish Bans on the Purchase of Sexual Services”, paper presented at the Second European Conference on Politics and Gender, Central European University, Budapest, Hungary, January 13-15, 2011.

S.Ø., Jahnsen & M.L. Skilbrei, “From Palermo to the Streets of Oslo”, 2015. Skilbrei, May-Len & Charlotta Holmström (2011): “Is there a Nordic Prostitution Regime?”, *Crime & Justice* 40(1): 479-517.

¹³ C. Holmström & M.L. Skilbrei, “Prostitution in the Nordic Countries”, Conference Report, Stockholm, 2008, available at: <http://norden.diva-portal.org/smash/get/diva2:701621/FULLTEXT01.pdf>, See also, M.L. Skilbrei and C. Holmström “The Nordic Model of Prostitution Law is a Myth”. Dec 2013. Available at: www.theconversation.com/the-nordic-model-of-prostitution-law-is-a-myth-21351

¹⁴ For example, in Sweden, Section 6.12 of the Penal Code makes it a crime to knowingly let a property where sex is being sold. It also makes it an offence to “promote” or “improperly financially exploit a person having casual sexual relations”, available at www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Brottsbalk-1962700_sfs-1962-700/#K6

- The “Nordic Model” will assist in achieving an overall reduction in, and possibly eventual eradication of commercial sex.
- The ban on buying sex sends a strong message and will help establish societal norms that stigmatize buying sex and support gender equality.
- The introduction of the law brought some – though admittedly not enough – additional resources and focus to the issue of dealing with commercial sex and trafficking.

Amnesty International respects the views of these organizations and shares the aim of achieving gender equality. Amnesty also supports the provision of increased resources to support people who sell sex, including those who want to leave sex work. Amnesty considers that the availability of these resources should not be dependent on the adoption of a criminalization approach to sex work and that existing resources being used to police and penalize people selling sex would be better focussed on ensuring improved protection of sex workers and the realization of their human rights.

Amnesty International also supports the criminalization of human trafficking into the sex sector, and recognizes it as a grave human rights violation. However, as this report will set out Amnesty International has found evidence that the approach of the Norwegian government, and the application of the legal framework against sex work, is leading to human rights violations against people who sell sex and has not been proven to be an effective, human rights based approach to trafficking.

1.2 NORWAY’S HUMAN RIGHTS OBLIGATIONS

International and regional human rights laws set out minimum obligations that states, including Norway, are bound to respect, protect and fulfil. Through ratification of international and regional human rights treaties, Norway has committed to establish domestic measures and legislation that are compatible with its treaty obligations and duties.

Norway is a country which prides itself on its strong record on promoting human rights at home and internationally¹⁵ and is a state party to all major UN and European human rights treaties relevant to the issues raised in this report, including the:

- International Covenant on Civil and Political Rights (ICCPR)¹⁶
- International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁷
- International Convention on the Elimination of all forms of Racial Discrimination (ICERD)¹⁸
- International Convention on the Elimination of all forms Discrimination against Women (CEDAW)¹⁹
- European Convention on Human Rights and Fundamental Freedoms (ECHR)²⁰

Norway is also a state party to international treaties on human trafficking, namely:

- The Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children. (UN Trafficking Protocol)²¹

¹⁵ See for example, “Norway intensifies efforts to promote human rights”, www.norway.org.uk/norwayandcountry/Current-Affairs/Norwegian-Politics/Norway-intensifies-efforts-to-promote-human-rights/#.VmhbZ3bhC1s

¹⁶ Norway ratified the ICCPR in 1972, see <http://indicators.ohchr.org/> Full text of the ICCPR available at: www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

¹⁷ Norway ratified the ICESCR in 1972, see: <http://indicators.ohchr.org/>; Full text of ICESCR available at: www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx

¹⁸ Norway ratified the ICERD in 1979, see: <http://indicators.ohchr.org/>; Full text of ICERD available at: www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx

¹⁹ Norway ratified CEDAW in 1981, see: <http://indicators.ohchr.org/>; Full text of CEDAW available at: www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx

²⁰ Norway ratified the ECHR in 1952, see: www.coe.int/en/web/conventions/search-on-treaties/-/conventions/chartSignature/3 Full text of the ECHR available at: www.echr.coe.int/Documents/Convention_ENG.pdf

²¹ Norway ratified the UN Trafficking Protocol in 2003, see: www.treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en ; Full text of the UN Trafficking Protocol available: www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx

- The European Convention on Action against Trafficking in Human Beings (ECATHB).²²

This report details violations of the fundamental human rights of people who sell sex. These rights include the right to housing, the right to security of person, the right to equal protection of the law, the right to non-discrimination, the right to health and the right to privacy. The issues described in this report demonstrate that Norway is not implementing its international obligations to respect, protect and fulfil these rights as they relate to people who sell sex.

²² Norway ratified the European trafficking Convention in 2008, see: www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=ajTMZ6iM; Full text of the European Trafficking Convention available at: www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d

2. HOW NORWAY HARDENED ITS APPROACH TOWARDS COMMERCIAL SEX

“We have a history of chasing people around the City”

Interview with Liv Jessen, 26 Nov 2014

2.1 CHANGING DEMOGRAPHICS: AN INCREASINGLY INTERNATIONALIZED CONTEXT

The sex work market in Norway has seen significant changes in the last 30 years. Globalization, increased migration into and within Europe, the international economic crisis and Norway's strong economic performance throughout, have all contributed to vastly altered demographics of people selling sex in the country. The population of people selling sex on the streets has transformed from the situation in the 1980s and early 1990s, where a significant number of street-based sex workers were ethnic Norwegian, to the position in 2015 where a highly diverse group of migrant women now make up the majority of street-based sex workers. According to figures collected by Pro Sentret, 19% of the people they were in contact with in 2001 who sold sex were of foreign birth. By 2005, this figure had increased to 67% and, by 2014, it was 90%.²³ Technological advances, and continued growth in the indoor sex work market, have also helped foster variations in how and where commercial sex is sold, increasingly moving sex work to indoor locations over the last two decades.²⁴

Securing reliable statistics on the make-up of a group of people who are often mobile and dispersed, who are highly stigmatized and whose activities are to some degree criminalized, is difficult. In 2008, immediately prior to the introduction of the ban on buying sex, the Norwegian government commissioned a detailed study carried out by the Institute for Labour and Social Research (Fafo) which assessed the scale of the sex work market in the country. This study involved extensive mapping of the populations of people who advertise the sale of sex in Norway and/or who solicit on the streets.

²³ “Foreigners selling sex”, Pro Sentret available at: www.prosentret.no/en/utenlandsk-prostitusjon/

²⁴ M-L. Skilbrei and C Holmström “Is there a Nordic Prostitution Regime?” 40 *Crime and Justice*, 2011, p. 479.

While the sex work market has undoubtedly changed since this work was carried out in 2008, the Fafo study remains the most comprehensive research conducted on the demographics of commercial sex in Norway. The 2008 study by Fafo estimated that around 3,000 people sold sex annually in Norway. Just under half of the people who sold sex operated from the street (45%); while the remaining 55% worked indoors. Fafo also estimated that around 70% of women selling sex in Norway in 2008 were migrants.²⁵ According to further estimates provided by Pro Sentret to the European Network for HIV/STI Prevention and Health Promotion Among Migrant Sex Workers (TAMPEP), in 2010 the majority of sex workers in Norway were at that time women (85%), whilst men accounted for 10% and those who were transgender made up 5%.²⁶

In 2014, the social science consultancy Vista Analysis undertook an evaluation of the ban on purchasing sex on behalf of the Norwegian government. Whilst Vista Analysis did not undertake as comprehensive a mapping exercise as that carried out in 2008 by Fafo,²⁷ they did produce projections of the numbers that they estimate are engaged in commercial sex in Norway as of 2014. They projected that in 2014 between 2,821 and 2,143 people were selling sex in Norway – a median estimate of 2,482, which signals a potential reduction of 25% on Fafo's 2008 figure.²⁸ Of the 2,482 people estimated by Vista to be selling sex, 1,517 (61%) operated in indoor locations, while 965 (37%) sold sex from the streets. These findings have, however, been questioned by academics and social service providers working in the field. This debate is discussed in more detail in Section 6.5 of this report.

2.2 EXPANSION AND CONTRACTION: THE DEVELOPING INDOOR MARKET AND SUBSEQUENT CRACKDOWNS

Until the early 1990s, public awareness of commercial sex in Norway was predominantly limited to that involving ethnically Norwegian women on the streets of major cities.²⁹ However, in the first half of the 1990s, a growth in the number of massage parlours in Oslo, where commercial sex was being sold, brought about increased awareness and interest in the indoor market.³⁰ This also coincided with the arrival in the late 1980s and early 1990s of a population of Thai women who began working in the indoor sex market.³¹ These parlours attracted public campaigning from residents concerned about the proximity of these venues to their homes and communities.

The perceived normalizing of sex work at this time also led to a backlash at both municipal level in Oslo and in the Norwegian Parliament.³² From 1991 until 1993, Oslo City Council worked in partnership with the police to combat indoor prostitution in the city. A contemporary report suggests that the application of building and health regulations led to 50 raids by police and public agencies between 1993 and 1996, resulting in the temporary closure of 36 parlours.³³ However, according to one research study many were later re-established in more economically deprived areas of eastern Oslo.³⁴

²⁵ M-L. Skilbrei and M. Tveit, *Mangfoldig Marked: Prostitusjonens omfang, innhold og organisering*, Fafo, 2008, Available at: www.faf.no/pub/rapport/20085/20085.pdf (hereinafter: M-L. Skilbrei and M. Tveit, *Mangfoldig Marked*). These statistics are also cited in English via: *Tampep National Mapping Report* (2010), p. 210, available at: www.nswp.org/sites/nswp.org/files/ANNEX%204%20National%20Reports%20tampep.pdf, Fafo also found that over half of migrant sex workers operated on the street (55%) with the remainder working across indoor settings. Nearly half of the migrant sex workers in Norway were nationals of Sub-Saharan African countries, most commonly, Nigeria. The second largest group of migrant sex workers (20%) came from Central European EU countries including Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia. Twelve per cent were nationals of Asia Pacific countries with Thai nationals being the most referenced in academic literature and reports from social service providers.

²⁶ *Tampep National Mapping Report* (2010), p. 210.

²⁷ Guri Tyldum, "Antagelser om sexkjøpsloven", *Aftenposten*, 22 August 2014, available at www.aftenposten.no/meninger/debatt/Antagelser-om-sexkjopsloven-7677452.html; A. Brunovskis and M-L. Skilbrei, "The evaluation of the Sex Purchase Act brings us no closer to a conclusion"* (hereinafter: A. Brunovskis and M-L. Skilbrei, "The evaluation of the Sex Purchase Act"), 2014, available at: www.fafarkiv.no/prostitution/140816-ABR-oped.html

²⁸ I. Rasmussen et al, *Evaluering av forbudet mot kjøp av seksuelle tjenester*, Vista Analyse, July 2014, (hereinafter: I. Rasmussen et al, *Evaluering av forbudet*), Table 9.7, p 153, available at www.regjeringen.no/contentassets/0823f01fb3d646328f20465a2afa9477/evaluering_sexkjoesloven_2014.pdf

²⁹ Interview with Bjørg Norli, Pro Sentret, 27 November 2014.

³⁰ M-L. Skilbrei, "The rise and fall of the Norwegian massage parlours".

³¹ C. Jacobsen and M-L. Skilbrei, "Reproachable Victims? Representations and Self-representations of Russian Women Involved in Transnational Prostitution", 2010, *Ethnos Vol 75*, p. 191.

³² M-L. Skilbrei, "The Development of Norwegian Prostitution Policies" p. 249.

³³ M-L. Skilbrei, "The rise and fall of the Norwegian massage parlours", pp. 70-71.

³⁴ M-L. Skilbrei, "The rise and fall of the Norwegian massage parlours", p. 65.

Reflecting on two studies carried out from 1994 to 1997, the academic researcher May-Len Skilbrei describes how the desire of local politicians to crack down on indoor sex work was at the time based on misinformed assumptions about the sex workers operating in these venues:

“They assumed that the same kinds of women who walked the streets were recruited to massage parlour prostitution: down and out drug addicts who had been sexually abused. They imagined massage parlours being a place where really young girls worked as prostitutes, the women being a source for the spread of HIV/AIDS and a nest of organized crime. The first two assumptions seem to have no hold in reality whatsoever, and the last one, the association between the massage parlours and something resembling organized crime, was only the case in a very small part of the market.”³⁵

Subsequent studies on the population of Thai women working in massage parlours has confirmed that the majority travelled to Norway through personal networks, rather than via trafficking and/or organized crime, were in the parlours by their own consent, and often ran the services themselves, alone or on a co-operative basis. Many had permanent residence in the country due marriage to Norwegian men.³⁶

Following the closure of the massage parlours, research indicates that, by 1994/1995, many sex workers, particularly ethnically Norwegian sex workers who had more resources, had moved from massage parlours to working in flats, alone or with others to better avoid police raids.³⁷ The same research indicated that sex workers were now less identifiable for social service providers and that more had to work alone in order to avoid detection as a result of this police action:

“The inaccessibility of a large number of Oslo prostitutes was an unintentional consequence of the action taken against the massage parlours, based on faulty knowledge of the prostitution arena.”³⁸

In 1995, the Norwegian Parliament also responded to the changes in the indoor sex work market in Oslo by amending the section of the Penal Code on “promotion” of prostitution.³⁹ The scope of this section was broadened to specifically outlaw the letting of premises that were used for selling sexual services. This was designed to give the police and the state greater options in terms of intervening in the evolving sex work market by allowing for the prosecution of landlords who have knowledge that sex work is occurring in their properties. This legal change has had significant implications for people selling sex in Norway in recent years and, as outlined later in this report, has been used extensively by the police as a means to facilitate the eviction of sex workers from their homes and premises.

2.3 THE “THREAT” OF FOREIGN PROSTITUTION AND HUMAN TRAFFICKING CONCERNS

The later years of the 1990s also saw an upsurge in national concern about migrant Russian sex workers operating in the Finnmark region of northern Norway. In 1997, local demonstrations took place outside known venues for sex work.⁴⁰ Research describes how the police used legal routes unrelated to sex work, such as immigration and public health provisions, to crack down on sex work. Several migrants who were selling sex while in the country on tourist visas were deported on the grounds that they didn't have a work permit.⁴¹ However, in 1999 the Norwegian Supreme Court ruled, in a case involving the arrest and confiscation of money from a Brazilian sex worker operating in Oslo, that selling sex did not legally constitute work and, as such, the police could not arrest or expel foreign sex workers for lacking work permits.⁴²

³⁵ M-L. Skilbrei, “The rise and fall of the Norwegian massage parlours”, p. 70.

³⁶ E. Kristvik, “Sterke hovud og sterke hjerte. Thailandske kvinner på den norske sexmarknaden”, 2005, University of Oslo, Institute of General Practice and Community Medicine, Section for Medical Anthropology; B.A. Norli, “Foreign Prostitution in Oslo, Prosentret's knowledge and experiences”, Prosentret, Oslo Kommune, p. 8; M-L. Skilbrei and C. Holmström, “Is there a Nordic Prostitution Regime?”, 2011, *Crime & Justice* 40(1), p 11.

³⁷ M-L. Skilbrei, “The rise and fall of the Norwegian massage parlours”, pp. 70-71.

³⁸ M-L. Skilbrei, “The rise and fall of the Norwegian massage parlours”, pp. 70-71.

³⁹ Prior to 2015 the crime of promotion was listed in the penal code under Section 202. A new penal code was introduced in Norway in 2015 and now lists the crime of “promotion” of prostitution under Section 315. (See Section XXX of this report for further details)

⁴⁰ M-L. Skilbrei, “The rise and fall of the Norwegian massage parlours”, pp.65.

⁴¹ M-L. Skilbrei, “The Development of Norwegian Prostitution Policies”, p. 246; ; D. Stenvoll, “From Russia with Love?” p. 148.

⁴² See Supreme Court – Sentence HR-1999-41-A - Rt-1999-763. Also referenced in D. Stenvoll, “From Russia with Love?”, p. 148; M-L. Skilbrei, “The Development of Norwegian Prostitution Policies”, p. 246.

In 2000, police and health authorities used control regulations on infectious diseases to close down a campsite in Skippagurra in northern Norway that was used by Russian sex workers. The owners were later successfully prosecuted for “promotion” of prostitution.⁴³ Visible sex work in the region decreased dramatically after this crackdown. However, contemporary reports suggest that Russian women still travelled to the area to sell sex but instead visited the private homes of Norwegians.⁴⁴

The Immigration Act was amended later in 2000 to allow for the removal of foreigners from Norway if they disrupted public order or were not convincing in their reasons for being in the country.⁴⁵ Although these changes were made in preparation for Norway’s entry into the Schengen area,⁴⁶ academic researchers have detailed how this legislation was welcomed in the Norwegian Parliament as a means to stop sex work by Russian migrants.⁴⁷ As outlined later in this report, this provision is now used extensively against migrants suspected of selling sex in Norway.

In 2000, the Norwegian Parliament made a number of additional legislative changes in relation to sex work. One such change was a further amendment to the “promotion” law to include advertising as a crime of “promotion”. The purchase of sex from minors was also criminalized as part of this package and the bill committed the government to considering a general ban on purchasing sex two years later.

In 2003, the Ministry of Justice appointed a working group to assess the effectiveness and impact of a general ban on buying sex. The working group reported in 2004 and advised against the introduction of a purchasing ban.⁴⁸ Writing in the Norwegian newspaper *Aftenposten* in 2005, the chair of the Working Group, Professor Ulf Stridbeck stated:

“If one wants to improve the conditions of the street prostitute, the Swedish model is not the way to go. Our information shows the fear of violence, increased demands for unprotected sex, increased risk of sexually transmitted diseases, more protective pimps and problems with follow-up by social and health authorities. Whether criminalization of buyers has led to decreased trafficking is unclear. It is alleged that traffickers evade Sweden as a market for trafficking. On the other hand, nobody knows where the women in the indoor market are coming from, how many they are or the conditions under which they work.”⁴⁹

The arrival of an increasing number of Nigerian migrant women selling sex on the street in Oslo from 2003/2004 onwards elicited a groundswell of public and political concern in the years following the working group report. The increasing visibility of Nigerian women selling sex in public spaces outside the traditional areas for street-based sex work and soliciting in ways that were perceived as “aggressive”, attracted high levels of negative media attention and unprecedented public interest⁵⁰ and led to concerns about public nuisance and organized crime.⁵¹ A social service provider and an expert advisor to the Ministry of Justice and Public Security that Amnesty International spoke with described this attention as akin to “moral panic”.⁵² One study described how Nigerian women were constructed in the public debate as “the other” in terms of their skin colour and by the “un-Norwegian” way in which they practised prostitution”, also noting that street-based sex work involving Nigerian women was, during this period, increasingly framed less as a

⁴³ See Supreme Court – Sentence HR-2004-381-A - Rt-2004-331. See also D. Stenvoll, “From Russia with Love?”, p. 149; “Stenger Skipagurra camping”, *Dagbladet*, 19 December 2000.

⁴⁴ A. Renland, “Trafficking of children and minors to Norway for sexual exploitation”, 2001, ECPAT and Save the Children, Norway, p. 23, accessed at: www.childtrafficking.com/Docs/renland_a_trafficking_ocamtnfse.pdf; D. Stenvoll, “From Russia with Love?”, p. 149; E. Penttinen, “The Marriage Deal Between a Young Finnish-Sami man and a Former Russian Prostitute in Northern Finland”, 2003, *Canadian Woman Studies* 3-4, p. 166.

⁴⁵ D. Stenvoll, “From Russia with Love?”, p. 148.

⁴⁶ G. Bucken-Knapp and J.K. Schaffer, “Why Norway banned the purchase of sexual services”, p. 6.

⁴⁷ D. Stenvoll, “From Russia with Love?”, p. 148.

⁴⁸ Working Group on the legal regulation of the purchase of sexual services, *Purchasing Sexual Services in Sweden and the Netherlands. Legal Regulation and Experiences*, Norwegian Ministry of Justice and Police, 2004, available at www.regjeringen.no/globalassets/upload/kilde/jd/rap/2004/0034/ddd/pdfv/232216-purchasing_sexual_services_in_sweden_and_the_netherlands.pdf

⁴⁹ U. Stridbeck, “Do not look to Sweden”, *Aftenposten*, 5 January 2005, available at www.aftenposten.no/meninger/kronikker/lkke-se-til-Sverige-6330908.html (translation from Norwegian to English by Amnesty International)

⁵⁰ M-L. Skillbrei, “The Development of Norwegian Prostitution Policies”, p. 253.

⁵¹ S.Ø. Jahnsen, “Innestengt eller utestengt?”; M-L. Skillbrei, “The Development of Norwegian Prostitution Policies”; G. Bucken-Knapp and J.K. Schaffer, “Why Norway banned the purchase of sexual services”.

⁵² Interview with Astrid Renland, 27 November 2014; interview with an expert advisor, Ministry of Justice and Public Security 23, January 2015. Sociologist Stanley Cohen defines “moral panic” in *Folk Devils and Moral Panics*, MacGibbon and Kee, 1972, p. 9, as: “A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved (or more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible”.

problem of “victims [that] society needed to rescue” than as a “problem for society”.⁵³ The impact of these negative stereotypes are discussed in more detail in Section 7 of this report.

The arrival of Nigerian women selling sex in Norway coincided with the government’s ratification of the UN Trafficking Protocol in 2003 and the introduction of a new section in the General Civil Penal Code on trafficking.⁵⁴ Norway’s ratification of the Protocol led to substantial further changes to the section of the Penal Code on “promotion”.⁵⁵ Exploitation was removed from the definition of “promotion” in recognition of the government’s aim that the offence of “serious pimping” – meaning: “promotion” involving exploitation, should be prosecuted under the trafficking law.⁵⁶ This has meant a very significant widening of the concept of “promotion” meaning in practice that from 2003 onwards anyone who in any way “promotes the engagement of other persons” in sex work, even if they do not directly profit from the sale of sex or undertake acts of exploitation, can potentially be prosecuted for “promotion”.⁵⁷

2.4 THE INTRODUCTION OF THE BAN ON PURCHASING SEX

The most recent addition to the Penal Code was the introduction of a prohibition on buying sex (Section 316) in 2009. It has made purchasing sex a crime in Norway, and a crime for Norwegian citizens who purchase sex in other countries.⁵⁸ Previous calls throughout the 1980s and 1990s and again in 2003 for a ban on buying sex had met with opposition and never made it into law. However, from 2005 onwards, the championing of abolitionist arguments by some feminists, trade unions and youth organizations increasingly converged with public alarm around the rising number of Nigerian migrant women selling sex in Norway and concerns about public order, crime, potential strain on public services and human trafficking. It was in this context that sufficient support for a ban on purchasing sex was built.⁵⁹ An expert advisor from the Ministry of Justice and Public Security told Amnesty International, that “from a political point of view, something had to be done...a ban on buying [sex] became the answer”; adding that “everyone climbed aboard the anti-trafficking train.”⁶⁰

The expert advisor from the Ministry of Justice and Public Security described to Amnesty International how the public consultation which preceded the passage of the purchasing law had “not [been] a thorough process”.⁶¹ He told Amnesty that:

“A turning point came at the 2007 convention of the governing Labour Party. The convention rather unexpectedly passed a resolution in favour of a ban on the purchase of sex. Following this there was a public hearing, but not about whether or not to criminalize – it was about how to frame the law. There was no expert committee to consider the issue. Many were critical of this approach.”⁶²

Of the consultation process, the CEO of Pro Sentret told Amnesty International: “Opposing the law was not really an option, it had been decided already.”⁶³

Nevertheless, concerns regarding the impact of the law on the wellbeing of sex workers were raised and the Norwegian government committed to a “political package”⁶⁴ of 10 million Norwegian Kroner (approx.

⁵³ M-L. Skilbrei, “Nigeriansk prostitusjon på norsk: Feil kvinner på feil sted”, in *Norske seksualiteter*, edited by Wencke Mühleisen & Åse Røthing, 2009, Oslo. See also S. Ø. Jahnsen, *Women who cross borders – black magic? A Critical Discourse Analysis of the Norwegian newspaper coverage of Nigerian women in prostitution in Norway*, VDM Verlag, 2009, (hereinafter: S. Ø. Jahnsen, *Women who cross borders – black magic?*) also available at www.bora.uib.no/bitstream/handle/1956/2390/Masterthesis_Jahnsen.pdf?sequence=1&isAllowed=y

⁵⁴ At the time of its introduction, this provision was contained in Section 224 of the then Penal Code 1902. It has since been amended and renumbered and is now contained in Section 257 of the Norwegian penal code.

⁵⁵ At the time of these changes, the offence of “promotion” of prostitution was contained in Section 202 of the Penal Code 1902. It is now detailed under Section 315 of the Penal Code 2005.

⁵⁶ Interview with an expert advisor, Ministry of Justice and Public Security, 23 January 2015. See also M-L. Skilbrei, “Taking Trafficking to Court”, *Women & Criminal Justice*, 20: 40–56, 2010, p. 47.

⁵⁷ M-L. Skilbrei, “*Taking Trafficking to Court*”.

⁵⁸ See Appendix for further details on the Penal Code and other relevant laws.

⁵⁹ M-L. Skilbrei and C. Holmström, “Is there a Nordic Prostitution Regime?”

⁶⁰ Interview with an expert advisor, Ministry of Justice Public Security, 23 January 2015.

⁶¹ Interview with an expert advisor, Ministry of Justice Public Security, 23 January 2015. See also Interview with Bjørg Norli, 27 November 2014.

⁶² Interview with an expert advisor, Ministry of Justice Public Security, 23 January 2015.

⁶³ Interview with Bjørg Norli, 27 November 2014.

⁶⁴ Interview with an expert advisor, Ministry of Justice Public Security, 23 January 2015.

US\$1.2 million) to be distributed annually to support agencies to help respond to any issues stemming from the introduction of the new law. The expert advisor from the Ministry of Justice and Public Security told Amnesty International that:

“Since so many key players were concerned about the welfare of women [in commercial sex], it was decided to introduce a grant scheme to ease the passage of the law. Parliament decided that ten million kroner should be distributed annually by the Ministry of Justice. It was a political solution. It had symbolic value – it’s not a lot of money compared to what is needed to assist people.”⁶⁵

2.5 CURRENT LEGAL FRAMEWORK

The Norwegian Penal Code contains two main provisions in relation to “prostitution” involving adults.

“PROMOTION”

The first, outlined under Section 315⁶⁶ of the Penal Code, makes the “promotion” of prostitution illegal. It determines that:

“Any person who:

- a) promotes the engagement of other persons in prostitution, or**
- b) lets premises on the understanding that such premises shall be used for prostitution or is grossly negligent in this respect**

shall be liable to fines or to imprisonment for a term not exceeding six years.”

While this law is sometimes also referred to as the “pimping and pandering” section, it does not in fact distinguish between third party involvement that is exploitative, abusive or coercive and third party involvement that is practical, supportive or for the purposes of safety. As this report will detail, this in effect prohibits sex workers from securing rented premises to sell sex from or for selling sex from a rented apartment they live in. A representative of Oslo police district confirmed to Amnesty International that hotels can be held liable under the promotion section of the Penal Code for allowing sex work to occur on their premises.⁶⁷ Similarly, Amnesty International learned that the law is being interpreted to mean that sex workers working together could be liable for “promotion”⁶⁸ and that any support staff working with sex workers such as security guards could also be guilty of “promotion”.

BUYING SEXUAL SERVICES

The most recent and high-profile addition to the Penal Code was the introduction in 2009 of a ban on purchasing sex known as the “Sexkjøpsloven” (Section 316 of the Penal Code).⁶⁹ Under this law, purchasing sex is punishable by a fine of between 15,000 and 25,000 kroner (approx. US\$ 1,700–2,850) or up to one year in prison. The law states that:

“Any person who:

- a) procures sexual intercourse or any other sexual act, for himself/herself or for another person, in return for payment or agreement to provide payment**
- b) procures sexual intercourse or any other sexual act in return for another person paying or agreeing to pay, or**
- c) in the manner described in a) or b) above induces someone to carry out acts that are equivalent to sexual intercourse with himself/herself**

shall be liable to a fine or up to 6 months imprisonment or both.

⁶⁵ Interview with an expert advisor, Ministry of Justice Public Security, 23 January 2015.

⁶⁶ A revised Penal Code came into force in Norway in October 2015. Prior to this, the crime of “promotion” of prostitution” was criminalized under Section 202 of the Norwegian Penal Code 1902.

⁶⁷ Interview with representative of Oslo police district, 20 January 2015.

⁶⁸ See for example Borgarting lagmannsrett – LB-2013-11850.

⁶⁹ The sex purchase ban was initially detailed in Section 202a of the Penal Code - before the adoption of the revised Penal Code in October 2015.

If the sexual intercourse or act has been particularly humiliating in its nature, but it is not punishable under any law, the punishment is imprisonment for a term of up to 1 year.”

A full breakdown of the different laws impacting sex work and sex workers in Norway, including trafficking and immigration laws, is provided in the Appendix to this report.

3. ‘CRUSHING’ THE MARKET: POLICE ENFORCEMENT OF SEX WORK LAWS AND THE PENALIZATION OF SEX WORKERS

The shifting nature of public debate and legislative change have had a major impact on police responses to sex work in Norway. The spikes in attention to the issue have attracted, at various points in the last decade, increased funding for police initiatives⁷⁰ and instructions from central government to target enforcement.⁷¹ This has led in effect to fluctuation between periods of low-level enforcement to periods of intense crackdowns driven primarily by the level of political prioritization and funding directed towards anti-sex work, anti-trafficking and anti-immigration enforcement at any given point.

Researchers and social service providers⁷² interviewed by Amnesty International described how the enforcement of a range of laws against sex work have increased significantly in the last decade. This trend is also documented in a 2012 report by Pro Sentret which surveyed a range of social service providers to assess how the commercial sex market had changed. The report found that:

“There is a consensus among the police and various welfare service providers that there has been an increase in judicialization. This means there is a greater focus on the different laws to regulate and reduce the prostitution market... The increased control of the market has led more sex workers to feel they have been criminalized... This is reported both by the police and welfare services.”⁷³

⁷⁰ Interview with a representative of Oslo police district, 20 January 2015; interview with an expert advisor, Ministry of Justice and Public Security, 23 January 2015.

⁷¹ Interview with an expert advisor in Ministry of Justice and Public Security, 23 January 2015.

⁷² Interview with Liv Jessen, 26 Nov 2014; Interview with researcher 25 November 2014; Interview with May Len Skillbrei, 26 November 2014.

⁷³ U. Bjørndahn, *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to* (hereinafter: U. Bjørndahn, *Dangerous Liaisons*), 2012, pp. 37-38.

The increasing prioritization of human trafficking concerns from 2003 onwards, and the passing of the ban on purchasing sex in 2009, together with targeted government funding and directives to crack down on “organized prostitution”,⁷⁴ have led to increased enforcement of all sex work laws. This was described by the former CEO of Pro Sentret as “a revitalisation of the other laws”, in that it “gave the police an opportunity to do more with old and new laws.”⁷⁵

At the same time, a number of interviewees told Amnesty International how the presence of increased numbers of mostly Nigerian women soliciting sex on the main shopping street in Oslo, Karl Johans gate, and in the areas around the central train station and Norwegian Parliament, had led to demands for increased policing to more effectively “clean the streets”.⁷⁶ The former CEO of Pro Sentret told interviewers:

“The discussion before the sex purchase law was passed had been about poor, migrant women. The debate in Parliament on the day the law was passed was mostly about trafficking. After that though the rhetoric very quickly changed to ‘isn’t it great the streets are clean’.”

The model of criminalization used by the Norwegian government to regulate sex work is globally promoted as one that does not criminalize the seller of sex. Indeed, the sale of sex is not illegal under Norwegian law. Despite this, Amnesty International has found evidence, set out in the following sections of this report, that many sex workers are subject to a high level of policing in Norway and are targeted by police in multiple, intersecting ways; through public nuisance policing, anti-sex work and anti-trafficking operations and immigration enforcement, as a means to reduce and/or eradicate commercial sex.⁷⁷

One social service provider told Amnesty International that:

“No other group in society has this much police attention and has to live with it- even though they are not doing anything illegal. This attention isn’t warranted even by the offence the clients are charged with let alone the fact the sex workers are not breaking the law.”⁷⁸

This situation was further described by one academic researcher:

“Police work against pimping/promotion, human trafficking and the purchase of sexual services, has created a situation where all women who sell sex, whether it’s inside or outside, are subject to police control in a completely different way to the rest of the population, also compared to other sections of the population that are likely victims of offences.”⁷⁹

3.1 PREVENTATIVE POLICING AND ‘STRESS METHODS’

A key argument used to support the introduction of bans on purchasing sex in Nordic countries and elsewhere is the need for mechanisms to “end demand” for commercial sex; suggesting that by creating a clear legal deterrent against buying sex, demand can be reduced and commercial sex can be eradicated – thereby preventing human trafficking for the purposes of sexual exploitation.

Police in Oslo have embraced the premise that enforcement of low level offences such as purchasing sex – which is a misdemeanour liable to a fine of between 15,000 and 25,000 kroner⁸⁰ (approx. US\$1,700-2,850) – can be used to effectively prevent higher level organized crime from occurring. A number of academic researchers and social service providers described this approach by Oslo police as “preventative policing”.⁸¹

A significant feature of the “preventative policing” approach used in Oslo is the enforcement of low-level offences as “stress methods”⁸² to disrupt, destabilize and increase the pressure on those operating in the

⁷⁴ Interview with an expert advisor to Ministry of Justice and Public Security, 23 January 2015.

⁷⁵ Interview with Liv Jessen, 26 Nov 2014; Interview with academic researcher, 25 November 2014.

⁷⁶ Interview with Member of Parliament, 25 November 2014; interview with Liv Jessen, 26 November 2014; Interview with representative from PION, 21 January 2015. See also Pro Sentret, *Annual Report 2007*, p. 12; G. Bucken-Knapp and J.K. Schaffer, “Why Norway banned the purchase of sexual services”.

⁷⁷ See also N.B Johansen; T. Ugelvik & K. Franko Aas (reds), *Krimmigrasjon?* pp. 86–101.

⁷⁸ Interview with Bjørg Norli, 27 November 2014.

⁷⁹ M.L Skillbrei in Johansen; T. Ugelvik & K. Franko Aas (reds), *Krimmigrasjon?*, pp. 90-91.

⁸⁰ The city of Bergen applies a fine of 15,000 kroner to sex buyers, while in Oslo the fine is 25,000 kroner. See: I. Rasmussen et al, *Evaluering av forbudet* pp. 69-72.

⁸¹ Interview with an academic researcher, 25 November 2014; interview with Liv Jessen, 26 Nov 2014; interview with Bjørg Norli, Pro Sentret, 27 November 2014.

⁸² S.Ø. Jahnsen describes stress methods as “policing methods aimed at creating turmoil in specific environments, thereby prejudging specific events”: S.Ø. Jahnsen, “Innestengt eller utestengt?“, p. 180.

commercial sex market. For example, one academic researcher describes how police “informants in Oslo often use terms like they are going to ‘crush’ or ‘choke’ the [prostitution] market, and unsettle, pressure and stress the people in the market”⁸³ as a means to prevent crime. These methods take on a range of forms and include focusing resources on intensive enforcement of a variety of laws including the ban on purchasing sex or other laws on sex work, public nuisance and immigration.⁸⁴

Non-state actors are also being compelled by the police to co-operate in preventing sex work from occurring as a means to create “stress”. The hospitality industry, and hotels in particular, have been actively instructed by police that they have a legal obligation to detect and prohibit sex work on their premises. (See Section 7) Private landlords have also been enlisted, primarily through threat of legal action, to prohibit sex work from occurring in premises they own.⁸⁵

Reflecting on the approach of the Oslo police, the current CEO of Pro Sentret told researchers that:

“Instead of trying to catch criminals, Oslo Police are using preventative policing and are trying to make crimes not happen. They make the situation uncomfortable. The aim is that traffickers won’t go to Oslo. But people selling sex get dragged into this – they are collateral damage.”⁸⁶

Celin, a Norwegian sex worker who operates in indoor settings, described the situation to interviewers:

“The Norwegian police go after everybody. Not traffickers and pimps. But everybody. It’s crazy. Things are not good the way they are. I hope everyone can fight against trafficking and not against sex workers.”⁸⁷

3.2 THE ‘STOP GROUP’: THE ANTI-TRAFFICKING TASKFORCE OF OSLO POLICE DISTRICT

Prior to the introduction of the trafficking law in Norway in 2003, the Oslo police district deployed a specialist team funded from its core funding to police sex work offences, known internally as “The Prost Group”.⁸⁸ A representative of Oslo police district acknowledged that the perception of The Prost Group had been of an initiative that “worked very closely with prostitutes” and that during this period social service providers and people selling sex had generally “felt that the police were protecting them”; adding that during this period, street-based sex workers in Oslo were predominantly ethnic Norwegian women with problematic drug use.⁸⁹

This group was wound down in 2003 and eventually replaced in 2007 by “the STOP Group” – a dedicated anti-trafficking initiative supported by additional funding from government. Similar initiatives have been instituted by the police in other parts of Norway since the introduction of the trafficking law; such as the “Exit Group” in Bergen and the “Pimp It” initiative in Trondheim. A representative of Oslo police district and a number of social service providers that Amnesty International interviewed identified this as a significant moment of departure in terms of changing police approaches towards sex work in Oslo – away from a harm reduction-based approach and towards more eradicationist and anti-trafficking focused initiatives.⁹⁰

The STOP Group operated in Oslo from 2007 until 2011. It initially focused on increasing enforcement of the “promotion” law through the “Operasjon Husløvs” (Operation Homeless), as well as the law on trafficking and the ban on purchasing sexual services after its introduction in 2009.

⁸³ S. Ø. Jahnsen, “Innestengt eller utestengt?”, p. 251.

⁸⁴ S. Ø. Jahnsen, “Innestengt eller utestengt?”.

⁸⁵ S. Ø. Jahnsen, “Innestengt eller utestengt?”.

⁸⁶ Interview with Bjørg Norli, 27 November 2014.

⁸⁷ Interview with Celin, 2 February 2015.

⁸⁸ Interview with representative of Oslo police district, 20 January 2015.

⁸⁹ Interview with representative of Oslo police district, 20 January 2015.

⁹⁰ M-L. Skilbrei, “The Development of Norwegian Prostitution Policies”; A Brunovskis, Erfaringer i fem prostitusjonstiltak gjennom et halvt år Februar til juli 2012, Fafo, 2013, available at: www.fafo.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/erfaringer-i-fem-prostitusjonstiltak-gjennom-et-halvt-ar (hereinafter A Brunovskis, Erfaringer i fem prostitusjonstiltak gjennom et halvt år) p.8 [Translation from Norwegian to English by Amnesty International].

An expert advisor from the Ministry of Justice and Public Security confirmed to Amnesty International that Ministers⁹¹ were kept informed about the activities of the STOP Group, including Operation Homeless and that the Ministry had tasked the police with the “eradication of organized prostitution and trafficking”.⁹²

The initiative was wound down in 2011 with the intention that its work would be mainstreamed, informing general policing on sex work and anti-trafficking from that point onwards. Extra funding for anti-trafficking initiatives within the police was removed in 2011 and was not increased until 2015, leading to a scaling down of resources for anti-trafficking police work between 2011 and 2015.⁹³ However, based on Amnesty International’s findings many of the policing strategies the STOP Group piloted are still commonly used in the policing of sex work in Oslo, particularly in relation to migrant sex workers.

3.3 OPERATION HOMELESS

Despite the anti-trafficking focus of the STOP Group, a central pillar of its policing strategy was an initiative named “Operasjon Husløs” (Operation Homeless) which prioritized the enforcement of sex work laws. Amnesty International spoke with a representative of the Oslo police district, as well as lawyers and social service providers who had supported people who had been affected by the police operation and researchers who had studied its impact. A number of the women who sold sex also described to Amnesty International being subject to eviction during the time of Operation Homeless⁹⁴.

The initiative ran for four years between 2007 and 2011. During that time, Operation Homeless initiated the systematic and rapid eviction of many sex workers from their places of work and/or homes. According to a 2013 report by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA), between 2007- 2009 alone some 150 apartments and a number of massage parlours/brothels were raided and closed by the Oslo police.⁹⁵ According to figures provided to media by Chief Inspector Rune Swahn of the Section for organized crime at Oslo police district, around 400 apartments that were used for sex work were closed by the police in Oslo between 2007 and 2014.⁹⁶

Operation Homeless led to increased enforcement of the law on promotion of sex work – specifically the subsection that makes it an offence to “let premises on the understanding that such premises shall be used for prostitution”. A representative of the Oslo police district told Amnesty International interviewers that prior to 2007 enforcement of this law had previously not “been very high priority”.⁹⁷

Under Section 315 of the Penal Code, landlords can be prosecuted for promotion if they have knowledge that sex work is occurring in their premises and fail to take action to stop it. In practice, the law provides the police with a practical vehicle to disrupt the sex work market via the eviction of sex workers from locations where they sell sex and gives police considerable latitude to target and penalize sex workers, regardless of the fact that the act of selling sex is not a crime under Norwegian law.

Under Operation Homeless, the police worked to identify locations where they believed sex was being sold, alerted landlords to their assessment that it was occurring and threatened landlords with legal action if they failed to take action to stop it. The police recommended eviction of sex workers from the location as a way for landlords to avoid prosecution. A 2007 press release by the Oslo police district announcing the initiative described how the police planned to engage with landlords:

⁹¹ See also: Written questions from Kjell Ingolf Ropstad (KrF) to the Justice and Emergency Minister. 15:302 (2013-2014), available at www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=58859 [Last accessed May 2016]

⁹² Interview with expert advisor from the Ministry of Justice and Public Security, 23 January 2015.

⁹³ Interview with representative of Oslo police district, 20 January 2015.

⁹⁴ Interview with Esther, 28 January 2015; Interview with Ellie, 29 January 2015.

⁹⁵ Council of Europe Group of Experts on action Against Trafficking in Human Beings (GRETA), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway First evaluation round (Norway), May 2013, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806321c1> (hereinafter: GRETA report (Norway), 2013) para. 248, p. 53.

⁹⁶ VG Nyheter, “Politiet: Sexkjøpsloven avgjørende for pågrepelse av storhallik”, 12 August 2014 available at:

www.vg.no/nyheter/innenriks/prostitusjon/politiet-sexkjoeploven-avgjoerende-for-paagripelse-av-storhallik/a/23271974/ [Last accessed May 2016].

⁹⁷ Interview with representative of Oslo police district, 20 January 2015.

“When the sale of sexual services is discovered from a rented premises, the police will create a so-called “undersøkelsessak” [case file] and will send letters to the landlord informing them about the sale of sexual services on the premises.

“After a given time the police will check whether prostitution activities have ceased, or whether measures to bring the tenancy to an end have been implemented. If the tenancy has ceased, the case will be shelved. Otherwise the police will consider escalating the case to a halliksak [promotion case] (Section 202 [Penal Code 1902]), and the landlord can be summoned for questioning as a suspect.”⁹⁸

Oslo police focused their activity initially on the indoor market, specifically massage parlours where mainly women of Thai origin (who had Norwegian citizenship) sold sex. For example, a representative of Oslo police district told Amnesty International that the vast majority of these massage parlours were closed in Oslo using this mechanism in 2009, following a period of increased police enforcement after the introduction of the purchasing ban.⁹⁹ The police also later extended their focus to other women, particularly those of Nigerian origin, who sold sex from apartments.

While Operation Homeless was initially devised by Oslo police district, it is an approach that has been employed in other areas of Norway. An academic researcher who has researched police responses to sex work in Norway has described how:

“Operation Homeless revolves around the strategic use of opportunities that exist through the pimping [promotion] section [of the Penal Code] to combat prostitution. The method was developed by a special unit in Oslo, but the term is also used in other districts to describe similar campaigns...

One can see Operation Homeless as a national strategy against prostitution made possible by discretionary powers in the legislation, and then developed in the legal leeway Norwegian lawmakers have created. The method is described as creative within the police because it uses possibilities inherent in the pimping section and combines this with other legal manoeuvres, and, proactive because rather than being event-driven (and reactive), it is planned with the intention to obstruct the development of criminal activity. In short, the idea is that events in prostitution should not be punished, [instead] the marketplace will be removed, or ‘crushed’ as some of my informants put it.”¹⁰⁰

Operation Homeless has attracted considerable criticism from people who sell sex¹⁰¹, social services that support them,¹⁰² sex workers’ rights advocates,¹⁰³ researchers,¹⁰⁴ politicians¹⁰⁵ and the media¹⁰⁶ since its inception. A report published by Fafo in Norway raised concerns about the impact of this initiative; particularly, the disproportionately punitive effect it had on women selling sex who were not breaking the law, but who were nevertheless at risk of being rendered homeless and/or forced into an economically difficult position as a result of police enforcement of the law.¹⁰⁷ In the report, researcher Anette Brunovskis reflects on how this approach contrasts sharply with the stated aims of the Norwegian government, particularly in relation to their introduction of the ban on purchasing sex, namely to protect marginalized women in prostitution:

⁹⁸ “‘Operasjon husløs’ - politiinnsats rettet mot Oslos utleiere”, Oslo politidistrikt, 12 November 2007, available at: www.politi.no/oslo/aktuelt/nyhetsarkiv/2007_11/Nyhet_4474.xml [Last accessed May 2016] [Translation from Norwegian to English by Amnesty International].

⁹⁹ Interview with representative of Oslo police district, 20. January 2015.

¹⁰⁰ S. Ø. Jahnsen, “Innestengt eller utestengt?”, p. 181. [Translation from Norwegian to English by Amnesty International].

¹⁰¹ PION, “Politimetoder krenker rettsprinsipper”, available at: www.pion-norge.no/pion/artikler_ind.php?id=1175_0_47_0_C

¹⁰² See for example Pro Sentret, *Annual Reports 2009-2011*, available at www.prosentret.no/en/publikasjoner/pro-sentrets-publikasjoner/a%CC%8Aarsrapporter/. See also *Nadheim Annual Report 2010*, pp. 16-17; *Nadheim Annual Report 2011*, pp. 18-19, available at www.bymisjon.no/Virksomheter/Nadheim/Om-Nadheim/Arsmeldinger/

¹⁰³ PION, “Politimetoder krenker rettsprinsipper”, available at www.pion-norge.no/pion/artikler_ind.php?id=1175_0_47_0_C [Last accessed May 2016].

¹⁰⁴ A. Brunovskis, *Fem prostitusjonstiltaks erfaringer*; see also M-L. Skilbrei, “Mellom barken og veden: Transnasjonal prostitusjon i brytningen mellom kriminalitetsbekjempelse og innvandringskontroll”, available at www.pion-norge.no/pion/artikler_ind.php?id=1177_0_47_0_C

¹⁰⁵ K.T. Riise, “Tilsiktet trakassering av sexarbeidere”, Civita, 23 May 2013, available at: www.civita.no/2013/05/23/tilsiktet-trakassering-av-sexarbeidere.

¹⁰⁶ See for example M. Melgård, “Man straffer dem man skulle beskytte”, *Aftenposten*, 2 November 2012; L.M. Olaussen, “Prostituerte tør ikke anmelde”, NRK, 21 June 2013; I.A. Olsen, “Prostitutert og Rettslos”, *Aftenposten*, 8 July 2013.

¹⁰⁷ A. Brunovskis, *Fem prostitusjonstiltaks erfaringer*.

“While acknowledging that the police have a different role to play than that of social services [that provide support to sex workers], it is still legitimate to question whether the enforcement of the promotion section affects women in prostitution unreasonably hard, especially considering that they have not done anything wrong. The women are at risk of losing their apartment and face potentially huge economic and personal consequences, especially if they lose their deposit. They may become more dependent on others in acquiring a place to stay. Sex buyers usually get a fine of between 15,000 to 25,000 kroner [approx. US\$1,700-2,850]. The actual consequences can therefore be more severe for the women whom the ban on buying sex was meant to protect.”¹⁰⁸

3.4 THE MAINSTREAMING OF EVICTION AS A POLICE RESPONSE TO SEX WORK IN OSLO

While Operation Homeless officially ended when the Stop Group was wound down in 2011, Amnesty International has learned that the eviction of sex workers from their homes and premises is still occurring and that evictions continue to impact primarily on migrant women. A number of interviewees told Amnesty International that the rate of evictions has reduced since the height of Operation Homeless. However, evictions that do occur are no longer being led by a specialist anti-trafficking team and are now occurring in a more opportunistic way – facilitated by operational police and with less oversight than during Operation Homeless¹⁰⁹. Social service providers also report that police action is largely now concentrated on Nigerian women working in apartments.¹¹⁰

Speaking of the difference between current eviction practices and those conducted under the Stop Group, a representative of Oslo police, who had worked on Operation Homeless, told Amnesty International that during the initiative, police carrying out raids “knew what they were doing”. The officer cited the lack of awareness and training among general operational police about trafficking or other crimes committed against sex workers, explaining that:

“Now if there is a fight or noise complaints it’s handled by ordinary police. Police help the landlord get rid of problem tenants without considering whether these people are trafficking victims. People being evicted might be victims of violence, trafficking – the police do not do a proper investigation. They kick them all out – migrants without papers go into the system [for deportation].”¹¹¹

Eviction was a concern raised by many of the sex workers who were interviewed by Amnesty International for this report. Several women said that the possibility of being evicted from their homes at the instigation of the police was something they continually feared¹¹². Amnesty International learned of multiple evictions that had occurred since the end of Operation Homeless, which were carried out directly by either landlords or by individuals that tenants identified as police. Nigerian women in particular frequently spoke of their experiences of being evicted from the apartments they had been living in. Eviction of sex workers is, therefore, a mechanism that is no longer being used primarily by the police working on specialist anti-trafficking initiatives such as the STOP Group but has instead now been mainstreamed in the police response to sex work in Oslo, particularly sex work by migrants.

3.5 SEX WORKERS SUBJECT TO FORCED EVICTION IN OSLO

A significant number of the evictions of sex workers from their homes that Amnesty International learned of – under Operation Homeless and through more recent police actions (post-2011) – constitute forced eviction. Forced eviction is recognized as a human rights violation under international human rights law binding on

¹⁰⁸ A. Brunovskis, *Fem prostitusjonstiltaks erfaringer*, p. 25.

¹⁰⁹ Interview with representative of Oslo police district, 20 January 2015.

¹¹⁰ Interview with Bjørg Norli, 27 November 2014.

¹¹¹ Interview with a representative of Oslo police district, 20 January 2015.

¹¹² Interview with Katia, 27 January 2015; Interview with Ellie, 29 January; Interviews with Esther and Dorcas, 28 January 2015; Interview with Wendy, 27 January 2015.

Norway including the European Convention on Human Rights (ECHR)¹¹³ and the UN International Covenant on Economic, Social and Cultural Rights (ICESCR)¹¹⁴ which protects everyone's right to adequate housing.

3.6 WHAT IS FORCED EVICTION?

A forced eviction is the removal of people against their will from the homes or land they occupy without legal protections and other safeguards. The Commission on Human Rights has said that forced evictions constitute a gross violation of human rights, in particular the right to adequate housing.¹¹⁵

Under international human rights law, evictions may only be carried out as a last resort, once all other feasible alternatives to eviction have been explored and appropriate procedural protections are in place. Such safeguards include, but are not limited to:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for affected people prior to the eviction;
- information on the proposed evictions to be made available in reasonable time to all those affected;
- government officials or their representatives to be present during the evictions;
- anyone carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected people consent;
- provision of legal remedies;
- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts.¹¹⁶

Governments must also ensure that no one is rendered homeless or vulnerable to the violation of other human rights as a consequence of eviction. Adequate alternative housing and compensation for all losses must be made available to those affected prior to eviction.¹¹⁷

Not every eviction that is carried out by force constitutes a forced eviction – if all the legal safeguards and protections required under international law are complied with, and if the use of force is proportionate and reasonable, then the eviction would not violate the prohibition on forced evictions.

DENIAL OF ADEQUATE AND REASONABLE NOTICE

Despite the fact that under international human rights law¹¹⁸ and the Norwegian Tenancy Act (2007)¹¹⁹ tenants should be given notice of eviction, the majority of the individuals accused by the police of selling sex under Operation Homeless were given little to no notice of their impending eviction and were rapidly removed from their homes by landlords.¹²⁰ This was a situation acknowledged by a representative of Oslo police district who told Amnesty International that “in reality landlords often kicked tenants out.”¹²¹

Amnesty International has seen a copy of the standard letter sent to landlords under Operation Homeless. It translates to read:

¹¹³ European Convention on Human Rights, Article 8.

¹¹⁴ UN ICESCR, Article 11 requires “States Parties to the present Covenant [to] recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

¹¹⁵ Commission on Human Rights resolution 1993/77, para. 1.

¹¹⁶ UN Committee on Economic, Social and Cultural Rights, The right to adequate housing, (Article 11) General Comment No. 7 on Forced Evictions, para. 15.

¹¹⁷ UN Committee on Economic, Social and Cultural Rights, The right to adequate housing (Article 11), General Comment No. 7 on Forced Evictions, para. 16.

¹¹⁸ UN Committee on Economic, Social and Cultural Rights, The right to adequate housing, (Article 11) General Comment No. 7 on Forced Evictions, para. 15.

¹¹⁹ The Tenancy Act 2007, full text available at: www.regjeringen.no/en/dokumenter/the-tenancy-act/id270390/ [Last accessed May 2016]

¹²⁰ Interview with Liv Jessen, 26 November 2014.

¹²¹ Interview with representative of Oslo police district, 20 January 2015.

Dated: XX 03/08

Documented prostitution in your apartment at XXXX

Police have revealed that there is prostitution in your apartment at XXXX. According to information the police have obtained you have let out apartment to XXX.

In accordance with Penal Code § 202 ("Pimp clause")¹²² whoever lets out premises used for prostitution is punishable by fines or imprisonment of up to five years, provided that they understand that the premises are used for prostitution or are grossly negligent in that respect.

You are obliged to ensure that these activities are brought to an end as soon as possible. Prostitution activities will normally give you reason to cancel the tenancy immediately. This can happen through voluntary eviction, eviction by law enforcement Chapter 13 or injunction.

The process to terminate the tenancy is a civil process that you are obliged to carry out at your own expense. Police will not be party to this process. Police may, however, assist in presenting evidence that prostitution takes place in the apartment, if it should be needed.

Police have not decided whether you had or should have had knowledge that prostitution is occurring in the apartment. We have, therefore, not taken a position on whether there are grounds to prosecute you for your rental activities up until now.

From the time you receive this letter, police will assume that you are familiar with the situation and thus [now] satisfy the conditions to be punished. Police will not normally prosecute landlords who ensure that prostitution activities cease after police have alerted them, unless the activities that have taken place [until now] have been extensive or otherwise severe. It is possible the police will carry out new investigations after some time to establish whether or not the activities have ceased.

If you believe that the police has erroneous information, you must immediately contact the police on tel: XXXX

If you need assistance in connection with an eviction advise the police at: contact ... or ... Questions concerning temporary injunction can also be directed to the Enforcement Office in Oslo tel: XXXXX. Additional questions can be directed to the police at tel: XXXX.¹²³

The letter obliged landlords to bring sex work activities "to an end as soon as possible" – with no timeframe given in terms of police follow-up. While the letter provides limited mention of the civil process landlords must follow in order to evict tenants, it states that "Prostitution activities will normally give you reason to cancel the tenancy immediately."

Amnesty International asked for clarification as to whether landlords would be allowed to honour tenants' notice period following receipt of this letter. A representative of Oslo police district told interviewers that: "If following the law, the landlords do have the option to give notice without prosecution."¹²⁴ However, he acknowledged that in doing so, landlords would risk prosecution for promotion if the sale of sex occurred on the premises during the notice period.

A lawyer who has given advice to landlords in receipt of letters from the police described the situation to Amnesty International:

"The police send letters to landlords. I've seen several of these cases. In reality, they mean that if you [the landlord] do not act and the police catch one instance of prostitution [after the letter] you will be charged. The landlord has no option but to immediately evict."¹²⁵

122 Now Section 315 of the new Penal Code 2005.

123 Original copy of letter provided to Amnesty International by PION. A copy of the standard letter is also reprinted in R.S. Swahn, "Politiets håndhevelse av sexkjøpsloven", Master I Politivitenskap, Politihøgskolen, 2009, available at: <http://brage.bibsys.no/xmlui/bitstream/handle/11250/174763/Politiets%20h%C3%A5ndhevelse%20av%20sexkj%C3%B8psloven.pdf?sequence=1&isAllowed=y>

124 Interview with representative of Oslo police district, 20. January 2015.

125 Interview with John Christian Elden, 23 January 2015.

Speaking of the eviction process, a representative of PION, a sex workers rights organization in Norway, told Amnesty International:

“Sex workers are evicted, they are not protected by other laws. People are put out on the street on the same day. Police say it’s a civil case, not a criminal case [and] if landlords don’t evict, the police will launch a criminal case against them. [So] sex workers lose their deposit and rent paid. We’ve seen a lot of cases of this. Landlords can use notice periods, but in practice they don’t. The police are encouraging landlords to take the law into their own hands and enforce it themselves.”¹²⁶

A lawyer who worked with people who had been evicted expressed concern publicly in 2013 about the way in which individuals’ legal rights were being undermined:

“...women in prostitution have rights under the Tenancy Act, but police are closing their eyes to the people evicted illegally. By accepting this method, politicians are also accepting that people are being put on the street within the hour, which is both illegal and makes the situation even more difficult for already vulnerable people.”¹²⁷

Based on the interviews that Amnesty International conducted with sex workers and with the agencies that support or represent them, women who sell sex continue to be subjected to forced eviction in Oslo, though at a less frequent rate than during Operation Homeless. In a number of these cases, sex workers report that evictions have been directly carried out by the police, or individuals they believe to be police officers.¹²⁸

Of the sex workers that Amnesty International interviewed who had experienced eviction in recent years as a result of police enforcement, only one reported being given notice of longer than a day before they were evicted.¹²⁹ These women were all Nigerian nationals.

Mercy, a street-based sex worker, had been evicted three times between 2013 and 2014. The length of notice she had been given in these instances varied between a week (in one instance), to a few hours and in one case, a few minutes. She told interviewers about an experience she had had in May 2014:

“The police came when I was not at home. I was at the shop. My flatmate called me and told me the police where there. They only gave her ten minutes to get out. She didn’t have time to get my things for me. When I got back, my clothes, money and everything were still in there. I went to the police to try and get them back and they gave me the number of the owner of the house. I called and begged them to let me in. Everything I owned was in there. I had to wait a week with no clothes or money or anything.”¹³⁰

Mary, also Nigerian, spoke of her experiences of being evicted by landlords three times over an 18-month period:

“Sometimes, they would just give us a few minutes to get out. We would have to run around and get things. We would lose the money we had paid.”

Eunice, a Nigerian woman, told Amnesty International of her recent experience of eviction:

“I have been given minutes to leave my apartment. You don’t have time to get all your things. [I had to go and] sleep in the train station.”

Tina, a young Nigerian woman, told Amnesty International how she had been stopped in the street by the police who wanted to check her immigration status. She was taken to the station and held for three nights. After she was released, the police visited her apartment and immediately evicted everyone who was living there. Tina told Amnesty:

¹²⁶ Interview with Astrid Renland, PION, 27 November 2014.

¹²⁷ M. MELGÅRD “Politikerne aksepterer at prostituerte settes på gaten på timen”, Aftenposten, 11 July 2013, available at: www.aftenposten.no/nyheter/iriks/politikk/Politikerne-aksepterer-at-prostituerte-settes-pa-gaten-pa-timen-7251709.html

¹²⁸ These cases are consistent with concerns raised by Pro Sentret and ROSA with the police in the latter months of 2011. In a letter to the director of The Stop Group of Oslo Police, the agencies cited the experiences of their service users whereby: “Nigerian Women are at short notice (1/2 to 1 hour) thrown out of the apartment they stay in by what they perceive to be the police”, available at www.venstre.no/files/oslo/sthanshaugen/uttalelsesforslag_2__sthanshaugen_venstre__vedlegg.pdf

¹²⁹ Interview with Mercy, 29 January 2015.

¹³⁰ Interview with Mercy, 29 January 2015.

“I lost my clothes and shoes. [I] had to leave a lot of things in the apartment because there was no time to pack. I didn’t get anything back. I was like someone starting from square one.”¹³¹”

FAILURE TO PROVIDE ADEQUATE INFORMATION ON EVICTIONS OR ACCESS TO LEGAL REMEDIES

In addition to adequate and reasonable notice, international human rights law also requires that information on proposed evictions and access to legal remedies to challenge or appeal evictions must be made available to people facing evictions within a reasonable time. In line with these standards, Norwegian law mandates that the termination of a rental agreement must be made in writing to the tenant and that the reason for the termination of the tenancy must be stated in the letter.¹³²

The eviction process in Norway is overseen by the civil courts and this provides the means by which tenants can appeal their eviction before or after it occurs. While landlords do have a right to request the immediate eviction of tenants if they believe a serious breach of contract has occurred,¹³³ they have to seek the permission and involvement of the civil court system to have tenants removed from the property. The Norwegian Tenants Association (Leieboerforeningen) described the process to Amnesty International:

“[Landlords] can send a formal letter terminating the contract immediately. But enforcement – changing locks, removing belongings – has to be done through the court system. The landlord cannot take the law into their own hands. [He/she] needs to get bailiffs. If the tenant doesn’t move out, the landlord has to pay the court fee to take the case through to court.”

In most instances of eviction that Amnesty International heard of, there was little evidence to suggest that any legal due process had been followed when evicting sex workers from their homes. What emerged from Amnesty’s findings was that landlords had instead taken matters into their own hands. However, Amnesty International also learned that in writing to landlords to inform them that the sale of sex was occurring on their property, the police effectively gave landlords the opportunity to “fast track” the eviction through the courts, thereby reducing the scope for sex workers to have any meaningful recourse to appeal before their eviction, even if legal due processes were followed.

¹³¹ Interview with Tina, 29 January 2015.

¹³² Section 9-9 of the Norwegian Tenancy Act (1999) states that “[a] declaration by the landlord terminating the tenancy agreement shall be made in writing. Such a declaration may require the tenant to leave immediately and to return the property to the landlord. The reason for terminating the tenancy agreement shall be stated in the declaration.”, available at www.regjeringen.no/en/dokumenter/the-tenancy-act/id270390/

¹³³ Section 9-9 of the Norwegian Tenancy Act (1999).

PRELIMINARY INJUNCTIONS

Under Chapter 34 of the Norwegian Disputes Act¹³⁴, a landlord can apply for a preliminary injunction to “fast-track” the termination of a rental contract. To do so the landlord must detail how the actions of the tenant amount to “a serious breach of the agreement”.¹³⁵ Under Operation Homeless, the police advised landlords that the police letter detailing that sex work was occurring in the property provided sufficient evidence to seek such an injunction. It recommends that:

“Prostitution activities will normally give you reason to cancel the tenancy immediately. This can happen through voluntary eviction, eviction by law enforcement Chapter 13 or injunction... police may however assist in presenting evidence that prostitution takes place in the apartment, if it should be needed.”

The Norwegian Tenants Association described this fast track process as an “extreme way” of terminating a tenancy, used only in “serious situations”. Under this process, the tenant will get a formal letter from the court informing them of the immediate closure of the property and their eviction, which would then be carried out by a bailiff.¹³⁶ The Norwegian Tenants Association confirmed to Amnesty International that, for tenants in these situations, the process “can happen very quickly”, leaving little time for them to effectively challenge the decision.

A preliminary injunction is a temporary measure and tenants can bring a case to court to have their tenancy reinstated, but only – as described by the Norwegian Tenants Agency – “after they have been put out on the streets.”¹³⁷ None of the sex workers Amnesty International spoke to who had experienced eviction reported having taken any action to challenge their eviction. Equally, none of the sex workers Amnesty International interviewed reported receiving letters from the courts. In the cases where police appear to have directly evicted sex workers, it is possible that “preliminary injunctions” had been sought to do this. However, in most instances of eviction that Amnesty International learned of, the first that sex workers reported knowing of it was when the police or landlords arrived to physically remove them.

Based on Amnesty International’s findings, sex workers subject to eviction are not being provided with adequate information about their impending evictions and are being denied effective access to legal remedies before being made homeless.

Sex workers who find themselves evicted on to the streets in Norway have limited access to legal remedies or redress. The few options they do have involve either costly legal processes or going to the police who initiated their eviction in the first place. The Norwegian Tenants Association explained that in these circumstances:

“The next step is to go to court and ask for a temporary decision [so] that the tenant can return while proceedings are carried out in the proper way. But this costs 3,000 to 4,000 kroner [US\$ 360-480]. So often people just accept [it]. The problem ... is that the people who are kicked out are not people who know their rights and know that this is not legal. If they do, they can contact a lawyer or the police. But it’s difficult and takes some time to get the apartment back – so people would have to be on the streets for 1 to 2 weeks.”

Organizations that provide services to sex workers told Amnesty International how they had tried to offer advice and legal assistance to women who had experienced eviction. Pro Sentret detailed in its annual reports, from 2009 -2011, how their services faced increasing demand for legal advice from anxious women in relation to their housing and tenancy rights in direct response to Operation Homeless¹³⁸. A representative of PION told Amnesty International, however, that:

“Sex workers are not willing to go to court – by the time they approach PION, the case is closed...PION is handing them over to lawyers, but mostly we [can just] help to write complaint letters.”¹³⁹

¹³⁴ Norwegian Disputes Act, Act of 17 June 2005.

¹³⁵ Section 9-9 of the Norwegian Tenancy Act 1999.

¹³⁶ Chapter 13 III of the Enforcement Act of June 26th 1992. see also Norwegian Disputes Act Section 34-4.

¹³⁷ Interview with the Norwegian Tenants Association, 28 January 2015.

¹³⁸ Pro Sentret, *Annual Report 2008*, p. 79.

¹³⁹ Interview with Astrid Renland, PION, 27 November 2014.

A lawyer with experience of working on eviction cases told Amnesty International that: “Sex workers can challenge, but it’s unlikely a civil case will succeed. And [sex workers] can’t afford it¹⁴⁰.”

3.7 POLICE ACCOUNTABILITY

Legally, Section 315 of the Penal Code on promotion requires that sex must be sold from the location where the eviction occurs. However, the decision on whether there is sufficient evidence to suggest sex work is in fact occurring in the property appears to be made autonomously by police.¹⁴¹ Police and some sex workers confirmed that police had looked for potential evidence of sex work during raids on the places where they lived or had given warnings to individuals they suspected of selling sex.

For example, Katia, an Italian citizen, told Amnesty International that police had encountered her in early 2015 returning home to her apartment with a man they assumed was a customer. Police had been attending a domestic disturbance in another property in the building, but stopped in the hallway to question Katia about the man. They visited her the next day to warn her that if she sold sex from her home she would be evicted. They also took the number of her landlord. At the time of Amnesty International’s interview, it appeared that this had been a warning from police, but Katia remained unsure and extremely anxious that police would contact her landlord and that her eviction was imminent¹⁴².

A representative of Oslo police district described to Amnesty International how raids under Operation Homeless were conducted by “following the market on the internet, phoning the prostitute, making an appointment, or waiting outside for clients then going into the houses.”¹⁴³ Once inside the property, police would work to ascertain whether commercial sex was occurring by “finding clients” or looking for indicators that sex was being sold from the premises. The police representative described this process as:

“[Looking for] condoms, creams, towels. Very often there is one room where it is clear no one lives there. There is a bed, a candle. We take pictures [and] compare it with the bedrooms.”¹⁴⁴

After this process, police would leave the premises and subsequently write to the landlord informing him or her that sex was being sold from the location.

While Amnesty International has been assured by a representative of Oslo police district that they undertook investigations under Operation Homeless to gather evidence that the sale of sex was occurring in a location before they recommended eviction, in some more recent cases Amnesty International learned of, it is unclear what evidence was gathered before the eviction occurred. Amnesty International also spoke with women who had been evicted immediately at the time of a police raid, without any apparent process or consideration of evidence. These women were almost exclusively women of African, in particular Nigerian, origin. One woman told Amnesty International that she had not been selling sex from the apartment.¹⁴⁵

A lawyer who had advised women following these kinds of evictions told us: “In practice they [the police] virtually don’t need any evidence of prostitution. The women just have to accept it.”¹⁴⁶

In all cases of eviction, Amnesty International is concerned that police appear to determine whether the sale of sex is occurring in a location and subsequently recommend the immediate eviction of sex workers from their homes without any apparent administrative or judicial oversight of the police evidence. Sex workers are in effect being penalized through evictions, without trial or meaningful recourse to appeal, for an activity that is not a crime under Norwegian law.

¹⁴⁰ Interview with John Christian Elden, 23 January 2015.

¹⁴¹ Interview with representative of Oslo police district, 20 January 2015.

¹⁴² Interview with Katia, 27 January 2015.

¹⁴³ Interview with a representative of Oslo police district, 20 January 2015.

¹⁴⁴ Interview with a representative of Oslo police district, 20 January 2015.

¹⁴⁵ Interview with Tina, 29 January 2015.

¹⁴⁶ Interview with Trine Rjukan, 27 January 2015.

3.8 DISCRIMINATORY TARGETING OF MIGRANT WOMEN AND/OR WOMEN WITH FEWER RESOURCES

Article 2 (2) of the ICESCR requires that states guarantee the right to housing “without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

The Committee on Economic, Social and Cultural Rights (CESCR) has clearly articulated the obligations that state parties, including Norway, have to abide by, namely that “where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.”¹⁴⁷ The Committee outlines the obligations as essential to address the fact that:

“Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless.”¹⁴⁸

Operation Homeless focused on different groups throughout the period that it ran for. While there are reports of ethnically Norwegian women being impacted by the initiative, for the most part migrant women were the principal focus of police enforcement: initially, women of Thai origin working in massage parlours in Oslo and, latterly, Nigerian women working in the streets and in apartments. Indeed, a representative of Oslo police confirmed to Amnesty International that the initiative “focused exclusively on foreign prostitutes” and that the police “didn’t want to stigmatize normal Norwegian prostitution.”¹⁴⁹

Some social service providers suggested that, at one stage, police enforcement appeared to be almost entirely focused on Nigerian migrant women. In a letter to the Oslo police district in November 2011, social service providers Pro Sentret and ROSA expressed concerns that police activities in the latter months of 2011 had been “aimed specifically and exclusively at Nigerian women in prostitution”.¹⁵⁰

The support agencies detailed the following concerns to the police about the treatment of Nigerian women during raids and evictions conducted using sex work laws:

“•Nigerian women are at short notice (1/2 to 1 hour) thrown out of the apartment they stay in by individuals they perceive to be the police.

- **They are given incorrect/incomplete information about what will be the consequences of not leaving the apartment.**
- **The women are (subsequently) fined for not providing a residential address.**
- **They are given incorrect/incomplete information about the fine, which is always written in Norwegian.**
- **[They are subjected to] body searches/ID checks and questioned about issues related to prostitution in places and at points where it is obvious that women are not in a ‘prostitution setting’.**
- **Women who have sought reflection [application for recognition as a victim of trafficking] are arrested and there is a desire from the police that these women shall be imprisoned until the application for reflection has been processed.”¹⁵¹**

¹⁴⁷ UN Committee on Economic, Social and Cultural Rights, The right to adequate housing, (Article 11) General Comment No. 7 on Forced Evictions, paragraph 10.

¹⁴⁸ UN Committee on Economic, Social and Cultural Rights, The right to adequate housing, (Article 11) General Comment No. 7 on Forced Evictions, paragraph 10.

¹⁴⁹ Interview with representative of Oslo police district, 20 January 2015.

¹⁵⁰ Letter from Pro Sentret, ROSA and Silje E. Stenvaag to Oslo police “Politiets aksjoner overfor nigerianske kvinner i prostitusjon”, 19 November 2011, available: www.venstre.no/files/oslo/sthanshaugen/uttalelsesforslag_2__sthanshaugen_venstre__vedlegg.pdf [Last accessed May 2016].

¹⁵¹ Letter from Pro Sentret, ROSA and Silje E. Stenvaag to Oslo police “Politiets aksjoner overfor nigerianske kvinner i prostitusjon”, 19 November 2011, available: www.venstre.no/files/oslo/sthanshaugen/uttalelsesforslag_2__sthanshaugen_venstre__vedlegg.pdf [Last accessed May 2016].

By focusing on migrant sex workers in this way, the police aimed to destabilize the organization of and between migrant women selling sex. The police rationale for such activity was, and continues to be, that by breaking up commercial sex that appears organized and by making it difficult for migrants to sell sex in Norway, traffickers will be deterred from trafficking people into the country to sell sex.¹⁵²

Sex workers who can afford to own their own home appear to be generally better protected from eviction as they don't have a landlord who could be threatened with an offence. Forced eviction was a routine experience among the Nigerian women who sold sex that Amnesty International interviewed; many had citizenship or residence permits in other EU countries and were seeking to stay in Norway for three-month periods or longer. The examples of evictions that Amnesty International learned almost exclusively affected sex workers living in rented accommodation.

Ellie, a sex worker of Brazilian origin who operated from an apartment she owns, described to researchers that she had been evicted so many times between January and March 2009 that she had "lost count", but when asked to give an estimate, indicated that it had happened between three to five times. Each time, she lost all the money in rent and deposits she had paid to the landlords. She bought her own apartment shortly afterwards. Despite the protection from eviction that owning her own property afforded her, Ellie still felt nervous that her neighbours might become suspicious of her and feared they would report her to the police, who would then pursue her in order to reach her clients¹⁵³.

A number of the women Amnesty International interviewed did not have formal tenancy contracts and this was particularly true among Nigerian migrant women who found it difficult to get access to the Norwegian rental market. For example Esther, a Nigerian woman, told Amnesty International:

"We can't get contracts for apartments. African people [who have Norwegian residency] sometimes sublet to us but with no contracts. We would like to have contracts... I stay with a friend. I can't rent a place. It's very difficult to get a room. They ask for documents. If you don't have documents, you can't rent."¹⁵⁴

Discrimination in the housing market against people who sell sex, or who are suspected of selling sex (often on the basis of their race or ethnicity), was identified as an increasing trend in a survey of social service providers undertaken by Pro Sentret in 2012. Pro Sentret found that: "Women report about difficulties renting a hotel room or flats/commercial spaces because their ethnicity is associated with prostitution."¹⁵⁵

The Norwegian Tenants Association (Leieboerforeningen) told Amnesty International:

"There are no legal barriers that prevent migrants on a tourist visa in renting housing, but [it] is probably problematic in practice. Both we and the LDO [Ombud for Equality and Non-discrimination] have stated that discrimination takes place on the rental market, despite a clear prohibition in the law, but there are no figures on this. Another thing may be that landlords refuse to rent to people who are only staying here for a short time and who do not have an ID number or EU passport or something similar, since they may have problems collecting any claims that may arise if the hirer has left the country."¹⁵⁶

The strategic facilitation of eviction of sex workers in Oslo by police, therefore, has the greatest impact on the most marginalized sex workers who have the least resources, who cannot buy their own homes and are often migrants living in shared apartments.

THE RIGHT TO EQUALITY AND THE PRINCIPLE OF NON-DISCRIMINATION

The principle of non-discrimination is fundamental to the realization of all human rights. All of the core international human rights treaties reiterate this general principle, including the Universal Declaration of Human Rights.¹⁵⁷ Under international law, states have an obligation to refrain from having laws and to prohibit policies and practices that are deliberately discriminatory, as well as those whose impact could be

¹⁵²Rasmussen et al, *Evaluering av forbudet*, p. 82, 85.

¹⁵³ Interview with Ellie, 29 January 2015.

¹⁵⁴ Interview with Esther, 28 January 2015, Interview with Wendy, 27 January 2015, Interview with Tina 29 January 2015.

¹⁵⁵ U. Bjørndahl, *Dangerous Liaisons*, p. 42

¹⁵⁶ Email 4 March 2016, Leieboerforeningen

¹⁵⁷ Article 2 of the Universal Declaration of Human Rights provides a non-exhaustive list of prohibited grounds for discrimination, including race or colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

discriminatory with regard to certain groups or categories of individuals, even when it is not possible to prove a discriminatory intention.

Sex workers are often comprised of the most marginalized people in society and may experience inequality and discrimination on the basis of one or more grounds including because of their race, sex, disability, migrant or other status. This discrimination can have a serious and detrimental impact, leading people into, affecting them during and after they leave sex work. It acts as a significant barrier to the full realisation of other human rights for sex workers. States must actively address this inequality and discrimination.

3.9 SEX WORKERS RENDERED HOMELESS AND/OR VULNERABLE TO EXPLOITATION AS A RESULT OF EVICTION

In addition to ensuring that procedural safeguards are in place to protect individuals from forced eviction, international human rights law also requires that governments ensure no one is rendered homeless or vulnerable to other human rights violations as a consequence of eviction.¹⁵⁸

A number of women told Amnesty International that they had nowhere to go following their eviction and had to rely on friends, associates, strangers, homeless shelters or had slept in the street until they found somewhere else to stay.¹⁵⁹ Amnesty International also heard testimony from sex workers which indicates that, following their identification by police, they had been left vulnerable to potential exploitation by landlords who offered to collude with them to help evade police¹⁶⁰ or by associates who exploited their homeless situation following their eviction.

Esther, a Nigerian woman, told Amnesty International about an experience in 2011 where she was evicted at 9am from the apartment she shared with eight other women:

“Some of the women I lived with were sleeping. We had to wake them up. The police gave us 20 minutes to get out. We had to rush to get all of our things and take them down to the street. We were cooking soup at the time and we had to take the pot out into the street with us. Later a man saw us sitting with all our things. He offered to let us put our things at his home until we worked out what we were going to do. He stole lots of our stuff.”¹⁶¹

The overarching legal and policing strategy that is being used to close down the spaces where commercial sex can occur in Norway is creating instability in the area of housing for people who sell sex, including homelessness, particularly among migrant women who sell sex. The law in Norway makes it a crime to rent out an apartment to a person who sells sex from that location, however infrequently this may occur or regardless of whether that may be the safest location for the person to operate from. The combined impact of the legal environment and police enforcement of sex work laws is placing women who sell sex, particularly migrant women, at greater risk of exploitation by landlords, and potential traffickers. It is also leading to discrimination in the housing market against nationality groups who are associated with commercial sex.

In its 2012 report “Dangerous Liaisons” on violence against women involved in prostitution in Oslo, Pro Sentret presented findings from interviews with social service providers which identified potential exploitation by landlords as a consequence of enforcement of the “promotion law”:

“The welfare services for sex workers report that according to the women, it has at times been difficult to find a place from which they can run a massage parlour as landlords do not want to rent flats/premises to people from nationality groups associated with prostitution. This in turn means some women need help from a Norwegian to rent the premises/flat in their name, and the women then pay rent to this third person. These “helpers” will in

¹⁵⁸ UN Committee on Economic, Social and Cultural Rights, The right to adequate housing, General Comment No. 7 on Forced Evictions, paragraph 16.

¹⁵⁹ Interview with Esther, 28 January 2015; Interview with Wendy, 27 January 2015; Interview with Tina, 29 January 2015; Interview with Astrid Renland, PION, 27 November 2014.

¹⁶⁰ Interview with Katia 27 January 2015. Pro Sentret also details in its 2014 Annual Report how landlords have used the knowledge that their tenant is a sex worker in order to exploit them: see Pro Sentret, *Annual Report 2014*, p. 23.

¹⁶¹ Interview with Esther, 28 January 2015.

some cases demand some money under the table for having the flat/premises in their name, which in turn can lead to higher rent for the women.”

Wendy, a young woman of African origin, told Amnesty International how she had been defrauded by a landlord who used her situation against her:

“In the past, I’ve struggled to get an apartment. A landlord who was a Norwegian resident told us to give him a deposit and he got us an apartment. It was a scam though. We were [immediately] thrown out. The police don’t help you. He had residence so it gave him the space to scam us. I don’t have residence — I can’t get my own apartment.”¹⁶²

Pro Sentret’s 2014 Annual Report also detailed how landlords are able to exploit women because of the precariousness of their housing situation. They describe how:

“Users report frequent visits from the police at home and constantly being thrown out of their apartments. The users report living in places that are degrading and probably illegal where some people charge a lot of money for letting the women sleep inside for a few hours a day.”¹⁶³

In her report on the experiences of women involved in prostitution in Norway in 2012, researcher Anette Brunovskis describes how lack of stability in housing has been found to be a crucial determinant in terms of sex workers’ exposure to exploitation:

“Housing has been a key factor in the development of exploitation — we saw a number of Eastern European women when they first came here shortly after the millennium that were dependent on others just to obtain housing, but also help with advertising and other aspects of prostitution. As they got their own network of contacts and managed to arrange this themselves, several of them became independent actors.

“There are also reports of overcharges on housing as a way to drive pimping/exploitation and trafficking. This is done by taking a disproportionately high rent, often for small apartments with poor standard, or many thousand kroner for a mattress in a small room shared with others. For example, as one social service provider in Bergen told us: ‘We have had contact with a woman, where traffickers arranged moving... She would share the apartment with two others but pay 10,000 kroner a month [approx. US\$1,125]. This seems high, even for an apartment in the centre, and it seems that the landlord charged extra fees because he knew who would be staying there.’”¹⁶⁴

Despite these concerns, and the fact that landlords are the parties that are technically liable under the ‘promotion’ law, Operation Homeless did not focus on uncovering exploitative activity by landlords against sex workers. Rather it focussed on facilitating evictions. Amnesty International asked Oslo police for details of how many landlords were prosecuted as a result of Operation Homeless but did not receive any information in response.

The Norwegian government’s own evaluation of the ban on purchasing sex, carried out by social research company Vista Analysis and published in 2014, recognized the vulnerability that enforcement of sex work laws creates for people selling sex in the country:

“The enforcement of the ban on buying in combination with the pimping [promotion] section has made it harder for men and women in prostitution to find a suitable place for the sale of sexual services on their own. This can lead to more men and women in prostitution being dependent on traffickers/pimps and reduces the possibility to work from the one place together with (several) other prostitutes.”¹⁶⁵

Two women interviewed by Amnesty International described living with customers as a means to secure stable housing. One woman said that she had been living for nine months with a customer she had met on the street in order to avoid homelessness. She told Amnesty International that in exchange for living with him, she had to “clean his home and have sex with him”.¹⁶⁶ While only a small number of women reported living with customers, it is a pattern that was also identified in Anette Brunovskis’ 2012 study:

¹⁶² Interview with Wendy, 27 January 2015.

¹⁶³ Pro Sentret, *Annual Report 2014*, p. 9.

¹⁶⁴ A. Brunovskis, *Fem prostitusjonstiltaks erfaringer*, p. 29 [Translated from Norwegian to English by Amnesty International].

¹⁶⁵ Rasmussen et al, *Evaluering av forbudet*, p. 176.[Translated from Norwegian to English by Amnesty International].

¹⁶⁶ Interview with DM, 22 January.

“During the period there has also been concern in relation to quite a disadvantaged group who previously lived with each other, but now largely appear to be homeless, and where women have been sleeping at their customers’ houses or outside... Homelessness, in combination with a life of street prostitution, creates an extremely vulnerable situation. Dependence on staying with customers is also potentially dangerous and gives [sex workers] little control over their own situation. It is also viewed as unsafe to visit the houses of customers, and is rarely a first choice among the women.”¹⁶⁷

Amnesty International raised the issue of increased vulnerability of sex workers as a result of enforcement of criminal laws with an expert advisor from the Ministry of Justice and Public Security. He reflected:

“Prostitution is not an accepted occupation in Norway. We struggle with somewhat contradicting approaches. There is an understanding that people selling sex need help and assistance in order to leave prostitution. We wish to provide such help. At the same time, those who do not leave will have to accept that measures against trafficking and pimping puts obstacles in the way for people in prostitution, and that they might face eviction from a rented apartment.”¹⁶⁸

3.10 OSLO POLICE USE SEX WORKERS’ REPORTS OF VIOLENCE TO FACILITATE THEIR EVICTION AND/OR THEIR DEPORTATION

In order to apply methods such as evictions to crack down on commercial sex, the police must first identify individuals that they suspect are selling sex. Amnesty International was informed of a number of methods used to identify sex workers. These include police contacting sex workers through advertisements and posing as potential customers in order to ascertain their address, then visiting their homes or premises or waiting outside to carry out surveillance. Additionally, police stop women in the street to carry out document checks and ask for addresses. If women refuse to give their address, for fear of subsequent eviction or other police action, they can be fined. Sex workers are also identified by police following the reporting of crimes and domestic disturbances, including reports by sex workers of crimes against them.

Amnesty International interviewed a woman who had been a victim, together with her lawyer, in a case from 2014. Nine Nigerian sex workers were violently attacked and raped in the apartment in which they lived by an individual who posed as a police officer to gain entry.¹⁶⁹ They reported the incident to the police. Four days after the attack, they were forcibly evicted by their landlord who gave them only a few hours to leave the apartment.

¹⁶⁷ A Brunovskis, *Fem prostitusjonstiltaks erfaringer*, p. 27.

¹⁶⁸ Interview with an expert advisor, Ministry of Justice and Public Security, 23 January 2015.

¹⁶⁹ E. Often, Oslo: – Prostituerte kastet på gata etter voldtekter, TV2 2 April 2014, Available at: www.tv2.no/a/5463601%60ZD [Last accessed May 2016].

MERCY'S STORY:

Amnesty International spoke to Mercy in January 2015. She is a young Nigerian woman who travels to Norway to sell sex. She has residency in the Schengen area and can, therefore, stay in Norway for three month periods. She has been visiting Norway since 2013. Mercy told interviewers about experiences she had in early 2014.

“Last year was really hell for me. It started in March. A little guy came to the house with a knife. I answered the door. There were nine of us in the house. He threatened us with a knife and robbed our money and phones. He told all of us to strip. It was really cold and we were shivering. We called the police when the man was still there. He forced us to have sex with him. The police took two or three hours to come. They took us all to hospital and got us a hotel for two nights. Later, we went back to the house and, two days later, the landlord threw us out. When we were in the hospital, the police went to our house and took all our money and other phones and computers from the house.

“The African lady that helped in the house came and told us to get out. The police put pressure on the landlord. She gave us half a day to get out. I went to a friend’s house. I had to wander around Oslo for hours with my bags until I found somewhere to stay. I didn’t have a contract.”¹⁷⁰

Mercy’s lawyer also spoke to Amnesty International. She told interviewers:

“A man came into the flat. He posed as police but had a machete. He threatened and raped many of the women. The women got help from a Norwegian friend who called the police for them.

“After the crime had happened, the landlord threw the women out. The police contacted and instructed them to evict. One of the women phoned me – they couldn’t even get in the apartment to get personal belongings and medication. She had to get replacement medication from the sexual assault centre. The landlord eventually let them get their things.

“A victim and witness subsequently left the country. The rest of the women moved around – staying with friends. It was a dangerous situation. They didn’t know where they were going to sleep the next night. Some stayed with strangers. They were terrified of being raped again. They were terrified the robber would send someone to get them. Now they can stay [in Norway] for three months at a time. When the court case comes around they need to come back.”¹⁷¹

This case does not appear to be an isolated incident. Amnesty International learned of another violent robbery carried out against three women selling sex around the same time in March 2014 who were rapidly deported from the country after they reported the incident to the police. Amnesty International interviewed a lawyer who represented the women. She told interviewers:

I worked on the case of three Nigerian women who were attacked and robbed. Police came to the scene but the perpetrators were gone. The police took the women to a shelter and gathered their belongings. The women gave their statements. When they went to collect their belongings, they were arrested and deported. They hadn’t overstayed [their visas]. They should have told the police, they were tourists.”¹⁷²

According to media reports of this case, perpetrators broke into the apartment on the outskirts of Oslo carrying an electric stun gun and knives.¹⁷³ They subjected the women to extreme violence - stabbing them and threatening to kill them. Their lawyer described how the police had failed to follow up the women’s case and had instead prioritized their removal from Norway under immigration rules:

“The women thought they would get help from police. They were promised that they would get their passports back as soon as they had given statements about the robbery and cooperated with police. Instead they were

¹⁷⁰ Interview with Mercy, 29 January 2015.

¹⁷¹ Interview with Trine Rjukan, 27 January 2015.

¹⁷² Interview with Siljie E. Stenvaag, 28 January 2015.

¹⁷³ E, “Ofte, Prostituerte ranet, banket opp – og sendt ut av Norge”, TV2 available at: <http://www.tv2.no/a/5453397> [Last accessed: May 2016] The case is also discussed at: <http://forskning.no/kjonn-og-samfunn-kriminalitet-seksualitet/2014/07/sexkjopsloven-rammer-innvandrerkvinner>; H.E. Sandnes “Sexkjopsloven rammer innvandrerkvinner”, available at: www.forskning.no/kjonn-og-samfunn-kriminalitet-seksualitet/2014/07/sexkjopsloven-rammer-innvandrerkvinner.

imprisoned, put in Trandum transit centre and sent on a plane out of Norway. I was one of those who told them that they could trust the police in Norway, but apparently they couldn't.¹⁷⁴

The women's lawyer also expressed concern that the women were removed from the country before they had finished treatment for the injuries they sustained in the attack, including a severe head injury. When questioned by the media as to why the women had been deported when they had Italian residency and were allowed to travel to Norway, the policy attorney for Romerike Police stated that the police had used their discretion to facilitate the removal of the women because they "did not find that the purpose that they gave for their stay was likely."¹⁷⁵

As detailed in the following sections on violence against sex workers, and anti-trafficking approaches, such actions by the police have a chilling effect on the levels of confidence that people who sell sex have in the police and in particular their willingness to report crimes against them, including extreme violence, exploitation and trafficking.

States have an obligation to ensure that people are treated equally under the law. Article 7 of the Universal Declaration of Human Rights, for example, states: "All persons are equal before the law and are entitled without discrimination to the equal protection of the law."¹⁷⁶

3.11 SURVEILLANCE AND MONITORING OF SEX WORKERS

Despite the fact that the direct sale of sex is not a crime in Norway, many of the women interviewed by Amnesty International reported that they had directly experienced, or strongly suspected that they had been subject to, a high level of surveillance by police.

A lawyer who has defended individuals prosecuted under sex work laws expressed concern that a greater proportion of police focus in enforcing sex work laws was directed at monitoring and penalizing those selling sex rather than at individuals who were breaking laws, such as buyers of sex or third parties. He told Amnesty International:

"Police use all of their efforts to take down the women as it's the easiest way to get rid of the problem."¹⁷⁷

All of the sex workers interviewed by Amnesty International who sold sex in apartments or other indoor locations, most of whom were of European or Brazilian origin, reported having received phone calls from potential buyers that they believed were the police. A number of women described the following features as being common in such calls: they were asked what they considered invasive questions; they were asked for "too much information"; and the call would be ended if they refused to answer questions, particularly in relation to their address.

A representative of Oslo police district confirmed to Amnesty International that posing as potential buyers was a common police practice in the enforcement of sex work laws. This practice appears to be undertaken as a means to enforce both the "promotion" law – leading to subsequent raids and evictions – and to identify and "stake out" sex workers as a means to identify buyers of sex in order to issue them with fines under Section 316 of the Penal Code.

Mercy told Amnesty International:

"The police pretend they are clients so they can throw you out. The client you had last night comes the next day to throw you out;" clarifying that "they don't have sex with you though."

¹⁷⁴ Quoted in: E, "Ofte, Prostituerte ranet, banket opp – og sendt ut av Norge", TV2 available at: <http://www.tv2.no/a/5453397> [Last accessed: May 2016] The case is also discussed at: <http://forskning.no/kjonn-og-samfunn-kriminalitet-seksualitet/2014/07/sexkjopsloven-rammer-innvandrerkvinner>; H.E. Sandnes "Sexkjøpsloven rammer innvandrerkvinner", available at: www.forskning.no/kjonn-og-samfunn-kriminalitet-seksualitet/2014/07/sexkjopsloven-rammer-innvandrerkvinner.

¹⁷⁵ Quoted in: E, "Ofte, Prostituerte ranet, banket opp – og sendt ut av Norge", TV2 available at: <http://www.tv2.no/a/5453397> [Last accessed: May 2016] The case is also discussed at: <http://forskning.no/kjonn-og-samfunn-kriminalitet-seksualitet/2014/07/sexkjopsloven-rammer-innvandrerkvinner>; H.E. Sandnes "Sexkjøpsloven rammer innvandrerkvinner", available at: www.forskning.no/kjonn-og-samfunn-kriminalitet-seksualitet/2014/07/sexkjopsloven-rammer-innvandrerkvinner.

¹⁷⁶ ICCPR, Article 26.

¹⁷⁷ Interview with a John Christian Elden, 23 January 2015.

Maria, a sex worker who uses hotels as a venue to sell sex, told Amnesty International of her experience of a police stake-out:

“I didn’t work the first day after I arrived [at the hotel]. The second day, I had lots of calls from customers. I had strange calls asking lots of questions- very robotic questions and it was quiet in the background. Next day, I got an email from the hotel saying I was welcome in the hotel but couldn’t do prostitution.

“The manager said the police had called and told him someone was doing prostitution in the hotel. He said everyone got the email. I think it only went to me. I don’t think it went to everyone. I hadn’t worked. The police sat outside the hotel for 48 hours until I left. They were two officers in an unmarked car. I didn’t work. The manager told me the police were outside watching me. I had to leave. I had paid for more days. I lost 4,800 kroner [approx. US\$540].¹⁷⁸”

Speaking in response to a case reported in Norwegian newspaper *Aftenposten* in 2012, involving a woman who was told by the Board of her housing complex that she had to move out, despite owning her property, because the police had allegedly identified her as a sex worker to neighbours, a representative of the Data Protection Authority said:

“...it is the prostitute who becomes the subject of intrusive surveillance, although it is not her who has done something punishable. So much invasive treatment by police against someone who has not committed any criminal offense, is disproportionate. There was no desire that the law [would have the effect] that women would face a deteriorating situation.¹⁷⁹”

3.12 IDENTITY CHECKS AND EXCLUSION NOTICES

Police surveillance and monitoring of sex workers is not restricted to the indoor market. Street-based sex workers told Amnesty International how they were frequently subjected to police stops, questioning and identity checks – including being asked to show passports and visas and being asked to give their address. Sex workers Amnesty interviewed reported varying outcomes from these police stops. A small proportion of women Amnesty spoke with, predominantly EU passport holders, reported being given information and offers of support by police who stopped them. However, a significant number of the women working on the street reported being penalized as a result of police stops, including being subsequently evicted from their apartment, detained and/or deported, being fined for failing to give their address to the police, or given what appeared to be exclusion notices requiring that they leave the area immediately or face sanctions.¹⁸⁰ The women who reported negative experiences of police stops were predominantly, but not exclusively, of Nigerian origin. As discussed in Section 6 of this report, these stops are increasingly being used as a means to both enforce sex work laws and as an anti-immigration mechanism.

Wendy, a young woman of African origin, told Amnesty International how she had been stopped both by uniformed officers and by plain clothed police. When the plain clothed officers stopped her she said:

“I was just walking down the street. I wasn’t working. I was chatting to my friends I thought they were bad guys and I was scared. The police asked to see my papers and I showed them. They asked my friends questions – did they have condoms, why did they have them? They told us to go away and that they better not see us on the street – we better not come back for 24 hours or they would take us to the station.¹⁸¹”

Dorcas, a street-based sex worker of Nigerian origin, told interviewers how she was stopped by police on her first day in Norway. She told Amnesty International that the officers drove her around in their car for three hours and asked for her address. When she refused to give it, they let her go. She said she had been “terrified” by them “blocking me with their car” as she walked down the street.¹⁸²

Esther also described being approached by police in cars in the street. She told Amnesty International:

¹⁷⁸ Interview with Maria, 30 January 2015.

¹⁷⁹ Quoted in: “Politiet avslører prostituerte overfor naboer”, *Aftenposten*, 31 October, 2012, available at: www.aftenposten.no/nyheter/iriks/Politiet-avslorer-prostituerte-overfor-naboer-7032770.html

¹⁸⁰ See also N.B. Johansen; T. Ugelvik & K. Franko Aas (reds.), *Krimigrasjon?* p. 90.

¹⁸¹ Interview with Wendy, 27 January 2015.

¹⁸² Interview with Dorcas, 28 January 2015.

“Last year [2014], one day, I was walking to my apartment. A man was walking on the same street. I saw two police cars. One came and blocked me, the other went to the man. The police asked for my documents. They asked the man if he knew me. I didn’t know him. He lived nearby. I showed my papers. Then the other car told the first car to leave me alone because the man didn’t know me. It was about 6am, last summer – a Saturday. The police came out of nowhere. I was going home, so was he, but he didn’t know me. I felt embarrassed.”¹⁸³

Eunice, also Nigerian and selling sex from the street, told Amnesty International that she felt as if she had been “stopped on the street every-day for three months” and had on a number of occasions been searched by either plain-clothed or uniformed police officers. She told Amnesty.¹⁸⁴

“One day, I was under surveillance. I was talking to a customer for ten minutes. Next thing I hear was a man who was standing close by saying ‘we have heard everything you have said. What were you saying to this man?’ I told them ‘I approached the man. Leave him alone.’”

Eunice had an Italian passport which she explained gave her more freedom to challenge the actions of the police. Her friend, Promise – also a Nigerian street-based sex worker who participated in the interview – reflected that: “I don’t have a European passport. If I address them the way she does, I would end up in the cells for three days.” She added that the police “don’t care if you have Italian [residency] papers. As soon as they see a Nigerian passport they pull you in.”

Joyce, a young women of African origin who had applied for asylum in Norway, told Amnesty International:

“I have been here for a few years. I’ve been stopped by the police. They asked for documents. They say they are doing their job. I’m not very interested in the police. Sometimes I get angry. I don’t see them [as a] kind of help.”¹⁸⁵

While it is difficult to verify these cases, the police actions that Amnesty International learned about reflect those reported in several other studies by social service providers and academic researchers about the experiences of women, particularly Nigerian women, selling sex on the streets of Oslo.

An academic researcher who has examined police enforcement against sex workers in Oslo told Amnesty International that identity checks are used as a regular mechanism by police to both enforce immigration laws and to crack down on street-based sex work. She told Amnesty International that police carry out organized checks in particular geographic locations and that women in the area where street prostitution occurs are targeted for enforcement. She added that: “It seems to happen a few times a year – to ‘clean up’.”¹⁸⁶

A significant proportion of the women that Amnesty spoke to who reported being stopped by the police were of Nigerian origin some of whom claimed to have been stopped when they were not selling sex. Amnesty International is concerned that these women may have been profiled for stop and search because of their race and the stereotyped assumptions that they are sex workers. Police statistics which may provide greater insight on the gender and race of individuals stopped and searched are not publicly available.

Norway has attracted repeated criticism from the European Commission on Racism and Intolerance (ECRI) regarding its failure to provide public police records of stop and search activities. This criticism was made by ECRI in its 2009,¹⁸⁷ 2011¹⁸⁸ and 2015¹⁸⁹ monitoring reports on Norway. In its 2015 report, the Commission noted that: “Asylum seekers and Black persons report being subjected to frequent police controls” in Norway.¹⁹⁰ The ECRI’s 2011 report set out these concerns in detail:

“In its report [2009] on Norway...ECRI strongly recommended that the Norwegian authorities take steps to address racial profiling, notably in stop and search operations carried out by police and customs and

¹⁸³ Interview with Esther, 28 January 2015.

¹⁸⁴ Interview with Eunice, 29 January 2015.

¹⁸⁵ Interview with Joyce, 27 January 2015.

¹⁸⁶ Interview with an academic researcher, 25 November 2014.

¹⁸⁷ *ECRI Report on Norway (fourth monitoring cycle)*, 2009, p. 40 para 145, available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Norway/NOR-CbC-IV-2009-004-ENG.pdf

¹⁸⁸ *ECRI Conclusions on the Implementation of the Recommendations in respect of Norway subject to interim follow up*, 2011, p. 6-7, available at: www.coe.int/t/dghl/monitoring/ecri/country-by-country/norway/NOR-IFU-IV-2012-009-ENG.pdf

¹⁸⁹ *ECRI Report on Norway (fifth monitoring cycle)*, 2015, p. 28 para 77, available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Norway/NOR-CbC-V-2015-002-ENG.pdf

¹⁹⁰ *ECRI Report on Norway (fifth monitoring cycle)*, 2015, p. 28 para 77.

immigration officials. In particular, ECRI recommended that the Norwegian authorities carry out in-depth research on racial profiling and monitor police activities in order to identify racial profiling practices...

"In its [2009] report ECRI invited the Norwegian authorities to explore all possible measures to address the problem of racial profiling, since it was not possible for the police to carry out their tasks effectively without the co-operation of the members of society, including minority groups...

"Concerning racial profiling, the authorities informed ECRI that such practice does not exist in the police's 'modus operandi'. However, other sources have referred to complaints that public security officials have used racial profiling techniques to stop and search members of vulnerable groups. Unfortunately, ECRI notes that the lack of public police records of stop and search activities makes it difficult to ascertain the existence and/or monitor the extent of such practices. ECRI, therefore, concludes that its recommendation has not been implemented, in particular with regard to the requirement to monitor police activities in order to identify racial profiling practices, including by collecting data related to police activities which are broken down by ethnic origin, language, religion and citizenship. However, ECRI notes with interest the Norwegian authorities' statement that they are aware that the way in which persons with immigrant background are perceived by the police may pose problems."¹⁹¹

ECRI's 2015 report confirmed that this recommendation has still not been implemented by the Norwegian government.¹⁹²

3.13 FINES FOR REFUSING TO PROVIDE ADDRESS OR OTHER INFORMATION

Social service providers¹⁹³, as well as several women interviewed by Amnesty International, said the police had imposed fines on sex workers in the period from 2010 to 2012.¹⁹⁴ However, they told interviewers that they had seen less evidence of this in recent years.

Esther, a Nigerian sex worker who had been travelling to Norway for a number of years, told us: "From 2011 to 2012, police gave some women a fine. Some pay, some don't- they [police] never explained what the fine was for."

Social service providers and academic researchers have also documented the use of fines against sex workers who failed to give police their address following police stops. Asking sex workers in the street for their addresses, under the threat of fine, offered police another means by which evictions could be facilitated. For example, a 2012 study by Fafo reflected that:

"One of the service providers observed that many Nigerian women had been absent during autumn in 2011. Based on reports from their users, they related this to the police having been particularly active against Nigerian women, checking their documents and their address. Many of the women stayed with girlfriends and would, therefore, not provide exact address details, for fear that the police, through Operation Homeless, would ensure that they lost the apartment. When they did not declare the address, they were fined. More, therefore, chose apparently to leave the country, but returned after having been in Spain and Italy for a period."¹⁹⁵

Similarly, Pro Sentret stated that:

"During 2011, Pro Centre heard countless stories, from Nigerian women in particular, who all told about evictions from apartments, expulsions from the streets and being fined for the slightest thing."¹⁹⁶

One academic researcher who has researched police practices in Oslo has suggested that the process of fining sex workers is another example of the "stress methods" that police use to create high levels of pressure on the commercial sex market, including on those selling sex.

¹⁹¹ ECRI Conclusions on the Implementation of the Recommendations in respect of Norway subject to interim follow up, 2011, pp. 6-7.

¹⁹² ECRI Report on Norway (fifth monitoring cycle), 2015 p. 28 para 77.

¹⁹³ Interview with Liv Jessen, 26 November 2014.

¹⁹⁴ Interview with Esther, 28 January 2015.

¹⁹⁵ A. Brunovskis, *Fem prostitusjonstiltaks erfaringer*, p. 22. (Translation from Norwegian to English by Amnesty International)

¹⁹⁶ Pro Sentret, *Annual Report 2011*, p. 26.

“Critics point to the... problems related to Operation Homeless combined with other turmoil and stress strategies employed, such as ejections in accordance with regulations and fines under immigration legislation and §333 of the Penal Code which opens up the possibility of fining people who refuse to disclose identifying information when they are asked to provide their residential address. If fines are imposed the persons concerned are registered with the criminal record office. This may adversely affect their applications for a residence permit. If a residential address is provided, they run the risk, if they sell sex, of losing a place to sleep. According to informants in social service providers, this can lead, to some women being exploited sexually by people offering them somewhere to stay in exchange for ‘sexual favours’. Several of my informants outside the police, therefore, believe that current police prevention strategies have a negative impact because they are perceived as punitive and add to an already difficult situation; pushing a marginalized social group further out on the edge of society.”¹⁹⁷

3.14 CONDOMS AS EVIDENCE

While individual sex workers interviewed by Amnesty International did not report high levels of scrutiny by the police regarding individual condom possession, a small number did describe witnessing sex workers being questioned about this by the police on the streets or at border crossings. Two sex workers interviewed by Amnesty International described only ever carrying one condom or a small number so as to avoid questions from the police.

A representative of Oslo police district¹⁹⁸ confirmed to researchers that the existence of condoms in premises would be considered contributory evidence that the sale of sex was occurring there. This approach, therefore, acts as a de facto penalty on the possession of condoms by sex workers.

Social service providers in recent years have also expressed concern about such action by the police. Nadheim Church City Mission, a charitable organization that provides services to people who sell sex, documented in their 2013 Annual Report that:

“Street prostitutes have told us about how the police have aggressively searched them and confronted them about having a large number of condoms on them which, they allege, proves that they are prostitutes. We have, as a help centre, learned that some of the women, as a result of this, have not wanted to accept the desired number of condoms, which we see as worrisome from a harm reduction perspective.”¹⁹⁹

Similarly, Pro Sentret, in their 2013 Annual Report, also detailed concerns of indoor sex workers in relation to keeping condoms on the premises:

“The agitation and anxiety many people experience, and the constant changes that occur in the way the indoor market is organized, helps to increase vulnerability to violence, victimization, risk behaviour and thus infection. Many feel it’s too risky to accept, not to mention store, condoms and lubricant in the premises for fear of a police raid.”²⁰⁰

The current CEO of Pro Sentret told Amnesty International that:

“We’ve been doing outreach for 15 years with Thai women [in massage parlours]. They are now very reluctant to take condoms – they don’t want to have them lying around because they become evidence.”²⁰¹

This was a situation echoed in the outreach work of PION, a Norwegian sex worker rights organization. Their CEO told Amnesty interviewers:

“It used to be easier for PION to hand out condoms – to Thai women in massage parlours for example. We could hand out condoms, information etc to the parlours – even if we weren’t sure that sex workers were working there directly and they would pass it on to the sex workers they knew as part of volunteering for PION. Now the venues don’t want this in case it makes it look like it is a venue where sex is sold. They are constantly in risk of raids by

¹⁹⁷ S. Ø. Jahnsen, “Innestengt eller utestengt?”, pp.186-187, [Translation from Norwegian to English by Amnesty International].

¹⁹⁸ See also TOBYF-2014-28427. In this eviction case, condoms were used as evidence. The ruling stated: “Condoms lay in several drawers and cabinets, as well as on the bed and on the floor. There was also used paper on the floor in several places, and on the mattresses on the floor. The Court, therefore, finds it obvious that there was a prostitution business in the apartment, and likewise, that the defendant must have known what was happening. The plaintiff [Norwegian: saksøker, the one who is suing] therefore had the right to cancel the contract.”

¹⁹⁹ Nadheim, *Annual Report 2013*, p. 19.

²⁰⁰ Pro Sentret, *Annual Report 2013*.

²⁰¹ Interview with Bjørg Norli, 27 November 2014.

the police and condoms may lead to prosecution for pimping [promotion law] and/or eviction from the premises.”²⁰²

Access to condoms and related HIV prevention services is an essential aspect of the right to the highest attainable standard of health. The International Covenant on Economic, Social and Cultural Rights (ICESCR) obliges state parties to take steps “necessary for ... the treatment, prevention and control of epidemic ... diseases.”²⁰³ The Committee on Economic, Social and Cultural Rights (CESCR) has clarified that states should: “repeal or reform laws and policies that nullify or impair the ability of certain individuals and groups to realize their right to sexual and reproductive health. There exists a wide range of laws, policies and practices that undermine autonomy and right to equality and non-discrimination in the full enjoyment of the right to sexual and reproductive health... States parties should also ensure that all individuals and groups have equal access to the full range of sexual and reproductive health information, goods and services, including by removing all barriers that particular groups may face.”²⁰⁴

International law also protects women’s right to control their reproductive and sexual health. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides that all women have the right “to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.”²⁰⁵

Law enforcement must be consistent with these and other international human rights obligations. The UN Joint Programme on AIDS (UNAIDS) recommends: “Criminal law should not impede provision of HIV prevention and care services to sex workers and their clients.”²⁰⁶ In addition, the UNAIDS Guidance Note on HIV and Sex Work states that:

“Condoms, both male and female, are the single most effective available technology to reduce the sexual transmission of HIV and other sexually transmitted diseases. Condoms must be readily available for sex workers and their clients, either free or at low cost, and conform to global quality standards...harassment by law enforcement officers reduces the ability of sex workers to negotiate condom use; governments and social service providers should address such factors to maximize the impact of condom programming focused on sex work.”²⁰⁷

The practices of the Norwegian police and the justice system in using condoms as evidence are interfering in the provision of HIV and STI prevention programmes with sex workers. This is of particular concern given anecdotal reports from social service providers that consistent condom use appears to be declining between buyers of sex and sex workers. For example, the 2014 Annual Report of Pro Sentret stated that:

“We still get a lot of feedback from service users that the use of condoms is declining...”

“We hear that there are many women who perform oral sex on men without a condom, which makes it more difficult for those who want to use a condom to negotiate this with the customer. The customer is often willing to pay more for having sex without a condom and an increasing number of our users tell us that they take ‘trips’ without a condom.”²⁰⁸

Amnesty International does not consider that the use of condoms as evidence is the only reason for a potential decline in condom use. Other potential influences such as reduction in the bargaining power of sex workers and increased competition are discussed in more detail in the next section of this report. However, using condoms as evidence does create an additional barrier to accessing condoms and as such the realization of sex workers’ right to the highest attainable standard of health.

²⁰² Interview with Astrid Renland, 27 November 2014.

²⁰³ International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3, art 12.

²⁰⁴ General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), para 34.

²⁰⁶ UNAIDS, *International Guidelines on HIV and Human Rights*, OHCHR, UNAIDS, 2006, para. 21(c).

²⁰⁷ UNAIDS, *Guidance Note on HIV and Sex Work*, UNAIDS, 2009, p. 12.

²⁰⁸ Pro Sentret, *Årsrapport 2014*, p. 33 [translation from Norwegian to English by Amnesty International].

4. VIOLENCE AGAINST SEX WORKERS

A significant proportion of the women interviewed by Amnesty International said that they had encountered violence, in some cases severe and life threatening, while selling sex in Oslo in recent years. While the sample of women that Amnesty International spoke with was diverse in terms of age, ethnicity and nationality, some groups of women who sell sex in Oslo were under-represented in the interviews conducted, in particular women of Thai origin and/or women who sell sex exclusively indoors. Amnesty International was unable to conduct interviews with any men who sold sex. This report does not, therefore, present findings of women's experiences of violence within commercial sex in quantitative terms nor as entirely representative of the experiences of all people who sell sex.

Nevertheless, Amnesty International did find high levels of violence against women who sell sex that were interviewed which amount to serious human rights abuses. Equally, Amnesty International also identified significant barriers to effective police protection for sex workers against these acts of violence. Many of the testimonies collected by Amnesty International also demonstrate trends in violence and abuse that are to some extent consistent with findings in other recent studies conducted in Norway on the issue of violence against women who sell sex, for example, a 2012 report by Pro Sentret that explored the incidence of violence among women involved in commercial sex in Oslo. Similarly, violence against sex workers in Norway was also evidenced in a study of women's experiences in prostitution over a six-month period in 2012 conducted by the research institute Fafo and funded by the Ministry of Justice.

RATES OF VIOLENCE AGAINST PEOPLE WHO SELL SEX

A significant proportion of the women that Amnesty International interviewed had suffered at least one violent incident in recent years. The forms of violence experienced ranged from abuse by passers-by in the street, to violent and threatening behaviour at the hands of buyers of sex and, in a number of cases, targeted attacks involving robbery and severe violence perpetrated by organized gangs or groups. One woman²⁰⁹ also told Amnesty International about her experience of being raped.

High levels of violence against people selling sex are well documented in Norway. Reflecting on the high level of incidents uncovered in its 2012 survey of women who sell sex, Pro Sentret concluded that:

“...women selling sex in Oslo comprise a group that has been the victim of severe violence... The high frequency of this severe violence in such a small group of people is rare in the city of Oslo.”²¹⁰

The same report also demonstrated variations in the rates of violence over the last decade. It presented the findings from a survey of 123 women who sold sex; examining their experiences of violence between 2009 and 2012 and comparing the results with those of an earlier study in 2007. The study found that 59% of the 123 women had experienced violence in the previous three years since 2009. This compared to 52% of respondents in the previous 2007 survey who reported experiencing violence over the entire course of their

²⁰⁹ Given the sensitivity of this issue, it is possible that women did not disclose all experiences of sexual violence to Amnesty International.

²¹⁰ U. Bjørndahl, *Dangerous Liaisons*, p. 5.

time in commercial sex.²¹¹ While the two findings were not directly comparable in terms of timeframe – with the 2007 study covering a potentially much longer time period – Pro Sentret concluded that “the trend is that more prostitutes respond that they have been a victim of violence in this survey than in the previous survey.”²¹²

Significant increases in experiences of violence were particularly pronounced among migrants who sold sex. In the 2007 survey, 33% of the Nigerian respondents said they had experienced violence in the course of their time in commercial sex, compared with 83% who said they had experienced violence between 2009 and 2012.²¹³ The Pro Sentret study also recorded a near-doubling in experiences of violence among women of Thai origin who sold sex. 21% of Thai women reported having experienced violence over the course of their time in commercial sex in 2007 compared with 40% between 2009 and 2012.²¹⁴ The only group that reported any reduction in violent experiences were ethnic Norwegian women in commercial sex (72% in 2007 compared with 55% in the 2012 survey).²¹⁵

In the period between Amnesty’s research being conducted and publication of this report a Bulgarian woman, who was working as a sex worker in Norway, was brutally murdered and her body found in her car in central Oslo in December 2015. The case against a man accused of the murder was ongoing at the time of publication.²¹⁶

4.1 PERPETRATORS OF VIOLENCE

Women interviewed by Amnesty International reported being subjected to threats and violence by a range of perpetrators. New and unfamiliar male buyers of sex and/or buyers who were drunk often featured as abusers in the women’s testimonies. This echoes the findings of the Pro Sentret study that an unfamiliar client was the most common perpetrator named by women who had experienced violence (67% of the women surveyed reported violence by an unfamiliar client).²¹⁷

Ellie, a sex worker of Brazilian origin who had been selling sex for over 20 years in indoor locations, told Amnesty International that she had experienced two violent incidents between 2009 and 2015 involving buyers of sex. Ellie told Amnesty International about one incident which occurred in December 2014:

“He [the buyer] paid for one hour. He was drunk [and wanted a longer time with me]. I asked for money for the longer time. So he paid for another hour. But he came in the first ten mins and demanded half the money back for the second hour. I gave it back. Then he demanded the money back for the first hour. So we started fighting. I got the phone quickly and pretended to call my neighbours. I told him ‘I have neighbours upstairs – they are two bodyguards’. Then he left.”²¹⁸

Katia, a young woman with Italian citizenship who had recently arrived in Norway and sold sex from the streets and apartments, told Amnesty International about violence she had been subjected to in a buyer’s apartment just a few days before the interview:

“[I] would prefer to work at home. The customer can’t hurt you so much. I’m more relaxed there, it’s more dangerous going to customers’ houses. I went with a Pakistani man to his house. He tried not to pay me so much. He punched me two times in the jaw. I didn’t tell the police. If he broke much I would have told police. It’s a problem- I would have to tell them what I do. I don’t want it on my records.”²¹⁹

Helen, a Norwegian woman aged in her 20s who sold sex from indoor locations, told Amnesty International about her recent experience:

²¹¹ U. Bjørndahl, *Dangerous Liaisons*, p. 12.

²¹² U. Bjørndahl, *Dangerous Liaisons*, p. 12.

²¹³ U. Bjørndahl, *Dangerous Liaisons*, p. 13.

²¹⁴ U. Bjørndahl, *Dangerous Liaisons*, p. 13.

²¹⁵ U. Bjørndahl, *Dangerous Liaisons*, p. 13.

²¹⁶ “Brutalt drap på prostituert kvinne (28)”, Aftenposten, 18 December 2015 available at:

www.aftenposten.no/osloby/nyheter/krim/Brutalt-drap-pa-prostituert-kvinne-28-8289371.html

²¹⁷ U. Bjørndahl, *Dangerous Liaisons*, p. 16.

²¹⁸ Interview with Ellie, 29 January 2015.

²¹⁹ Interview with Katia, 27 January 2015.

“I was working in a hotel and the client, a Norwegian guy, was drunk. He tried to talk me out of charging him. I tried to leave but the guy blocked the doorway. [I got past] but he and his friend followed me to the elevator. I phoned the police – and kept on the line until I could get to the elevator. Then I hung up.

“Men don’t want to pay, or [they want to] pay less, or not use condoms. I once called another Norwegian escort for help with a guy who wouldn’t use a condom. If I got beat up, I wouldn’t call police – they would disclose my identity. Or tell the man that rents my apartment about me.”

Amnesty International also interviewed a small number of women who had been subjected to violence by individuals and criminal groups who had posed as police or customers to gain entry to the women’s apartments. Once in the apartment, the men had robbed or attempted to rob the women and subjected them to extreme violence. For example, Ellie told Amnesty International that she believes she had been targeted by a criminal gang three times in recent years. She told Amnesty International about the last attempted robbery in October 2014:

“Before I close the door, when a customer comes in, I always listen to who is on the stairs. This time, I heard a second person on the stairs. I asked him ‘who is this?’ He said ‘his friend’. I told him to get out. He pulled a gun on me. I fought him for ten minutes. If I die I prefer to die fighting. The other person came upstairs – he was masked. I didn’t go to police about it.”²²⁰

Pro Sentret also detailed this trend in its 2012 report, stating that:

“Criminal groups have visited flats and massage parlours impersonating the police to gain access to the premises. When they gain entrance, they rob, rape and abuse the women. These gangs calculate that the women are obligated to let the police in, and they will easily gain access, while they know few women will contact the police after their ‘visit’, as women fear they will be victims of ‘Operation Homeless’.”²²¹

Violence at the hands of the general public also featured in the interviews that Amnesty International conducted.²²² Wendy, a woman of African origin in her 20s, described a recent situation she had witnessed:

“I got out of a car the other day and a guy was harassing my friend on the street. The guy kept taking pictures of her. He was a Norwegian guy. She asked him to stop taking photos. He started to insult her- called her a prostitute or something. She took the phone off him and threw it away. The guy just slapped her and they started to fight. The guy called the police. Both of them were taken to the station and the police took the guy’s side. [They said:] ‘He’s Norwegian-you’re not from here. You’re African’.”

Violence and verbal abuse by passers-by was almost exclusively reported by Nigerian women in the interviews Amnesty International conducted. Violence by passers-by is discussed in more detail in Section 7.4 of this report.

4.2 VARIATIONS BY LOCATION AND NATIONALITY

The levels and types of violence experienced by the women interviewed by Amnesty International did vary to some extent depending on the location where women sold sex, and their nationality and race. It is not possible to determine any definitive trends based on the sample of women that Amnesty International spoke with, given the under-representation of those who work indoors.

However, the Pro Sentret study from 2012 identified clear variations in the levels and types of violence according to where individuals sold sex and their nationality. Given the stratified nature of the sex work market in Oslo, which sees women of Thai origin working primarily in indoor locations whilst Nigerian women and women from Central and Eastern Europe work predominantly from the streets, there is an obvious intersection between location of the sale of sex and nationality.

Pro Sentret found significant variations in the amount of violence depending on the location from where sex was sold. Among those who worked indoors just under half (43%) of respondents had experienced violence,

²²⁰ Interview with Ellie, 29 January 2015.

²²¹ U. Bjørndahl, *Dangerous Liaisons*, p. 42.

²²² Violence, including extreme violence by passers-by, was also evidenced in the study of women’s experience in prostitution over a six-month period in 2012, conducted by the research institute Fafo, funded by the Ministry of Justice. See A. Brunovskis, *Fem prostitusjonstiltaks erfaringer*, p. 18.

while 76% of those who worked outdoors and as many as 83% of those who worked both indoors and outdoors said they had experienced violence between 2009 and 2012.

The study also identified pronounced differences in terms of the women's experiences of violence based on their nationality. Nigerian women reported the highest levels of violence, with nearly 83% having experienced a violent incident between 2009 and 2012, while 40% of Thai, 55% Norwegian and 75% among the other nationalities²²³ reported experiencing violence.²²⁴

4.3 SEXUAL VIOLENCE

Of the women interviewed by Amnesty International, one reported being raped. However, given the sensitivity of the issue, it is possible that some women may not have disclosed experiences of sexual violence to interviewers. Previous studies indicate a high level of sexual violence among women who sell sex in Oslo. The Pro Sentret study found that among the sex workers who said they had experienced violence, 34% reported having been raped in the three years between 2009 and 2012²²⁵.

Of concern is the fact that many of the women Pro Sentret surveyed did not identify the crime as rape – rather they described it as sex that they had not agreed to. Among Thai sex workers, sexual violence was particularly high (45% of Thai women who had experienced violence described having been raped).²²⁶

4.4 BARRIERS TO REPORTING VIOLENCE TO POLICE

A common theme that emerged among the testimonies of many of the women interviewed by Amnesty International was the existence of a high threshold for reporting violence to the police. Many of the violent incidents that women described to Amnesty International had never been reported as crimes. A significant number of women told Amnesty International that they would only consider engaging with the police in extreme circumstances where there was an immediate threat to their life.

Wendy, a young woman of African origin who sold sex from the streets, spoke to Amnesty International about her experiences of sex buyers, violence and the police. She told interviewers:

“Some [buyers] are nice, some are not. Some are very bad. A guy slapped me. I didn’t phone the police because they might not help – they might support the guy. If he were to hurt me so badly that I couldn’t escape, I might phone the police to rescue me. But I would get deported.”

Celin, a Norwegian indoor sex worker, described how she thought she could best ensure that the police would help her:

“I have been studying the law. If I get beaten or raped and have evidence on my body, I will go to police. If that happened in my private life, I would go. But for other less serious violence, I wouldn’t go to police. I don’t think the police will help.”²²⁷

The women that Amnesty International spoke with gave a number of common reasons as to why they were reluctant to engage with the police. These were largely due to their perceptions that the police would not help and/or concerns about the various negative consequences that this would have for them personally.

The women's concerns about what would happen to them if they engaged with the police included: being evicted from their homes; permanent exclusion from the rental market; being arrested and/or detained; deportation; being subjected to surveillance leading to the arrest of their clients and subsequent denial of their livelihood; fines; confiscation of monies; being discriminated against or not taken seriously and their identity being exposed.

A lawyer who works on cases of violence against sex workers and trafficking explained to Amnesty International that she felt that sex workers “are not able to report violence as often as women in general.” She also stated that: “After this purchase law was passed its even more difficult. Trust and cooperation with

²²³ The study surveyed women from France, Russia, Spain, Poland, Morocco, Sweden, Ecuador, the Dominican Republic, Bulgaria, Romania, Estonia, Lithuania and Albania and categorized them as ‘other nationalities’. See U. Bjørndahl, *Dangerous Liaisons*, p. 9.

²²⁴ U. Bjørndahl, *Dangerous Liaisons*, p.13.

²²⁵ U. Bjørndahl, *Dangerous Liaisons*, p.20.

²²⁶ U. Bjørndahl, *Dangerous Liaisons*, p.20.

²²⁷ Interview with Celin, 2 February 2015.

police has been damaged. [The women selling] are afraid to lose customers and other consequences. They are afraid of the police.²²⁸

The 2014 government evaluation of the ban on buying sex undertaken by Vista Analysis also found that: “The threshold for reporting a violent customer to the police...seems to be higher after the law. People in prostitution are afraid that such actions will come back to halt them at later stages.²²⁹” Despite this finding, and evidence from the 2012 survey by Pro Sentret indicating that rates of violence reported among many of their service providers has increased, the Vista evaluation also concluded that:

“this analysis finds no clear evidence of more violence against women in the street market after the introduction of the law. It is the customer that engages in illegal action and thus has the most to fear if reported to the police by a prostitute. The police have no indications on more violence following the ban on purchasing sexual services.”²³⁰

It is beyond the scope of this report to measure whether violence experienced by sex workers has increased in Norway. Nevertheless, Amnesty International considers that there is sufficient evidence to suggest that sex workers experience significant barriers to reporting violence to the police in Norway and that these barriers have increased in the last decade. The 2012 Pro Sentret study also presents trends that indicate increasing rates violence experienced by many women who sell sex, particularly migrant women that merits concern and further investigation by the Norwegian government. Finally, sex workers are subject to widespread and heavy penalization by police as a result of public nuisance, anti-sex work and anti-immigration enforcement and there are cases of women being penalized after reporting crimes against them to the police. Amnesty International is, therefore, concerned that these issues are not better reflected in the conclusion of the evaluation and appear to have been dismissed without sufficient elaboration or explanation.

FEARS ABOUT EVICTION

One of the most common concerns among women who sell sex is that they risk eviction from their homes if they report violence to police. This fear is borne out by the targeted and systematic eviction of sex workers from their homes that began under Operation Homeless and continues to a lesser degree, mainly against Nigerian migrant women who sell sex.

Reflecting on the eviction process, one lawyer told Amnesty International: “The police have washed their hands of this issue. They don’t consider how unfair it is. Or how this affects women’s willingness to report violence.”²³¹

Another lawyer told interviewers: “[With] several of [my sex worker] clients, I have to reassure them that the police are good people but it’s difficult when they throw them out of apartments”. She added: “If they are migrants, they will just be thrown out in the street or deported.”²³²

Mary, a Nigerian woman who is no longer selling sex, told interviewers how one passer-by had slapped her as he walked by her when she was working. Mary retaliated by slapping the passer-by in return. In the end, a Norwegian man intervened and stopped the fight. Mary didn’t go to the police. She told researchers: “[The] Police will just go to people’s house and throw [you] out. They don’t care where you are going [to go].”

FEARS ABOUT DEPORTATION

Many of the migrant women that Amnesty International interviewed expressed fears that they would be detained and questioned on immigration grounds and/or deported if they approached police. This concern was largely voiced by Nigerian women – many of whom had residency papers in a Schengen country and could stay in Norway for three-month periods. However, they feared that other discretionary powers that the police have under the Immigration Act would be used against them. (See Section 6.7 for more details.)

²²⁸ Interview with Trine Rjukan, 27 January 2015.

²²⁹ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p.14, available at: www.vista-analyse.no/site/assets/files/6936/sex_law.pdf [Last accessed May 2016].

²³⁰ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p.14, available at: www.vista-analyse.no/site/assets/files/6936/sex_law.pdf [Last accessed May 2016].

²³¹ Interview with Silje Elisabeth Stenvaag, 28 January 2015.

²³² Interview with Trine Rjukan, 27 January 2015.

Mary, who stopped selling sex in 2013 after applying for asylum in Norway, described experiencing multiple violent incidents during her time selling sex. She told Amnesty International about three experiences:

“Three years ago (2012), I got attacked with a machete by a Polish customer. He picked me up from the street. There were two of us [sex workers] and two men. We went to the customer’s house. The men were a bit drunk. They paid for an hour. The one who was with me was nice. But the guy with my friend wanted to get his money back because he didn’t come. He threatened and chased us with a machete. We ran out and tried to stop a car. But they wouldn’t stop for us. A taxi [eventually] stopped.

“We didn’t go to the police. We can’t go to the police. First they will ask for your ID. They will say it’s an offence to work in the street. Instead of asking you about the thing you are there to report, they ask all sorts of questions and for ID. If you don’t have ID – they will detain you and not do anything about the crime you’ve reported.

“[In 2011] I went with a Norwegian man. He had a big gun and told me he couldn’t decide [whether] to shoot me or not. He looked at a picture of his baby and said ‘I can’t because I have a baby’. He said to me ‘do you want me to push you from the roof?’ He eventually let me go. I didn’t report it to police.

“I only went in the car of a customer once. I would only take taxis to the customer’s house. The guy [whose car it was] said, if he wanted to, he could bash the car into a wall [on the side I was sitting]. He said it because I was asking questions.²³³”

Mercy described the extreme violence she experienced in March 2013 after she went to a customer’s apartment:

“He wanted sex without a condom. He held a knife to my throat [when I refused]. He beat me really bad. A neighbour came to help me when I escaped. I didn’t go to the police. [I was] too scared. If they [buyers] want to hurt you they can- no one will help. If you go to the police they will make it worse for you because you are selling sex. Police are getting worse. I think bad customers are the police’s fault. They see how the police treat us. They [buyers] tell us ‘we can call the police on you and get you thrown out of the country’.²³⁴”

Esther, a Nigerian woman in her 30s, told Amnesty International:

“The first thing they [police] do if you go [to report violence] is ask for your documents. There was a woman being beaten in the street the other day and we couldn’t call the police.²³⁵”

FEARS OF LOSING INCOME/LIVELIHOOD

Another reason given by some women who sell sex for not reporting violence is the concern that the police would subsequently put them under surveillance in order to detect and fine the buyers – thereby denying the women their livelihood.

Following the attempted robbery she was the victim of, Ellie did not go to the police. She explained her decision to Amnesty International:

“If I go to the police, I have to tell the police where I live. They will have a car at my door to fine my clients. If two clients get a fine – I will lose all my clients.”

“If we knew for sure they would help us- that would be great. But then they disturb you. I prefer to resolve problems myself. Only if they [perpetrators] come to my house and fight me hard – send me to hospital – will I tell the police.²³⁶”

Maria, an indoor sex worker and EU passport holder, also told Amnesty International that losing her income was a major disincentive to reporting violence:

²³³ Interview with Mary, 27 January 2015.

²³⁴ Interview with Mercy, 29 January 2015.

²³⁵ Interview with Esther, 28 January 2015.

²³⁶ Interview with Ellie, 29 January 2015.

“I can’t show my face. In my opinion, this is a fake law [ban on buying sex]. They look very helpful and welcoming. But when it’s about this, they are hypocrites. They force us to be in the margins. To work in hidden ways – with no support.”

“If a customer is bad you need to manage it yourself to the end. You only call the police if you think you’re going to die. If you call the police – you risk losing everything. Norway looks like a very nice place but for escort services, it’s dangerous.”²³⁷”

4.5 PERCEPTIONS AND EXPECTATIONS OF POLICE

The women’s perception of, and experience with, the police also differed. Many of the women that Amnesty International spoke with reported having very low levels of trust and/or faith in the police. Nigerian women in particular frequently spoke of their belief that the police would not take reports of crimes against them seriously because of their status as migrant sex workers.

Eunice, a young Nigerian women who worked from the street, told Amnesty International:

“Most customers do harass us because they can do anything to us. White women are more relaxed because they know police will help them. Customers know that police will react if white girls are hurt. They know they won’t do anything to help black women.”²³⁸”

Similarly, Tina, who is also Nigerian and sold sex from the streets, told Amnesty International:

“I’ve been beaten up by customers and robbed. Once a customer stole my shoes. I’ve never called the police. When you are black, they take the black women and leave the white man.”²³⁹”

Esther, a Nigerian women, first came to Norway to sell sex in 2008. She told Amnesty International:

“From 2008 to 2009, police would ask how you were doing. Since 2011, they have clamped down. Now they come and it’s like [she hits the table] bam, bam, bam! They are much worse to Nigerians than Romanians and Bulgarians. Last year [2014] was the worst. Since September last year, it has been war – they don’t want to see a black face.”²⁴⁰”

Esther’s friend Dorcas, who is also in her 30s and working from the street, told Amnesty International:

“The police make people afraid. I don’t think I would report to the police. For Nigerians, they will make trouble. I’m afraid. I don’t know what will happen.”²⁴¹”

A representative of Oslo police district that Amnesty International interviewed also raised the issue of Nigerian women’s perception of the police. He offered the following explanation as to why Nigerian women expressed particularly low levels of trust in the police.

“We see differences between different people. With Nigerians most of them do run if there is a police check – same as before the law [purchasing ban]. They are taught that even if they have papers from a country like Spain, they are coming into a system where they’ll be identified as a prostitute and eventually removed. Compare this to Romanians and Bulgarians – they have EU [passports] and are much more confident, they talk to police and report violence.

“Nigerians are much more afraid to talk to the police. It’s true that if they are not legal in Europe, they will be removed very quickly. Normally they apply for asylum at the first check, to get a year – but eventually they will be removed. Even if they are legal, they don’t want to report. Whether or not they report violence is connected to immigration status.”²⁴²”

²³⁷ Interview with Maria, 30 January 2015.

²³⁸ Interview with Eunice, 29 January 2015.

²³⁹ Interview with Tina, 29 January 2015.

²⁴⁰ Interview with Esther, 28 January 2015.

²⁴¹ Interview with Dorcas, 28 January 2015.

²⁴² Interview with representative of Oslo police district, 20 January 2015.

The representative of Oslo police district also acknowledged that reports of violence by migrants are likely to be given lower priority for investigation than reports by people who are resident in the country. He told Amnesty International:

“Due to priorities, it would be easier just to lower the priority of the case e.g. rape, violence investigation, because they know the reporter will have to leave the country eventually. This would be accepted at the top level because of resource considerations.”²⁴³

4.6 HELP PROVIDED BY POLICE

Amnesty International did learn of examples of supportive policing where officers had built a rapport with women on the street or following their reporting of a crime against them, that had led to women being signposted for additional support and the successful prosecution of individuals who had committed crimes against them, including trafficking offences. While these positive experiences were in the minority for those interviewed, they did provide an insight into how the police can play a positive role in protecting women engaged in selling sex when they prioritize the women’s immediate needs over the enforcement of sex work or immigration laws.

One young Norwegian woman who had recently stopped selling sex and who described experiences of sexual exploitation which had never been reported to the police, explained to interviewers what she felt would have improved the likelihood of her coming forward:

“A safe police presence [on the streets] would have been good for me. Not police chasing you or driving through, but police that are there for safety and can give you information.”

As previously outlined, many of the women that Amnesty International interviewed were extremely reluctant to report crimes perpetrated against them. Pro Sentret’s 2012 study found that only 16% of the women they surveyed reported receiving help from the police.²⁴⁴

4.7 ANONYMOUS REPORTING

Two social service providers working with sex workers told Amnesty International that they have been trying to negotiate with the police to allow people who sell sex to use the address of the social service provider when reporting crimes against them in order to make them less fearful of reporting a crime. However, a representative of the Oslo police district confirmed to Amnesty International that they considered it would affect the credibility of the individual reporting the crime if they would not share their real address with the police. The police representative told Amnesty International:

“We put them in touch with a lawyer or ROSA so they can use their address for safety reasons. But the police need to know their real address. If people who don’t give their own address, their credibility drops.”²⁴⁵

In November 2015, Norwegian MP, Hadia Tajik, questioned the Minister for Justice and Public Security, Anders Anundsen, as to why women who are selling sex must provide their address to the police when reporting crimes against them. She cited the subsequent threat of eviction and/or deportation as a barrier to securing police protection and expressed concern that this left women “very vulnerable to robbery, violence and abuse.”²⁴⁶In response, the Justice and Public Security Minister stated:

“Anyone who reports offences must state their name and address and must also accept that the police may have relevant and in-depth questions about their life. This could cause some people to refrain from reporting punishable actions when they have something they want to keep hidden from the police. Inadequate co-operation from the victim leads to many offences never being reported or cases being dropped. Foreign citizens must be prepared for the police to investigate the basis for their stay in Norway if they are involved in a criminal case, whether as the one who reports it or as the perpetrator.”

²⁴³ Interview with representative of Oslo police district, 20 January 2015.

²⁴⁴ U. Bjørndahl, *Dangerous Liaisons*, p.31.

²⁴⁵ Interview with representative of Oslo police district, January 2015.

²⁴⁶ Skriftlig spørsmål fra Hadia Tajik (A) til justis- og beredskapsministeren, 18 November 2015, available at: www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=63995 [Last accessed May 2016].

Foreign women in prostitution are, in some cases, subjected to violence and intimidations. If they were to report these offences, they will be treated in the same way as other people by the police.

Police are required to enforce the ban on promotion, the law against trafficking and the ban on buying sex. The regulations are based on the legislators' view on prostitution as an unwanted phenomenon, and a wish to stop all forms of organization of these activities. The tasks of the police when meeting with people in prostitution are, therefore, complex and challenging.

As a preventative measure against the establishment of the brothel run by foreign human traffickers, the police in Oslo for example enforce the Penal Law through their prohibition to rent out facilities for use in prostitution. People who sell sex from rented apartments risk being evicted, since the landlord may incur criminal liability based on current legislation.”

“It is unfortunate if people in fear of the reactions of the police refrain from reporting the criminal acts they were exposed to. Support services that have outreach services have an important task to play in giving advice to foreign people in prostitution that can contribute to punishing the people who have exposed them to violence.²⁴⁷”

²⁴⁷ Skriftlig spørsmål fra Hadia Tajik (A) til justis- og beredskapsministeren, 24 November 2015, available at: www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=63995 [Last accessed May 2016] [Translation from Norwegian to English by Amnesty International].

5. THE IMPACT OF LAWS AND POLICING ON HOW SEX WORKERS OPERATE

“They force us to be in the margins”

Interview with Maria, 30 January 2015

The previous section of this report illustrated the high levels of violence experienced by people who sell sex in Norway. Sex workers are exposed to violence from a range of perpetrators and face significant barriers to reporting such violence to the police. The fact that many sex workers risk eviction, surveillance by the police and/or deportation if they report crimes against them, significantly inhibits the degree of police protection they can reasonably access, offering relative impunity to those who abuse them. For many sex workers Amnesty International interviewed, engaging with the police was something that they would only consider in cases of extreme violence.

Many people who sell sex are, therefore, in a position where they have to try and manage the risks they face alone or in partnership with other people in commercial sex.²⁴⁸ However, the extent to which people who sell sex are able to have control over the environments in which they operate is also inhibited by sex work laws in Norway. The law against “promotion of prostitution” in the Norwegian Penal Code works in effect to prohibit all organization of sex work, including organization undertaken by people who sell sex. It makes no distinction between organizational activities that are exploitative, abusive, or coercive or organizational activities that are practical, supportive or for the purposes of safety. This means in practice that working together for safety, or in one’s own rented premises, including hotels, is illegal. Similarly, the law against purchasing sex means that police pursue and track sex workers as a means to detect and fine the buyers of sex. This also has implications for the ways in which people who sell sex operate in order to secure buyers and income.

5.1 SEX WORKERS’ RISK REDUCTION STRATEGIES

The actions that people who sell sex take to maximize their safety, and minimize the risk of violence or other abuses whilst selling sex have been explored in a number of studies in Norway. Pro Sentret outlined a range of safety strategies identified by their service users in their 2012 survey on violence²⁴⁹. Similarly, the 2008

²⁴⁸ M-L. Skilbrei and M. Tveit, *Mangfoldig Marked*: Although sex workers views and experiences with the police varied, Skilbrei and Tveit reported that the women they interviewed generally were mistrustful towards the police and were doubtful that they would contact them (p. 114), and reflected that “Ideally, the police should have been included as one of the women’s major protection strategies.” p. 113.

²⁴⁹ U. Bjørndahl, *Dangerous Liaisons*.

baseline study conducted by the Fafo Research Institute²⁵⁰ identified common risk reduction strategies among people working on the street and indoors. The 2014 evaluation of the purchasing ban undertaken by Vista Analysis commissioned by the Norwegian government also makes reference to the ways in which the risk reduction strategies of people who sell sex have been impacted by the laws against purchasing sex and “promotion” of sex work²⁵¹.

The 2008 Fafo study found that women who sell sex used different strategies depending on whether they worked indoors or on the street, and that different groups of women used different strategies interchangeably.²⁵² The strategies most commonly identified by women who sold sex in the Fafo study included: “weeding out” bad buyers based on predictions on how they will behave, information from others and their own experiences; exchanging information to warn each other (directly, or through service centres); controlling where they have sex (only taking buyers to their own apartment, never going to a buyer’s home or agreeing to go to a remote location); only accepting Norwegian and/or older buyers; avoiding intoxicated buyers; and trying to get as many regular customers as possible and taking as few new ones as possible. Indoor sex workers also frequently reported that they would only accept calls from people who had not hidden their number so that they were traceable.²⁵³

The Pro Sentret 2012 survey on violence also demonstrated how the majority of women commonly tried to enforce strict rules about “where they work, which sexual services they sell, where they go with clients, when they sell sex and which types of clients they sell sex to.”²⁵⁴ The findings of this study echoed those of Fafo in 2008 that:

“Many women stated they had different ways of ‘filtering’ clients. They would decide to avoid clients who were violent, drugged, mentally ill, tried negotiating the price and/or use of a condom, or gave a “bad impression”. Some women also said they did not sell sex to foreign nationals. Several pointed out they were good at judging character and were able to separate good from bad clients by talking to them while negotiating, either face to face or on the phone, and by asking questions. If they got a bad gut feeling or thought the client did not seem genuine, or seemed unstable or threatening, they would withdraw from the negotiation.”²⁵⁵

The sex workers that Amnesty International interviewed outlined varying degrees and forms of risk mitigation in their work. Indoor sex workers tended to have more developed strategies for protecting themselves, such as intercoms or spy holes at their property so they could assess individuals before they let them in. They also had set questions that they asked buyers over the phone before they accepted an appointment, a requirement that buyers call from a traceable phone number that they could then use to identify them, and general support systems of friends or other sex workers they could alert if an incident occurred. For example, Celin, a Norwegian indoor sex worker, told Amnesty International:

“I do different things to stay safe. I never go to private homes – and definitely never the first time you meet a customer. I don’t know what’s going to meet me there. Your own apartment and hotels are much safer than a customer’s apartment. Also no-one can call me without a number coming up. I want customers’ numbers so they can be traceable if I ever need to go to police.”²⁵⁶

Women working on the streets generally had less developed strategies. A number of women spoke of undertaking their own assessments when first engaging with buyers –principally through short conversations that allowed them to assess the buyers’ motivations. Many street-based sex workers identified going to a buyer’s home as carrying a significant risk and as something they wanted to avoid. The three risk reduction strategies that were most regularly cited by both street-based and indoor sex workers, were the ability to work with others, the ability to sell sex from a location of their own choosing, and the filtering of buyers – through refusing drunk or aggressive buyers, only engaging with Norwegian buyers, and in the case of indoor workers, only taking customers with an identifiable phone number.

²⁵⁰ M-L. Skilbrei and M. Tveit, *Mangfoldig Marked*.

²⁵¹ I. Rasmussen et al, *Evaluering av forbudet*.

²⁵² M-L. SKilbrei and M. Tveit, *Mangfoldig Marked*, p. 109.

²⁵³ M-L. SKilbrei and M. Tveit, *Mangfoldig Marked*, pp. 109-112.

²⁵⁴ U. Bjørndahl, *Dangerous Liaisons*, p. 44.

²⁵⁵ U. Bjørndahl, *Dangerous Liaisons*, pp. 44-45.

²⁵⁶ Interview with Celin, 2 February 2015.

5.2 LOCATION OF THE SALE OF SEX

Many of the sex workers told Amnesty International of the high levels of anxiety and nervousness among buyers about being caught and fined by police. Most of the women interviewed reported being asked to visit buyers' homes in order to protect them from detection by the police. Indoor sex workers were generally in a better position to refuse this and insist that customers visit the sex worker's own premises or meet at a hotel as many either owned their own homes and were at a lower risk of eviction, were in a better financial situation to refuse buyers, or were less likely to be profiled and refused entry by hotels.

Helen, a Norwegian indoor sex worker, told interviewers:

“My biggest worry isn't police. My biggest worry is 'bad' men. Customers worry more about the police. Men are very nervous – they want you to go to their house, meet in their car, meet for a coffee. I [generally] make them come to my house.”

Maria, an indoor sex worker who worked mostly from hotels, told Amnesty International that:

“... many, many customers ask me to go to their house because they are afraid [of the police]. I always speak to them for a long time to make sure that I feel safe. It's a risk. I never know who is there – it's a bigger risk to go to their house.”

Street-based sex workers spoke more commonly of visiting buyers' homes. In the testimonies that Amnesty International collected, this was strongly associated with violent incidents against street-based sex workers. None of the street-based workers Amnesty spoke with owned their own properties and were potentially vulnerable to eviction if the police identified that they took buyers to their own homes. Wendy, a street-based sex worker of African origin, told interviewers:

“Customers want to go to their place. You have to be calm. If he hurts you there is no-one there to rescue you.”

Similarly, Tina, who is Nigerian and selling from the streets, reflected:

“Some customers can hurt you at their apartments. They can hurt you because they know we are too scared to go to the police. We have to obey their rules because we are in their house. We can't bring them to ours.”²⁵⁷

Eunice, also Nigerian and working from the streets, told Amnesty International:

‘When you go to a customer's house there could be five of them there’.

Mercy shared a similar concern with interviewers:

“I mostly go to the customer's house or street. [But] it's more safe in my home. You don't know what they have in their home.”

For indoor sex workers, particularly those of Norwegian origin, hotels provided a safer alternative to working from their own home. Celin told interviewers:

“Customers are often very nervous. They try to get me to go to their apartment. But I demand they book a hotel room. I look like a regular person when I go to work.”

A large majority of street-based sex workers, and some indoor workers, described being profiled at hotels and essentially barred from using them. (See Section 7.5). Nearly all of these women were migrant sex workers, many of Nigerian origin.

The legal framework in Norway works in three different but compounding ways to limit the level of control that sex workers can legally have over where the sale of sex occurs. The law on “promotion” makes it illegal to let secure premises for the sale of sex to occur in. People who sell sex are at risk of eviction from premises and/or their home if they sell sex from those locations. The promotion law is also being interpreted by the hospitality industry as applying to the use of hotel rooms. This means that sex workers also risk and/or experience exclusions from hotels. Similarly, the ban on buying sex and the subsequent risk of fines for buyers is leading to many buyers requesting that the sale of sex occurs in a location of their choosing, often

²⁵⁷ Interview with Tina, 29 January 2015.

their homes, where they feel less at risk of surveillance or detection by police. The evaluation of the ban on buying sex, conducted by Vista Analysis on behalf of the Norwegian government, acknowledges that:

“women in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced. At the indoors market, prostitutes express concerns for “out-door calls”. They prefer to have customers visiting them at their own apartment or own hotel room.²⁵⁸”

5.3 WORKING WITH OTHERS

Many of the sex workers Amnesty International interviewed, regardless of the location they sold sex from, identified being able to work with others as a means to increase safety. This was a finding that was also consistent with the Pro Sentret study in 2012 which found that indoor sex workers reported that working collectively in massage parlours was their preferred strategy to protect themselves from violence.²⁵⁹ However, this is effectively illegal under the “promotion” section of the Penal Code. The concept of “promotion” under the law is broad enough to include sex workers working together or with any other person, such as a cleaner, receptionist or security guard, for the purposes of safety. Working together also increases the likelihood of raids and subsequent evictions as is likely to be viewed by police as “organized prostitution”. This situation was acknowledged by Vista Analysis in its evaluation of the law against purchasing sex:

“The ban on purchasing sex in combination with the ban on pimping and pandering [promotion law] have made it harder to sell sexual services in Norway, especially if such activities are conducted in hotels and apartment collectives.²⁶⁰”

A Norwegian born indoor sex worker, Celin, explained to Amnesty interviewers the dilemma she faced when considering working with others for safety:

“I work doing out-calls and in-calls. Now I work alone. I had been talking to other girls about working together for protection. I was going to try and get a place, but the police can then throw us on the street. It would be better, we could warn each other about bad clients.

I was [also] asking a guy who owns a security firm. I asked, can I hire a bodyguard to take me to an out-call, wait for me and take me back. He said “If I do that I will lose my licence”. I was so shocked. So every other person in Norway can hire a bodyguard – except me because I am a sex worker. Why? I am not a criminal.”

Helen, also Norwegian and selling sex indoors, told Amnesty International:

“If the rules were different, and police wanted to help, I would work with other people. You have more security working with another person. [Currently] I work alone – it’s the only way not to do something illegal.”

The Pro Sentret 2012 survey on violence against women who sell sex found that between 2009 and 2012 commercial sex in Norway “had become more individualized” and that more women reported working alone and being unable to ask colleagues for help than had done so in their earlier survey of 2007.²⁶¹

Sex workers working together for safety can also be directly criminalized. For example, in Oslo in 2013, a 27-year-old woman was convicted for having rented out rooms in her apartment to two other women selling sex. The woman also sold sex from the apartment, and the ruling against her acknowledged that “her main motive for renting out her apartment was the safety that came with more women being together in the apartment”. The judgment described how:

“At first she was working alone, but after a frightening experience she wanted to take in two other women; mainly to achieve protection, since prostitutes are a very exposed group when working on their own in an apartment. Therefore, she got two friends to move in with her. She was aware of the fact that they would also be selling sex from the apartment”.

²⁵⁸ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p.14, available at: www.vista-analyse.no/site/assets/files/6936/sex_law.pdf [Last accessed May 2016]; See also page 181 of full report.

²⁵⁹ U. Bjørndahl, *Dangerous Liaisons*, p. 49.

²⁶⁰ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p.14.

²⁶¹ U. Bjørndahl, *Dangerous Liaisons*, p. 39.

As the woman owned the apartment and was charging her two friends 5,000 kroner (approx. US\$580) each in rent, when her monthly outgoings were detailed by the prosecutor to be between 8,000 to 8,500 kroner per month (approx. US\$930-990), she was deemed to have financially benefited from renting out the apartment. Despite the court being satisfied that her main motive was safety, she received a sentence of 45 days' imprisonment, 30 days of which were suspended. She had rented out her apartment for two months at that point. In sentencing, the Court of Appeal referred to a ruling of the Norwegian Supreme Court that deemed sex work "a degrading and personality-damaging activity which is often accompanied by other crimes."²⁶² The court also stated that:

"renting out premises to prostitutes should, on the basis of general preventative considerations, be reacted strongly against. Since renting out premises to prostitutes also makes it more difficult to discover the buying of sexual services, this also makes the ban against buying sex less effective."²⁶³

5.4 A 'BUYER'S MARKET': BARGAINING POWER REDUCED

The issue of whether changes in sex work laws have altered the power dynamics between sellers and buyers is an issue that has attracted significant debate in Norway. The introduction of the ban on purchasing sex has been promoted as a law which can empower sex workers to report abusive buyers – as they are committing a criminal act (and sex workers are technically not directly criminalized). For example, the Vista evaluation claims that:

"The law that criminalizes buying sex strengthens the rights of the seller in the sense that the buyer can be reported to the police. This has given the seller a tool for managing "bad" customers as well as leading to more careful customers and possible prevention of violence."²⁶⁴

However, the Vista evaluation provides little evidence to support this claim and makes several assertions that undermine it. The evaluation argues that: "It is the customer that engages in illegal action and thus has the most to fear if violence is reported [to the police]."²⁶⁵ Amnesty International's research found significant evidence that sex workers continue to be criminalized and penalized directly and indirectly in a variety of ways by the legal framework in Norway – whether they are selling sex from rented premises or hotels or working together or whether they are migrants and in the country on tourist visas. Sex workers also told Amnesty International that the threat of losing their livelihood meant they were unlikely to go to the police to report buyers unless they were extremely violent.²⁶⁶ In terms of seriousness, the threat and impact of forced eviction, deportation and loss of livelihood on people who sell sex far exceeds the implications of a 15,000 - 25,000 kroner (US\$1,700–2,850) fine for buyers. Amnesty International does not consider that buyers now "have most to fear" from the police in Norway. The aim of the "Nordic Model" that the balance of criminalization should be shifted from seller to buyer -has not been realized for the majority of people selling sex in Norway, particularly the most marginalized, who are still penalized, and potentially criminalized, under the law.

RELIANCE ON 'BAD CUSTOMERS'

A number of the social service providers that Amnesty International interviewed raised the issue of whether the purchasing ban had discouraged some men from buying sex, in particular men who were more likely to respect the agreements made between the buyer and the sex worker. The Vista evaluation estimates that the market has been reduced by 20-25% since 2008.²⁶⁷ While the validity of this estimate has been challenged (See Section 6.5), it is possible that the number of buyers may have been reduced in Norway. A representative of Oslo Police confirmed to Amnesty International that he believed there had been a reduction in buyers that were most likely to respect the agreement with the seller:

²⁶² Supreme Court – Sentence HR-2006-2140-A.

²⁶³ Borgarting lagmannsrett – Sentence LB-2013-11850.

²⁶⁴ I. Rasmussen et.al, *Evaluering av forbudet mot kjøp av seksuelle tjenester*, English Summary document, p.4, available at: www.vista-analyse.no/site/assets/files/6936/sex_law.pdf [Last accessed May 2016].

²⁶⁵ I. Rasmussen et.al, *Evaluering av forbudet*, p. 10.

²⁶⁶ Interview with Helen, 22 January 2015; Interview with Maria, 30 January 2015; Interview with Ellie, 29 January 2015.

²⁶⁷ I. Rasmussen et.al, *Evaluering av forbudet mot kjøp av seksuelle tjenester*, p. 179.

“many of the good clients – those who respect the law, the younger generation – are no longer out there. But bad clients are still there.”²⁶⁸

Amnesty International was informed of concerns among sex workers and social service providers that this had reduced the ability of street-based sex workers to choose between buyers and most crucially to reject buyers that they felt would not respect their agreements and could potentially be violent.

In a 2012 Pro Sentret survey of organizations who provide services to people who sell sex, social service providers reported that they had seen a trend of women having greater reliance on buyers that they would have previously refused, reflecting that:

“Good” clients have decreased in number, while no reduction in “bad” clients has been reported. This means that women who are dependent on making a certain amount of money are placed in a situation where they are “forced” to sell sex to clients they otherwise would have avoided through selection and demands. This increases the women’s vulnerability.”²⁶⁹

A number of sources have also argued that the apparent reduction in buyers and additional pressure on the market in recent years has increased competition and the pressure on sellers to drop their prices, take more risks and accept more buyers. For example, the Vista evaluation states that:

“... according to informants in this branch of the [indoor] prostitution market, the prices are lower now than before the introduction of the ban. More travelling, more advertising and somewhat lower prices show that the competition is tougher and demand is lower nowadays. Men and women in prostitution need to work harder now in order to secure 2008 income levels.”²⁷⁰

Similarly, the Pro Sentret 2012 survey of social service providers reported a trend whereby “the supply is greater than the demand” creating a “customers/buyers’ market”. Pro Sentret outlined how social service providers had expressed concerns that:

“.. customers can to a greater extent set the agenda for which sexual services they want to buy, price, place for performing the sex act and use of condom. This results in greater vulnerability for sex workers.”²⁷¹

In the 2008 baseline study by Fafo, researchers anticipated that risk-reduction strategies of sex workers would become more difficult to use if the customer base was weakened.²⁷² The Vista evaluation acknowledges this situation:

“Women in prostitution use the term ‘buyer’s market’ to address this tendency. The customer is now afraid of being caught and this can result in less time to decide whether to strike a deal with the customer or not, as well as lower prices. The latter is a combination of a more nervous market and a market with lower demand for sexual services”²⁷³.

Amnesty International considers that these findings indicate that the aim set out by the Norwegian government in introducing the ban on buying sex- that the power balance between sellers and buyers would be weighted more in favour of sellers, is not being realised on the ground in Norway.

THE RIGHT TO SECURITY OF PERSON AND FREEDOM FROM VIOLENCE

When people cannot seek police protection from violence, their right to security of the person is at stake. Under the ICCPR this right entails a requirement that the state protect individuals from intentional physical or mental injury.²⁷⁴ To respect and protect this right, state parties must respond appropriately to patterns of violence against people, including sex workers.

²⁶⁸ Interview with representative of Oslo police district, 20.

²⁶⁹ U. Bjørndahl, *Dangerous Liaisons*, p. 49.

²⁷⁰ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p.12, available at: www.vista-analyse.no/site/assets/files/6936/sex_law.pdf [Last accessed May 2016].

²⁷¹ U. Bjørndahl, *Dangerous Liaisons*, p. 36.

²⁷² M-L. SKilbrei and M. Tveit, *Mangfoldig Marked*, p. 212.

²⁷³ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p. 12.

²⁷⁴ Human Rights Committee, General comment 35 (Article 9 (liberty and security of person)), (UN Doc. CCPR/C/GC/35), 2014, para. 9.

States have an obligation to protect sex workers from violence, harassment and other abuse by adopting and enforcing laws that prohibit such violence and abuse.²⁷⁵ Notably, the CEDAW Committee, in its General Comment 19 (violence against women), specifically recognizes the vulnerability of sex workers to human rights violations and violence, resulting from their marginalization and unlawful legal status.²⁷⁶ The CEDAW Committee notes that:

“Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.”²⁷⁷

Along those lines, the Committee has called on states to take measures to ensure “the rights of all sex workers, whether men, women or transgender people, to access sexual health services; that they are free from violence or discrimination, whether by state agents or private persons; and that they have access to equal protection of the law.”²⁷⁸ Notably, the Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment 22 on the right to sexual and reproductive health (Article 12), explicitly calls on states parties to “take measures to fully protect persons working in the sex industry against all forms of violence, coercion and discrimination.”²⁷⁹ States also have an obligation to tackle gender stereotypes that essentially justify violence against certain groups of people, such as transgender people.²⁸⁰

Violence should never be considered an inherent aspect of sex work, and states have an obligation to protect sex workers from violence. In 2013, the Canadian Supreme Court struck down criminal laws which restricted the ways in which sex workers could work on the basis that it violated the right to security of the person in the Canadian Constitution, stating:

“The prohibitions all heighten the risks the applicants face in prostitution — itself a legal activity. They do not merely impose conditions on how prostitutes operate. They go a critical step further, by imposing dangerous conditions on prostitution; they prevent people engaged in a risky — but legal — activity from taking steps to protect themselves from the risks.”²⁸¹

In line with the human rights principle of “due diligence”, the state must adopt the legislative, administrative, social, economic and other measures necessary to prevent, investigate, prosecute and punish acts of violence, whether perpetrated by the state or by private individuals.²⁸² Norwegian authorities must also provide mechanisms for redress and ensure reparations to victims.²⁸³

²⁷⁵ See Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover (UN Doc. A/HRC/14/20), 2010; CESCR, General Comment 22 (right to sexual and reproductive health (Article 12)), (UN Doc. E/C.12/GC/22), 2016, para. 32. Along similar lines, the CEDAW Committee has recently expressed concern to one state party about “widespread violence and discrimination against women in prostitution, in particular by the police.” CEDAW, Concluding observations: Kyrgyzstan, (UN Doc. CEDAW/C/KGZ/CO/4), 2015, para. 21(c).

²⁷⁶ For a more in-depth discussion of the CEDAW Committee’s analysis around the human rights of sex work or “women in prostitution”, including the impact of criminalization of aspects of commercial sex, see Amnesty International’s ‘Explanatory Note’ (which both contextualizes and provides an overview of Amnesty International’s research base for its policy on states’ obligations to respect, protect and fulfill sex workers’ human rights).

²⁷⁷ CEDAW, General Recommendation 19 (violence against women), (UN Doc. A/47/38), 1992, para. 15.

²⁷⁸ CEDAW, General Recommendation 24 (Article 12: Women and health), (UN Doc. A/54/38/Rev.1), Chapter I, 1999. See also Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover (UN Doc. A/HRC/14/20), 2010; and CEDAW, General Recommendation 19 (Violence against women), (UN Doc. A/47/38), 1992.

²⁷⁹ See CESCR, General Comment 22 (The right to sexual and reproductive health (Article 12)), (UN Doc. E/C.12/GC/22), 2016, para. 32.

²⁸⁰ See CEDAW, Article 5; CEDAW, General Recommendation 28 (core obligations of States Parties under Article 2 of CEDAW), (UN Doc. CEDAW/C/2010/47/GC.2), 2010, paras 18, 26; and the Convention of Belém do Pará, Articles 6, 8. See also Office of the High Commission for Human Rights, Gender stereotyping as a human rights violation, 2013, pp. 23-24.

Canada (Attorney General) v. Bedford [2013] 3 SCR 1101, 2013 SCC 72

²⁸² See Committee against Torture, General Comment 2 (Implementation of article 2 by States Parties), (UN Doc. CAT/C/GC/2), 2008; and UN General Assembly, Declaration on the Elimination of Violence against Women, (UN Doc. A/RES/48/104), 1993.

²⁸³ See Human Rights Committee, General Comment 31 (The Nature of the General Legal Obligation Imposed on States Parties to the Covenant), (UN Doc. CCPR/C/21/Rev.1/Add.13), 2004; and Inter-American Court of Human Rights, Ana, Beatriz and Celia González v Mexico, 2001; and Velasquez-Rodriguez v Honduras, 1988.

5.5 THE IMPACT OF THE BAN AGAINST PURCHASING SEX

It is difficult to isolate the effects of the ban on the purchase of sexual services from the effects of the increasing enforcement of all laws on sex work that has occurred in the last decade in Norway. Nevertheless, there are some specific effects of the ban on the purchase of sexual services that have been specifically attributed to the ban by the Vista evaluation of the law²⁸⁴ as well as by social service providers working with sex workers.

The Vista evaluation identifies four effects of the ban on the purchase of sexual services on working conditions for sex workers.²⁸⁵ Firstly, sex workers have less negotiation power in the street market. Secondly, the customers are more nervous, and a larger portion of the buyers are described as being “bad” customers. Thirdly, buyers are in a hurry, and give sex workers less time and opportunity to assess risks. Finally, following the introduction of the law Vista finds that sex workers tend to rely more on regular customers²⁸⁶.

According to Vista, female sex workers and support services report more harassment from the police since the ban on the purchase of sexual services was adopted.²⁸⁷ Nadheim, the Church City Mission, reports that an increasing number of the women they work with who sell sex are reporting harassment by the police²⁸⁸ since the introduction of the ban. This is especially pronounced among women working on the streets who report that they are frequently stopped and searched by the police. Nadheim also reports that police accuse women who are selling sex of encouraging men to commit the criminal act of buying sex.

According to the Vista report, several sources told them that the ban against purchasing sexual services has increased enforcement of the “promotion” law. This has in turn made it more difficult for sex workers to find a place to sell sex from on their own.²⁸⁹ This can lead to sex workers being more dependent on third parties in order to get a place to live and sell sex from.

The Vista report acknowledges that the threshold for reporting violence has increased since the ban on the purchase of sex was adopted. Despite this, and the fact that the Pro Sentret’s 2012 survey found evidence of an increase in reports of some forms of violence compared to their 2007 survey, the Vista evaluation did not explore the issue in further depth. The evaluation instead concludes that, on the basis that “police have no indications on more violence following the ban on purchasing sexual services²⁹⁰” that there is no clear evidence of more violence against women in the street market, and the law has achieved its aims.

The Pro Sentret’s reports on violence against sex workers from 2012 and 2015 indicate that sex workers are subject to an extensive degree of violence, harassment and discrimination, both from customers as well as other people, and that most sex workers have little confidence in the police. The Pro Sentret’s latest report on violence states that:

“Violence, harassment and humiliation is not just something women talk about, but something we regularly observe in outreach work.”²⁹¹

Even though one of the goals of the ban was to empower sex workers in relation to the buyer, few sex workers are in a position to experience this alleged shift in the power balance.²⁹² Pro Sentret claims the power balance has shifted in the opposite direction, and that buyers have gained more power over sex workers since the ban was introduced²⁹³. As many sex workers feared before the adoption of the ban on

²⁸⁴ I. Rasmussen et al, *Evaluering av forbudet*.

²⁸⁵ I. Rasmussen et al, *Evaluering av forbudet*, p. 172.

²⁸⁶ See also U. Bjørndahl, *Dangerous Liaisons*, p. 39.

²⁸⁷ I. Rasmussen et al, *Evaluering av forbudet*, p. 173.

²⁸⁸ Nadheim Annual Report 2013 p. 19.

²⁹⁰ I. Rasmussen et al, *Evaluering av forbudet mot kjøp av seksuelle tjenester*, English Summary document, p.14, available at: www.vista-analyse.no/site/assets/files/6936/sex_law.pdf [Last accessed May 2016].

²⁹¹ S. Warpe, *Am I not a human being like you? Vold i Oslos gateprostitusjonsmiljø*. Pro Sentret, Oslo commune, Velferdsetaten, 2015, p. 19

²⁹² I. Rasmussen et al, *Evaluering av forbudet* p. 174.

²⁹³ U. Bjørndahl, *Dangerous Liaisons*, p. 36-37.

the purchase of sex,²⁹⁴ there seem to be fewer “good” buyers, with “bad” buyers now making up a larger percentage of the market.²⁹⁵ Sex workers who work from the streets report that they have less time to negotiate and evaluate buyers than before, because buyers are now afraid of getting fined by the police.²⁹⁶

²⁹⁴ U. Bjørndahl, and N. Bjørg, *Fritt vilt: En undersøkelse om voldserfaringene til kvinner i prostitusjon*, Pro Sentret, Oslo kommune. 2008, p. 48.

²⁹⁵ U. Bjørndahl, *Dangerous Liaisons*, p. 36.

²⁹⁶ U. Bjørndahl, *Dangerous Liaisons*, p. 40.

6. THE TENSIONS BETWEEN ANTI-SEX WORK, ANTI-TRAFFICKING AND ANTI-IMMIGRATION ENFORCEMENT

“We struggle with somewhat contradicting approaches.”

Interview with expert advisor to Ministry of Justice and Public Security, 23 January 2015

As outlined throughout this report, police in Oslo have, in the last decade, increased their enforcement of various laws against sex workers as a way to substantially reduce/eradicate commercial sex in the country. They have also simultaneously sought to enforce a range of other public nuisance and immigration laws and sanctions such as fines, stop and search, identity checks and deportations against people who sell sex as a means to restrict, disperse and disrupt the commercial sex market. The principal reason for enforcing this range of laws in such a systematic way is to increase pressure on the sex work environment and on those who buy, organize and sell sex in the hope that this will reduce the organization and profitability of commercial sex and size of the market and discourage traffickers from operating in Norway.

Over this same period, Norway has also hardened its stance on immigration. In recent years, the Justice Ministry has given the Police Department of Immigration controversial new quotas on removal of migrants, leading to record numbers of deportations from the country²⁹⁷. One study conducted by Oslo University has indicated that deportation has increasingly been used by immigration police in Norway as a form of punishment for migrants who are viewed as unwanted by the state and/or who have committed petty crimes

²⁹⁷ See for example “Minister of Justice returned more immigrants than estimated”, *The Norway Post*, Available at: [h/www.norwaypost.no/index.php/component/content/article/30606](http://www.norwaypost.no/index.php/component/content/article/30606) [Last accessed May 2016]; “Record number of foreigners deported from Norway”, *The Nordic Page*, available at: www.tnp.no/norway/panorama/4387-record-number-of-foreigners-deported-from-norway

and who are then deported in lieu of criminal proceedings.²⁹⁸ While selling sex is not considered a crime in Norway, Amnesty International's findings suggest that the unwanted nature of sex work in Norway means that migrant sex workers are subject to a similar system of control, penalization and removal under immigration laws.

The lines between anti-sex work, anti-trafficking and anti-immigration policing are, therefore, often blurred in Norway. They are used interchangeably in opportunistic ways, or in concert with each other. This means, in practice, that police powers to prohibit public nuisance and enforcement of sex work laws are being used to aid the removal of migrants (through ID checks and targeted raids/evictions focused on migrant sex workers) and alternatively that immigration laws are used as a mechanism to prohibit commercial sex by migrant women through systematic deportation of migrant sex workers. Migrant street-based sex workers find themselves at the nexus of these modes of policing and are, therefore, the most aggressively pursued by police.²⁹⁹ At the same time, the aim of the Norwegian authorities to restrict/eradicate the commercial sex market as an anti-trafficking initiative means that all of these modes of policing are being characterized and justified as legitimate anti-trafficking work.

Selling sex is not considered legal work in Norway, nor is it a criminal offence. Individuals entering the country on tourist visas and selling sex should not, therefore, be penalized for selling sex either as a crime or as a labour violation.³⁰⁰ Most of the migrant sex workers that Amnesty International spoke with were residents of countries within the Schengen area of Europe and, therefore, could as a minimum stay in Norway for three months as tourists. Under immigration laws,³⁰¹ however, tourists can be deported or denied entry if they cannot prove they have enough money to support themselves or for return travel, or if their reason for being in the country appears unconvincing to authorities. These laws give discretionary powers to the police. Based on Amnesty International's findings, these discretionary immigration provisions are being enforced rigorously and in a targeted way against migrant women who sell sex.

6.1 HUMAN TRAFFICKING IN NORWAY

Human trafficking for the purposes of sexual exploitation has been an issue that has gained significant attention in Norway in the last 15 years. Since 2000, successive governments have made commitments to combat trafficking and have dedicated resources towards developing a public policy response to the issue. Norway has also taken a leadership role in promoting the anti-trafficking agenda internationally.³⁰²

Norway signed the UN Trafficking Protocol in 2000 and ratified it in 2003, introducing a law into the Penal Code that year which made human trafficking a distinct crime under Norwegian law. In 2005, Norway also signed the Council of Europe (COE) Convention on Action against Trafficking in Human Beings, and ratified it in 2008.³⁰³

Since 2003, four National Action Plans³⁰⁴ against Human Trafficking have been developed and implemented, the latest covering the period from 2011 to 2014. Between 2000 and 2010, approximately

²⁹⁸N.B. Johansen; T. Ugelvik & K. Franko Aas (reds), *Krimmigrasjon?*. See also: N. Bazilchuck, "Non-citizens punished by deportation" 28 January 2015, *Science Nordic* available at: www.sciencenordic.com/non-citizens-punished-deportation

²⁹⁹ N.B. Johansen; T. Ugelvik & K. Franko Aas (reds), *Krimmigrasjon?* p. 91.

³⁰⁰ See Supreme Court – Sentence HR-1999-41-A - Rt-1999-763 Date: 1999-05-25. Also referenced in D. Stenvoll, "From Russia with Love?", p. 148; M-L. Skillbrei, "The Development of Norwegian Prostitution Policies: A Marriage of Convenience between Pragmatism and Principles", in *Sexuality Research and Social Policy*, 2012, p. 246.

³⁰¹ Section 17 of the Immigration Act which allows for deportation: (a) when the foreign national fails to produce a valid passport or another recognized travel document when this is necessary; ... (e) when the foreign national cannot show evidence of the stated purpose of the stay;(f) when the foreign national cannot show evidence of having or being ensured sufficient means for his or her stay in the realm or in another Schengen country and for the return journey.

³⁰² GRETA report 2013, p. 25, para. 95; See also United against Human Trafficking: Action Plan 2011-2014, Norwegian Ministry of Justice and the Police, p. 14 available at: www.regjeringen.no/en/dokumenter/united-against-human-trafficking/id629869/

³⁰³ Norway ratified the European trafficking Convention in 2008, see: www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=ajTMZ6iM; Full text of the European Trafficking Convention available at: www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d

³⁰⁴ Norway's Plan of Action for Combatting Trafficking in Women and Children, 2003-2005, Norwegian Ministry of Justice and the Police available at: http://childcentre.info/projects/traffickin/plan_of_action.pdf; Norway's Plan of Action for Combatting Trafficking 2005-2008; Stop Human Trafficking, [Plan of Action] 2006-2009, Norwegian Ministry of Justice and the Police available at: www.regjeringen.no/globalassets/upload/kilde/jd/rap/2007/0001/ddd/pdfv/304170-stop_human_trafficking_0107.pdf; United against Human Trafficking, The Governments Plan of Action against Human Trafficking, 2011-2014, Norwegian Ministry of Justice and the Police available at: www.regjeringen.no/en/dokumenter/united-against-human-trafficking/id629869/

252 million Norwegian kroner (approx. US\$29 million) were also allocated to a range of projects aimed at preventing trafficking, providing support for survivors and ensuring the prosecution of perpetrators.³⁰⁵

While it is extremely difficult to measure the exact scale of human trafficking, the Co-ordination Unit for Victims of Trafficking in Norway (KOM) has developed estimates of the numbers of potential victims of trafficking in the country based on reporting from a range of support agencies working with at-risk groups. Given the scope for individuals being registered by multiple support agencies, therefore potentially creating duplication in registrations, these estimates are subject to uncertainty. KOM estimates that in 2014 there were 324 potential victims of trafficking in the country; 157 were newly known to support services that year and 209 were believed to have been trafficked for the purposes of sexual exploitation.³⁰⁶ KOM lists 26 different countries of origin for potential victims of trafficking identified in 2014. The largest proportion were of Nigerian origin (141), with Romanian migrants accounting for the second largest group (42) followed by people from the Philippines (21) and Pakistan (10).³⁰⁷

Amnesty International met with three women who were survivors of trafficking for the purposes of sexual exploitation in Norway. They described varying experiences involving coercion, exploitation and, in some cases, extreme violence. Amnesty International also met with organizations that provide support services to survivors of trafficking.

Human trafficking for the purposes of sexual exploitation represents a grave violation of human rights and the Norwegian government has, therefore, been right to prioritize and take action on this issue, and to recognize human trafficking as a criminal offence in law. However, Amnesty International has found evidence that the approach of the Norwegian authorities in pursuing the eradication of the commercial sex market- through enforcement of punitive laws, as a vehicle to preventing trafficking, is in itself leading to human rights abuses and is also undermining Norway's ability to identify and provide adequate support and redress to victims of trafficking.

6.2 NORWAY'S HUMAN RIGHTS OBLIGATIONS ON PROSTITUTION AND HUMAN TRAFFICKING

The legislation and many of the police practices described in this report were introduced, and/or continue to be justified by the Norwegian state, as legitimate and necessary measures to address exploitation in prostitution and human trafficking for the purposes of sexual exploitation.

Under Article 6 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Norway has an obligation to introduce "all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". While CEDAW does not define the terms "exploitation" or "prostitution", the inclusion of the term "exploitation" suggests that states are not obligated to suppress all prostitution, but rather prostitution involving exploitation. Indeed, when the text of CEDAW was being drafted, a proposal to amend Article 6 to call for the abolition of prostitution in all its forms was rejected.³⁰⁸ Furthermore, the delineation between traffic in women and exploitation of prostitution recognizes the two issues as distinct, but in some cases related, phenomena.³⁰⁹

The CEDAW Committee has expressed concern that "[w]omen are ... disproportionately criminalized due to their situation or status, for instance women in prostitution."³¹⁰ It has also consistently expressed concern about the criminalization of women engaging in sex work, while noting, in line with the CEDAW text, that criminal sanctions should be reserved for those who profit from "the exploitation of prostitution".³¹¹

³⁰⁵ Review of the Norwegian Ministry of Foreign Affairs Portfolio on Human Trafficking, Norad 2009, p. 5, available at: www.regjeringen.no/globalassets/upload/ud/vedlegg/utvikling/noradrapeng_menneskehandel.pdf

³⁰⁶ Report from Koordineringsenheden for Ofre for Menneskehandel 2014, Juli 2015, Table 2, p. 32, Table 3 p. 35; available at: www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/Vedlegg_3034.pdf (hereinafter: KOM report 2015).

³⁰⁷ KOM report 2015, p. 36, table 4.2.1.

³⁰⁸ C. Mgbako, L.A. Smith, "Sex Work and Human Rights in Africa", *Fordham International Law Journal*, Volume 33, Issue 4, 2011, Article 2, pp. 1200-1201.

³⁰⁹ See also General Recommendation 19 (1992), para. 16; CO Indonesia, CEDAW/C/IDN/CO/5 (2007), paras. 28-29.

³¹⁰ Committee on the Elimination of Discrimination against Women, *General recommendation on women's access to justice*, CEDAW/C/GC/33, 23 July 2015, para.49.

³¹¹ See, for example, CEDAW, Concluding Observations: Fiji, UN Doc. A/57/38, 2002, paras. 64-65; Hungary, UN Doc. A/57/38, 2002, paras. 323-324; Kenya, UN Doc. CEDAW/C/KEN/CO/6, 2007, paras. 29-30; Republic of Korea, UN Doc. CEDAW/C/KOR/CO/6, 2007, paras. 19-20; France, UN Doc. CEDAW/FRA/CO/6, 2008, paras. 30-31; Germany, UN Doc. CEDAW/C/DEU/CO/6, 2009, paras.

Over the past two decades, the CEDAW Committee has called on at least four state parties to stop the criminalization of sex workers.³¹² The Committee has also called on at least one state party to repeal a provision of its Administrative Code which penalizes prostitution and to establish an oversight mechanism to monitor violence against women involved in prostitution, including by the police.³¹³

The CEDAW Committee has not taken a consistent approach as to whether or not the clients of sex work should be criminalized. In its concluding observations on Norway in 2012, the Committee welcomed the Norwegian Parliament's introduction of the "criminalization of the purchase of sexual activity or a sexual act from adults".³¹⁴ However, the Committee also recommended that the Norwegian state continue to monitor:

"the effects of the amendment of section 202a³¹⁵ of the Penal Code [the ban on purchasing sex], including on the type and extent of prostitution and trafficking, as well as on social perceptions on prostitution and on the purchase of sex services, as well as on women who engage in prostitution."³¹⁶

Under Article 5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the UN Trafficking Protocol), Norway also has an obligation to adopt legislative and other measures necessary to establish human trafficking as a criminal offence. Article 3 of the Protocol defines trafficking 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."

Norway has also ratified the Council of Europe Convention on Action against Trafficking in Human Beings (ECATHB).³¹⁷ The Convention outlines a range of provisions which state parties must implement in order "to prevent and combat trafficking in human beings, while guaranteeing gender equality"; "protect the human rights of the victims of trafficking", and "ensure effective investigation and prosecution of trafficking crimes".³¹⁸

The COE Convention requires that states "promote a Human Rights-based approach ... in the development, implementation and assessment of all the policies and programmes" that aim to prevent trafficking.³¹⁹ The Explanatory Note to the Convention states that its added value, beyond the provisions outlined in other international instruments on trafficking, is that it is "geared towards the protection of victim's rights and the respect of human rights, and [aims] at a proper balance between matters concerning human rights and prosecution."³²⁰ In addition, Article 40 (4) of the Convention underlines that "Nothing in [the] Convention shall affect the rights, obligations and responsibilities of States and individuals under international law, including... international human rights law..."³²¹

In 2002, the Office of the High Commissioner for Human Rights (OHCHR) issued Recommended Principles and Guidelines on Human Rights and Human Trafficking in order to "to promote and facilitate the

49-50; Japan, UN Doc. CEDAW/C/JPN/CO/6, 2009, para. 39; Albania, UN Doc. CEDAW/C/ALB/CO/3, 2010, paras. 28-29; Cook Islands, UN Doc. CEDAW/C/COK/CO/1, 2007 paras. 26-27.

³¹² See CEDAW, Concluding Observations: Fiji, UN. Doc. A/57/38, 2002, paras. 64-65; Kenya, UN Doc. CEDAW/C/KEN/CO/6, 2007, paras. 29-30; Republic of Korea, U.N. Doc. CEDAW/C/KOR/CO/6, 2007, paras. 19-20; Albania, UN Doc. CEDAW/C/ALB/CO/3, 2010, para. 29.

³¹³ See CEDAW, Concluding Observations: Russian Federation, CEDAW/C/RUS/CO/8, 2015, paras. 25-26.

³¹⁴ See CEDAW Concluding Observations: Norway, 2012, CEDAW/C/NOR/CO/8 para. 25.

³¹⁵ The ban on purchasing sex is now contained in Section 316 of the Penal Code 2015.

³¹⁶ CEDAW Concluding Observations: Norway, 2012, CEDAW/C/NOR/CO/8 para. 26(e).

³¹⁷ Norway signed the Council of Europe Convention on Action against Trafficking in Human Beings (ECATHB) on 16 May 2005 and ratified it on 17 January 2008. Full text of the convention available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>, The Convention entered into force in Norway on 1 May 2008. See

www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/NORWAYProfile_en.asp

³¹⁸ See ECATHB Article 1.

³¹⁹ ECATHB Article 5 (3).

³²⁰ Explanatory report on the provisions of the ECATHB, para. 29 available at: www.kok-gegen-menschenhandel.de/fileadmin/user_upload/PDF_Conv_197_Trafficking_E.pdf

³²¹ Paragraph 373 of the explanatory report elaborates on Article 40: "this Convention intends to strengthen victims' protection and assistance and for this reason paragraph 1 of Article 40 aims at ensuring that this Convention does not prejudice the rights and obligations derived from other international instruments to which Parties to the present Convention are also Parties or shall become Parties and which contain provisions on matters governed by this Convention and which ensure greater protection and assistance for victims of trafficking."

integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.”³²² The first guideline detailed by the OHCHR recommends that:

“States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Taking steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including those who have been trafficked.”³²³

6.3 PREVENTION OF HUMAN TRAFFICKING

Both the UN Trafficking Protocol and the ECATHB outline the need for a framework to combat trafficking which prioritizes prevention, protection of victims and prosecution of perpetrators. The principal focus of the Norwegian authorities’ approach to prevention of trafficking for the purposes of sexual exploitation involves efforts to “end demand” for paid sex through the criminalization of buying sex and via education campaigns aimed at men and young people³²⁴ and through broader disruption and restriction of the commercial sex market.

The Council of Europe Convention on Action against Trafficking in Human Beings (ECATHB) requires state parties to “adopt or strengthen legislative, administrative, educational, social, cultural or other measures”³²⁵ that discourage demand for exploitative sexual services. Crucially, however, this does not mean that states must criminalize the purchase of sex in all instances. The 2013 report on Norway by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that:

“...criminalizing the purchase of sexual services is not required by ...the Convention, according to which parties must consider criminalizing the use of services provided by a person with the knowledge that she/he is a victim of trafficking. GRETA stresses the need to differentiate THB [Trafficking in Human Beings] for the purpose of sexual exploitation from prostitution, as the latter does not automatically amount to trafficking.”³²⁶

As previously outlined, neither the UN Trafficking Protocol nor the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) require that states seek to eradicate all commercial sex as a means to prevent trafficking. The approach of the Norwegian government, therefore, increasingly conflates adult consensual sex work with trafficking in practice, if not law, and extends beyond measures required under international law.

The eradicationist approach of the Norwegian authorities allows for the use of all available legal means to stress, disrupt and disperse the commercial sex market, as a means to prevent human trafficking. This means that the enforcement of public nuisance, sex work and immigration laws against people who sell sex are being characterized as “anti-trafficking work” and the control and penalization of groups at risk of trafficking justified as necessary “prevention” measures. GRETA has expressed concern that victims of trafficking are being punished in Norway under immigration laws, specifically, being held in detention as a result of their irregular status and issued with fines when they do not state their address to the police.³²⁷ Article 26 of the European Convention on Action against Trafficking in Human Beings requires that states provide for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities.

³²² OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002, p. 2., [hereinafter: OHCHR, Recommended Principles and Guidelines] available at: <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

³²³ OHCHR, Recommended Principles and Guidelines, 2002, p. 3.

³²⁴ United against Human Trafficking: Action Plan 2011-2014, Norwegian Ministry of Justice and the Police, p. 18; Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway, First evaluation round, May 2013, p.28 para 111. (hereinafter: GRETA Report on Norway) available at: <http://www.coe.int/en/web/anti-human-trafficking/norway>

³²⁵ ECATHB Article 5.

³²⁶ GRETA Report on Norway, p. 29, para. 113.

³²⁷ GRETA report on Norway p. 51, para 240.

6.4 CONFLATION OF HUMAN TRAFFICKING AND SEX WORK

Human trafficking for the purpose of sexual exploitation is a grave human rights abuse and states have an obligation under international law to ensure that it is recognized as a criminal offence. Amnesty International supports the criminalization of human trafficking, and measures that support the prevention, suppression and punishment of trafficking and protection of victims, in line with human rights standards.

Human trafficking involves threat or use of force, coercion, abduction, fraud, deception, abuse of power or a position of vulnerability and results in various forms of exploitation, including forced labour. Consensual adult sex work that is free from such force, coercion or deception, abuse of power or a position of vulnerability and is freely entered into is, therefore, distinct from human trafficking. The conflation of sex work and trafficking for the purposes of sexual exploitation is increasingly raising human rights concerns and has been criticized by UN bodies, human rights experts, some anti-trafficking organizations and sex worker rights advocates.³²⁸ For example, UNAIDS has outlined how:

“The persistent confusion and conflation between trafficking in persons and sex work leads to laws and interventions that negatively impact sex workers, and at the same time undermine efforts to stop trafficking. In some cases, this conflation results in legislation and interventions that criminalize sex work and target the sex industry as a whole, resulting in harmful outcomes for sex workers ... Whether sex work is legal or illegal, there is an urgent need for States, the UN system, law enforcement agencies, and civil society to understand and differentiate between trafficking in persons and sex work...

“Several examples from around the world show how anti-trafficking legislation and law enforcement have been used to attempt to eradicate or disrupt the sex industry. This has been done without consideration of the negative impact such legislation has on human rights and health, including the lack of impact on eradicating trafficking.”³²⁹

The UN Global Commission on HIV and the Law also recommended that states “enforce laws against all forms of child sexual abuse and sexual exploitation, clearly differentiating such crimes from consensual adult sex work [;] and ensure human trafficking laws are used to prohibit sexual exploitation, as opposed to consensual sex work.”³³⁰

The Special Rapporteur on Violence against Women has also noted the need to ensure that “measures to address trafficking in persons do not overshadow the need for effective measures to protect the human rights of sex workers”.³³¹

6.5 CLAIMED REDUCTIONS IN LEVELS OF SEX WORK AND TRAFFICKING IN NORWAY

The Norwegian government has primarily measured its anti-trafficking success based on the extent to which Norway has achieved an overall reduction in the commercial sex market. Amnesty International’s research is not quantitative in nature and it is, therefore, beyond the scope of this report to measure whether the legal framework in Norway has been successfully utilized to reduce the levels of sex work occurring in the country. Nevertheless, consideration of the available evidence relating to any apparent changes in the market does have relevance to the conclusions of this report.

³²⁸ See UNAIDS Guidance Note on HIV and Sex Work, at Annex 3; UNAIDS, UNFPA, UNDP, Sex Work and the Law in Asia and the Pacific 3, 16, 39 (2012); Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover (UN Doc. A/HRC/14/20), 2010 paras. 32-33; see also generally Global Alliance Against Traffic in Women, *Moving Beyond ‘Supply and Demand’ Catchphrases: Assessing the Uses and Limitations of Demand-based Approaches in Anti-trafficking* (2011), available at www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf; Global Alliance Against Traffic in Women, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World, 2007*, available at: www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf

³²⁹ UNAIDS Guidance Note on HIV and Sex Work p. 41.

³³⁰ See UNAIDS Guidance Note on HIV and Sex Work.

³³¹ UN General Assembly, Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences*, Mission to India, A/HRC/26/38/Add.1, 1 April 2014, at para. 78 (e).

Amnesty International met with a number of agencies, including the Ombud for Equality and Anti-discrimination (LDO), the feminist campaign group, Kvinnefronten, as well as ROSA, the national support service for survivors of trafficking, who argue that commercial sex is an inherently abusive and violent activity, and that as such the only way to protect marginalized people who sell sex is to seek to reduce the numbers involved and ultimately eradicate the phenomenon. These agencies put forward this argument as a reason why they supported the ban on buying sex; viewing it as a tool to help achieve this aim.

The recent evaluation of the purchasing law carried out by Vista Analysis in 2014 on behalf of the Norwegian government concluded that the commercial sex market has decreased by approximately 20-25% since the introduction of that law. The summary of the evaluation states that:

“The ban on purchasing sexual services has reduced demand for sex and thus [has] contribute[d] to reduce the extent of prostitution in Norway. The enforcement of the law in combination with the laws on trafficking and pimping [promotion law], makes Norway a less attractive country for prostitution-based trafficking than what would have been the case if the law had not been adopted.”³³²

However, the overall conclusion that levels of sex work, and by association trafficking, in Norway have reduced substantially has been systematically questioned by academics working in the field, including the authors of the 2008 baseline study. These researchers have publicly stated that they elected not to bid for the role carrying out the evaluation because they considered that “the mandate and funding was insufficient for sound research”.³³³ They point to “too many uncertainties”³³⁴ in the data produced by the Vista evaluation on both outdoor and indoor markets, which the Vista report authors themselves acknowledge in the body of the report but do not fully elaborate on in the overall conclusions.³³⁵

One assumption, on which the Vista evaluation relied heavily in terms of developing their projections on the size of the indoor market, has attracted particular criticism.³³⁶ Vista found a considerable increase in the number of adverts with phone numbers attached to sex workers in Norway, which could suggest that the number of sex workers has in fact increased. However, Vista assumes that the number of adverts and different phone numbers that each sex worker had in 2013 had increased significantly compared to the 2008 baseline study.³³⁷

The 2008 Fafo study calculated that around 14% of sex workers in the advertising market had two phones. This figure was based on extensive mapping which involved calling all the advertised phone numbers to find out who used them. Vista did not undertake as thorough an investigation in 2013 but surmised that 50% of sex workers were using two phones/adverts based on opinion provided by police, and on basic sampling.³³⁸ One academic who participated in the 2008 Fafo baseline study reflected that:

“Ahead of Fafo’s surveys of the prostitution market in 2003 and 2007, we were also told by the police and organizations that there was a large number of phones in circulation. We were told that phones floated around on tables in many houses. When we systematically called around to all the phone numbers advertised, and asked, we found a slightly different picture. There was great variety, but the average was a little over a phone per prostitute.”³³⁹

In addition, the extent to which police crackdowns using a range of sex work, public nuisance and immigration laws have yielded results in terms of preventing/reducing trafficking for the purpose of sexual exploitation is also unclear. GRETA noted, in their 2013 report on Norway, that the effects of the criminalization of the purchase of sexual services have been difficult to measure.³⁴⁰ Equally, the Vista

³³² I. Rasmussen et.al, *Evaluering av forbudet mot kjøp av seksuelle tjenester*, English Summary document, p. 11

³³³ A. Brunovskis and M-L. Skillbrei, “The evaluation of the Sex Purchase Act”.

³³⁴ A. Brunovskis and M-L. Skillbrei, “The evaluation of the Sex Purchase Act”.

³³⁵ A. Brunovskis and M-L. Skillbrei, “The evaluation of the Sex Purchase Act”.

³³⁶ G. Tyldum “Antagelser om sexkjøpsloven” , 22 August 2014, *Aftenposten*, available at:

www.aftenposten.no/meninger/debatt/Antagelser-om-sexkjopsloven-7677452.html [translation from Norwegian to English by Amnesty International].

³³⁷ I. Rasmussen et.al, *Evaluering av forbudet* (full report). p. 151.

³³⁸ I. Rasmussen et.al, *Evaluering av forbudet*, (full report) p. 149-151.

³³⁹ G. Tyldum “Antagelser om sexkjøpsloven” , 22 August 2014, *Aftenposten*, available at:

www.aftenposten.no/meninger/debatt/Antagelser-om-sexkjopsloven-7677452.html [translation from Norwegian to English by Amnesty International]

³⁴⁰ GRETA report on Norway p. 28, para. 112.

evaluation does not provide any analysis or breakdown on what proportion of the proposed reduction in the market accounts for people who have been trafficked.

Reliable statistics on rates of human trafficking are notoriously difficult to secure in most countries. GRETA's 2013 report on Norway found that there was a lack of comprehensive data collection on victims of trafficking, prosecutions, convictions and compensation to victims,³⁴¹ and recommended that the Norwegian authorities should take action to develop a "a comprehensive and coherent statistical system."³⁴² According to the statistics that are available via the Co-ordination Unit for Victims of Trafficking in Norway (KOM) the number of identified potential victims of trafficking for sexual exploitation increased every year between 2007 and 2012 (from 162 in 2007 to 239 in 2012)³⁴³. The numbers identified in 2013 dropped to 201 but increased again in 2014 to 209.³⁴⁴ Similarly, the number of cases of trafficking for the purpose of sexual exploitation reported nationally in Norway has remained relatively stable between 2006 and 2014 (34 reported cases in 2006 /37 in 2014).

Amnesty International is concerned that claimed successes in reducing the commercial sex market and rates of trafficking - such as those outlined in the government evaluation of the purchasing law – are subject to substantial uncertainties. More importantly, they provide an overly simplistic measure of success in terms of anti-trafficking outcomes which fails to take account of the human rights impact of punitive police enforcement of sex work, public nuisance and immigration laws on people involved in commercial sex, including victims of trafficking.

The Vista evaluation did not explore the human rights impact of police crackdowns on people who sell sex. Similarly, as previously outlined in SECTION 5, despite finding that the current legal approach in Norway has led to reduced negotiation power for people selling sex on the streets and that reliance on abusive buyers has increased, Vista concluded that the effects of increased pressure on the sex work market were: *"in line with the intentions of the law and are thus not considered ... unintended side effects."*³⁴⁵

Amnesty International raised this issue with an Expert Advisor to the Ministry of Justice and Public Security who reflected that:

"The Vista report didn't go into great depth about the lives of women in prostitution – but it provides a sense of direction. It says that the worst case scenarios haven't come along – that there has been no increase in violence and prostitution hasn't gone into the shadows completely.

"It comes back to the question of 'is it a problem that people in prostitution are in trouble'. No one has said at a political level that we want prostitutes to have a good time while we also try to stamp out prostitution."³⁴⁶

6.6 A HUMAN RIGHTS-BASED APPROACH TO ANTI-TRAFFICKING

The Council of Europe Convention on Action against Trafficking in Human Beings (ECATHB) requires that prevention strategies must "promote a Human Rights-based approach" that utilizes "research, information, awareness raising and education campaigns, social and economic initiatives and training programmes."³⁴⁷ Similarly, the Office of the High Commissioner for Human Rights (OHCHR) recommends that in working to prevent trafficking, states should "take into account the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice."³⁴⁸

OHCHR Guidelines on Human Rights and Human Trafficking advise that:

"Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end

³⁴¹ GRETA report on Norway, p. 13, para. 7.

³⁴² GRETA report on Norway, p. 23, para. 82.

³⁴³ Given the scope for individuals being registered by multiple support agencies, potentially creating duplication in registrations, the KOM estimates are subject to uncertainty.

³⁴⁴ KOM report 2015, p. 54.

³⁴⁵ I. Rasmussen et.al, Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document, p. 11.

³⁴⁶ Interview with expert advisor to the Ministry of Justice and Public Security, 23 January 2015.

³⁴⁷ ECATHB Article 5.2.

³⁴⁸ OHCHR, Recommended Principles and Guidelines, Guideline 7, p. 9.

trafficking. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers.”³⁴⁹

The Norwegian government has committed to finance projects in transit countries and countries of origin that support action to prevent trafficking.³⁵⁰ The 2013 report on Norway by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) cites 22 international projects funded by the Norwegian government that work with people who are at risk of exploitation in a variety of countries.³⁵¹

However, Amnesty International has found evidence that the factors that place people at risk of exploitation and/or being re-trafficked whilst in Norway are not being adequately addressed by the Norwegian authorities. Indeed, the crude way in which measures to destabilise, stress and put pressure on the sex work market are being used by the Norwegian authorities as an anti-trafficking initiative is increasing the vulnerability of people who sell sex in Norway to exploitation and abuse.

A 2004 study by Norway’s Fafo research institute on transnational prostitution and trafficking in human beings found that individuals’ aspirations to migrate are a major risk factor in trafficking:

“It is very rare that women who become victims of trafficking are taken out of their countries against their will. The vast majority choose to migrate and some are aware that they will be working as prostitutes. This decision is often born of a wish to improve their life situations. Although the common motivating factor is a need for money, not everyone comes from a background of poverty. Three broad reasons for wanting to migrate or to work in prostitution can be identified: ‘response to an acute crisis’, ‘long- term poverty’, and ‘wanting more from life’”.³⁵²

The Fafo study found that the challenges of travelling abroad for people from developing and transitional countries in terms of securing visas and other travel documents, obtaining housing and work, as well as language and economic difficulties, people who migrate often do so with organizational and/or economic help from third parties.³⁵³ In practice, this means that the terms of their employment, their housing, their travel documents and the debt they have accrued to travel may have been negotiated with and/or overseen by a third party, such as recruitment agencies. Such reliance on third parties leaves migrants at risk of exploitation whilst travelling, on arrival or throughout the duration of their stay and this is particularly the case for irregular migrants.

In terms of trafficking experiences, this can mean that on arrival in a country, individuals can learn that they have been deceived about the terms of their agreement with the third party; that there is no formal job for them and/or that they have to sell sex or that their debt is far higher than they have previously been led to believe. Some women travel in the knowledge that they will be doing sex work, however, when they arrive the terms of their agreement are not met. Amnesty International met with two women who were survivors of trafficking whose stories illustrated the different ways in which it can occur.

³⁴⁹ OHCHR, Recommended Principles and Guidelines, Guideline 1, p. 2.

³⁵⁰ United against Human Trafficking: Action Plan 2011-2014, Norwegian Ministry of Justice and the Police, p. 18

³⁵¹ GRETA Report, p. 28, para. 107.

³⁵² A. Brunovskis, G. Tyldum, “Crossing Borders: An Empirical Study of Transnational Prostitution and Trafficking in Human Beings” (hereinafter: A. Brunovskis, G. Tyldum, “Crossing Borders”), Fafo, 2004, pp. 12-13.

³⁵³ A. Brunovskis, G. Tyldum, “Crossing Borders”, p. 20.

ANDREA'S STORY

Andrea is a Bulgarian woman who came to Norway in 2013 to sell sex. She had previously sold sex in a number of other European countries and knew she was coming to Norway to do the same. She travelled with a man who offered to arrange her travel and help her get set up in Norway. Andrea described selling sex from the streets for a number of months. She told Amnesty International:

“Police stopped me on Friday and Saturday every week. They would come and check the passport. Every person in the street would be stopped and asked to show [their] passport and give [their] address. They would ask us ‘are you working alone?’”

The police Andrea met were generally nice. They told her they could help her if she wanted to talk. She didn't believe them in the beginning. She didn't believe they could do anything and they didn't really explain what they could do for her.

In 2014, Andrea fell pregnant and wanted to stop selling sex. The man she worked for wouldn't let her. She went to the police station and asked for the police officer she knew from the street. She waited for two hours until the policeman that she knew came. He explained that they could help her if she helped them build a case against the man. Andrea just wanted to have a sleep and a shower.

The police drove her to the crisis centre and they gave her some food. She stayed a couple of days and met with ROSA who told her she had a right to go to school to learn Norwegian. Andrea didn't believe ROSA. She made contact back home with her mother as she wanted to go back to Bulgaria. Andrea gave a statement to the police who bought her a flight to go home. She had problems with her family and an ex-boyfriend in Bulgaria. So Andrea called Oslo police and said she would co-operate in the court case and came back to Norway. The case against Andrea's exploiter was ongoing at the time of Amnesty International's interview.

GRACE'S STORY

Grace is a Nigerian woman who was trafficked to Norway in 2007. A woman originally approached Grace's grandmother in Nigeria offering to help Grace get a job as a hairdresser in Europe. Grace told Amnesty International: "It was a great moment for me."

Grace arrived in Norway at night. The woman she was with brought her revealing clothes. When Grace refused to wear them the woman took her documents and told her that she had to pay 60,000 euros for her travel. Grace told interviewers that when she was originally given this figure she "thought it was like Lira and I could pay it off in two months." Grace told Amnesty International: "I had no choice and nowhere to go. I didn't know where the police station was."

Grace had to pay the "debt" back. Sometimes, she made enough. When she couldn't pay, the trafficker would make her lie naked on the bathroom floor in the cold and would beat her with a stick. When Grace asked to leave, she was told that if she "didn't want to pay, she could pay with her life". Grace told interviewers "I was terrified. I knew if she wanted to harm me she could."

Five months passed. Grace told Amnesty International how she sold sex every day to try and pay off her debt. She told interviewers that she was once threatened with a knife by a man who paid her for sex. She didn't trust police and was too scared to report the crime.

Another woman who lived in the same apartment as Grace who worked independently eventually intervened to defend Grace against her trafficker. In a rage, the trafficker locked Grace out of the apartment and called police on her knowing that she didn't have any travel documentation and would likely be deported. The police held Grace for two weeks and were planning to deport her. Grace told Amnesty International that they didn't ask her any questions about her relationship with the woman and didn't give her any information about support services. A priest that she had confided in at Church contacted ROSA and the police on Grace's behalf to tell them about her situation.

The police released Grace and took her to a women's shelter. She told Amnesty International "I was too scared to trust the police. I thought the police in Norway were like the police in Nigeria." However, the police built her trust with and encouraged her to go to court. The woman who trafficked Grace was sentenced to three years in prison. Grace eventually secured permanent residence in Norway.

6.7 IDENTIFICATION AND PROTECTION OF VICTIMS OF TRAFFICKING

Whilst Andrea and Grace's stories reflect different experiences, they illustrate the vulnerability that they encountered as migrants in a new country who were neither aware of their rights nor of the services and support available to them in Norway. Both stories also illustrate how fundamentally important it is that the police build trust with individuals and groups at risk of trafficking, providing them with information about the support that they and others can offer them, which should not be dependent on their participation in the prosecution of their abuser. In Andrea's case, her interactions with the police were positive, meaning that she felt confident to turn to them when she was being exploited. In Grace's case, her fear of the police and their failure to identify her as a victim of trafficking meant that she could easily have been deported without ever having been given support, or seeing her trafficker brought to justice.

Amnesty International is concerned that by prioritizing the enforcement of public nuisance, immigration and sex work laws against people who sell sex in Norway, the police are both increasing the vulnerability of migrants whilst in Norway, potentially exposing them to violence, exploitation and abuse and missing opportunities to identify victims of trafficking and offer protection.

IMPACT OF EVICTIONS ON VULNERABILITY AND IDENTIFICATION OF VICTIMS OF TRAFFICKING

This report has detailed how the Oslo police's strategy of instigating the widespread eviction of people who sell sex from their homes and other working locations, demonstrated through initiatives such as Operation Homeless, has resulted in the increased vulnerability of people who sell sex. The threat of eviction has been felt by all people who sell sex and most acutely by those who are migrants. The precarious housing situation many migrant sex workers find themselves in as a result of systematic evictions and barriers for migrants to the rental market, increases their reliance on exploitative third parties to secure accommodation.

Similarly, the fact that people who sell sex risk eviction if they engage with the police works to actively deter people who sell sex from reporting violence and other crimes against them. As both Andrea and Grace's stories show, the levels of trust that people who sell sex have in the police has a major influence on whether they will seek help and/or disclose their situation to the police. In their report on Norway, GRETA acknowledged that initiatives like Operation Homeless have worked to make victims of trafficking reticent to engage with police:

"... 'Operation Homeless ('Aksjon Husløs'), [was] aimed at preventing THB [Trafficking in Human Beings] of foreign nationals for forced prostitution by making it difficult for women in prostitution to have and find housing. However, this operation reportedly had the indirect implication of making victims of trafficking afraid of giving their address to the police."³⁵⁴

Amnesty International is deeply concerned that the process of instigating the eviction of people who sell sex from their homes is not only leading to the violation of individuals' human rights through forced eviction, it is also inhibiting the identification of victims of violence, exploitation and/or human trafficking.

Despite being promoted as an anti-trafficking initiative, it is also unclear to what extent Operation Homeless and subsequent evictions have contributed to identifying victims and/or perpetrators of trafficking. An agreed procedure of the STOP Group was to provide information on trafficking support services to people believed to be selling sex, who were subject to Operation Homeless raids and evictions. However, concerns were raised that some women evicted during Operation Homeless were not given information regarding trafficking support. In a letter to the Ministry of Justice in 2011, Pro Sentret and ROSA expressed concerns that: "none of the women who in the past months have been the subject of police action have been informed of trafficking, or have been asked at all if they need any kind of assistance."³⁵⁵ This concern was reiterated in the Pro Sentret's annual report that year which concluded that:

"Most people who contribute to individuals ending up in Norway as victims of trafficking are not prosecuted. The majority of reported human trafficking cases, at least in Oslo, are shelved. In addition to this, Pro Sentret found that the way the police in Oslo react when facing this group has gone from bad to worse. For a long time, the police's conduct towards prostitution has been characterized by women being thrown out at short notice, fined for not providing residence address, given inadequate information about the consequences of accepting the fine on the spot, body searches and ID checks and Operation Homeless. According to our users, the police officers give no information about human trafficking and the rights you have as a victim of such events. The women's experiences with the police concerns us both in terms of the violations the individuals experience, their confidence in the police afterwards, and the consequence regarding the police's role in identifying victims of trafficking."³⁵⁶

In her interview with Amnesty International, the Chief Executive of Pro Sentret reiterated concerns that the campaign of evictions against sex workers had yielded little results in terms of identifying trafficking victims. She told Amnesty International:

"I've asked for info about how many victims of trafficking they have found [under Operation Homeless] but I didn't get it."³⁵⁷

³⁵⁴ GRETA report on Norway, p. 53, para. 248.

³⁵⁵ Letter from PION, ROSA and Silje E. Stenvaag "Politiets aksjoner overfor nigerianske kvinner i prostitusjon", 19 November 2011, available: www.venstre.no/files/oslo/sthanshaugen/uttalelsesforslag_2__sthanshaugen_venstre__vedlegg.pdf [Last accessed May 2016] [Translation from Norwegian to English by Amnesty International].

³⁵⁶ Pro Sentret, Annual Report 2011, pp. 33-34. [Translation from Norwegian to English by Amnesty International].

³⁵⁷ Interview with Bjørg Norli, 27 November 2014.

In an interview with Norwegian newspaper *Aftenposten*, Silje Elisabeth Stenvaag, a lawyer whose clients had been evicted via Operation Homeless, stated:

“Police believe they make it harder for traffickers to establish themselves in Norway, but they have no figures or research to show that this is true.”³⁵⁸

Amnesty International requested figures from Oslo police district on how many victims of trafficking have been identified through Operation Homeless or other subsequent eviction-focused initiatives but did not receive any information in response.

DEPORTATION AS A MEASURE OF ANTI-TRAFFICKING SUCCESS

A recurring issue that was also raised by many interviewees that Amnesty International spoke to was the impact that immigration enforcement is having both on the lives and safety of people who sell sex and on the police’s ability to address crimes against migrants selling sex, including trafficking.

In recent years, enforcement of the Immigration Act against migrants who are, or are suspected of, selling sex has been increasingly used as the preferred mechanism to crack down on commercial sex in Norway. People who sell sex are subject to ID checks in the street, during police raids and, in some cases, when they report crimes committed against them to the police. In many cases, these ID checks result in deportation. A Senior Executive Officer at Pro Sentret described the situation to Amnesty International:

“They want to send all the people who are here illegally out, now. There is no focus on human trafficking. There is a really strong focus on deporting a lot of people. Trafficking is out, deporting is in. Very in.”³⁵⁹

Amnesty International learned that in many instances deportees have legal residence in the Schengen area, and can, therefore, enter and stay in Norway for three months. However, they are removed from the country using provisions under Section 17 of the Immigration Act which allows for deportation:

“(a) when the foreign national fails to produce a valid passport or another recognized travel document when this is necessary,

...

(e) when the foreign national cannot show evidence of the stated purpose of the stay,

(f) when the foreign national cannot show evidence of having or being ensured sufficient means for his or her stay in the realm or in another Schengen country and for the return journey...”³⁶⁰

Based on Amnesty International’s findings and the research of numerous academics and social service providers, it is clear that police are actively using these provisions against migrant women who sell sex. Deportation was a major concern for many of the women of Nigerian origin interviewed by Amnesty International.

Amnesty International is concerned that enforcement of the Immigration Act against migrants who are, or are suspected of, selling sex is being prioritized over protection of people who sell sex from violence and other crimes including trafficking. In particular, Amnesty International is concerned that the focus on deportations as a means to crack down on commercial sex is undermining the ability of the Norwegian authorities to identify victims of trafficking.

A representative of Oslo police district confirmed to Amnesty International that victims of trafficking are being deported as a result of police enforcement of immigration laws against people involved in commercial sex, before action can be taken to identify them and/or offer them support. The police representative told Amnesty International:

“We deport trafficking victims. Many of them don’t know that they are victims, but they are according to the law. In the last two years it feels that [immigration] police are more likely to pick up the phone and alert the anti-

³⁵⁸ M. MELGÅRD, “Politikerne aksepterer at prostituerte settes på gaten på timen”, 11 July 2013, *Aftenposten*, available at: <http://www.aftenposten.no/nyheter/iriks/politikk/Politikerne-aksepterer-at-prostituerte-settes-pa-gaten-pa-timen-7251709.html> [Translation from Norwegian to English by Amnesty International].

³⁵⁹ Interview with a Senior Executive Officer at Pro Sentret, 21 January 2015.

³⁶⁰ Norwegian Immigration Act 2008, full text available at: www.regjeringen.no/en/dokumenter/immigration-act/id585772/

trafficking unit, it's getting better very slowly. It feels like there are a lot of trafficking victims in labour or prostitution who are re-trafficked."

In their 2014 Annual Report, Pro Sentret outlined concerns that:

"The focus of police work in 2014 seems to be frequent document control and sending people out of the country who cannot prove their [reason for their] stay. Pro Sentret is concerned that there are a lack of good procedures to identify any victims of human trafficking in this work."³⁶¹

Similarly, GRETA detailed in its 2013 report that:

"According to civil society representatives met by the GRETA delegation, the fact that police officers carry out ID controls and detect violations of immigration laws may be at odds with their role to detect possible victims of trafficking. NGOs have reported that police officers target Nigerian women, asking them to prove that they are able to support themselves in Norway but, as the women do not have official income or bank statements, they are asked to leave the country or are deported."³⁶²

A representative of ROSA, the organization that delivers the national assistance programme for women who have been the victims of trafficking in Norway, told Amnesty International:

"Enforcement of the immigration acts creates huge problems. The government has set a goal for how many people should be deported, we see the police clearing the streets... The problem with being sent back to Italy [where many of the Nigerian women have residency papers] is that the financial crisis has made it harder to get assistance there. Italian organizations can't assist everyone and those who can't get help end up back in prostitution. There is a motorway between Turin and a nearby city that is used for prostitution – it's owned by organized crime, the women have to pay them to be there. The women are easily picked up by the traffickers. This may be the one that originally trafficked them to Norway, or another network of organized crime – they end up back in the trafficking system."³⁶³

Figures provided by the police to Amnesty International show that in 2014, 59 Nigerian women were refused entry to Norway, whilst 58 were deported. This figure increased to 92 who were refused entry in 2015 and 91 who were deported. The figures provided by the police give no breakdown of the reasons why these women were removed, or refused entry or what proportion were suspected of selling sex.³⁶⁴

Amnesty International is concerned that the use of immigration enforcement and deportation as a means to crack down on commercial sex is impeding the Norwegian authorities' ability to identify victims of trafficking and is placing victims at risk of re-trafficking. The crude measurement of success that Norway is applying to its anti-trafficking work - namely, an overall reduction in the commercial sex market - means that Norway could claim success in fighting trafficking even when, in effect, it simply deports trafficking victims to other countries.

The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking recommends that states and, where appropriate, intergovernmental and non-governmental organizations, should consider:

"Monitoring and evaluating the relationship between the intention of anti-trafficking laws, policies and interventions, and their real impact. In particular, ensuring that distinctions are made between measures which actually reduce trafficking and measures which may have the effect of transferring the problem from one place or group to another."³⁶⁵

THE IMPACT OF IMMIGRATION ENFORCEMENT ON VULNERABILITY AND IDENTIFICATION OF VICTIMS OF TRAFFICKING

In addition to the removal of potential victims of trafficking, Amnesty international is also concerned that the systematic deportation of people who sell sex is acting as a deterrent to any engagement with police by all people who sell sex. As previously detailed in this report, many migrant women who sell sex, particularly

³⁶¹ Pro Sentret Annual Report 2014, p. 9 [Translation from Norwegian to English by Amnesty International].

³⁶² GRETA Report on Norway, p. 33, para. 137.

³⁶³ Interview with representative from ROSA, 28 November 2014.

³⁶⁴ Email from Oslo police district to Amnesty International, 28 January 2016.

³⁶⁵ OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, pp. 5, 6.

those who are of Nigerian origin, report being particularly reluctant about reporting crimes against them to the police for fear of being deported. These fears also appear to be justified as there have been cases where women who have reported serious violence to the police have been removed from the country. A representative of Oslo police district informed Amnesty International that reports of violence by migrants are generally not given the same priority as those reported by other individuals. (See Section 4.4)

Additionally, GRETA also acknowledged reports from social service providers that the situation of Nigerian women was being given lower priority and consideration than that of other groups:

“According to NGOs, there is need to prioritize THB cases and treat cases involving Nigerian victims of trafficking in the same way as victims of trafficking from other countries.”³⁶⁶

The reality faced by many migrants who sell sex, i.e. that they cannot report violence and exploitation to the police for fear that they will be deported, means ultimately that this group is “fair game” for abusers. This leaves them particularly vulnerable to a range of human rights abuses, including trafficking.

This is a situation that has been documented on numerous occasions by researchers in Norway in the last decade. As early as 2004, a study on transnational prostitution and trafficking conducted by the Fafo research institute, which was referenced by members of the Norwegian Parliament in the debate on passing the ban on purchasing sex, recommended that:

“...in order to combat trafficking it is necessary to focus on exploitation and not on the legal status of immigrant women in prostitution ... The effect of focusing only on the legal status of women migrants in the first instance has the effect of moving the problem elsewhere. Finally, it serves to confirm the image that many women have of the police in their home country, as controllers and not as potential protectors, and as such serves to seriously diminish the trust in the police...”

The effect of trying to expel this group is extremely damaging of attempts to identify trafficking situations and exploitation in the prostitution arena in general. The effect is not limited to the women directly affected, but becomes part of the general knowledge among foreign prostitutes as they hear of others who have been sent home by police. Exploited women who are here illegally may consequently be afraid of contacting authorities. In sum, it seriously diminishes the chance of identifying trafficking situations.”³⁶⁷

Similarly, research undertaken by Fafo in 2010 and 2012 found that:

“If you... you cannot report aggravated assault because of your [lack of] legal [immigration] status, this could make [you] more or less fair game. This is a problem which is known for irregular immigrants in general, and is a key factor in their overall vulnerability, enabling exploitation, abuse, and in some cases, human trafficking.”³⁶⁸

6.8 PROSECUTION OF PERPETRATORS

As previously stated, the Norwegian government has prioritized the issue of trafficking in the last decade. This has translated into increased funding for police initiatives at various points. Between 2000 and 2010, approximately 252 million Norwegian kroner (approx. US\$29 million) were allocated nationally to different agencies for a range of projects aimed at preventing trafficking, providing support for victims and ensuring the prosecution of perpetrators.³⁶⁹ However, in the period from 2011 to 2015, funding for anti-trafficking police initiatives fluctuated, leading to wavering capacity for specialised anti-trafficking police work.

A representative of Oslo police told Amnesty International that:

“From 2007, the STOP Group had lots of funding ... It came from the Ministry of Justice, and the Police Directorate. The Chief [of Police] made a lot of money available for this work ... But after 2011 – nothing – the

³⁶⁶ GRETA Report on Norway, p. 54, para. 259.

³⁶⁷ A. Brunovskis, G. Tyldum, “Crossing Borders”, p. 119.

³⁶⁸ A. Brunovskis, Erfaringer i fem prostitusjonstiltak gjennom et halvt år) p. 26. See also A. Brunovskis, “Irregular migration research in Norway: Reflections on research ethics and methodological challenges based on a method development project” in K. Hviid, M. B. Jørgensen, S. Meret & T. L. Thomsen (eds), *Irregular migration in a Scandinavian perspective*, 2010, Maastricht: Shaker Publishing, pp. 47-71.

³⁶⁹ Review of the Norwegian Ministry of Foreign Affairs Portfolio on Human Trafficking, Norad 2009, p. 5 available at: www.regjeringen.no/globalassets/upload/ud/vedlegg/utvikling/noradrapeng_menneskehandel.pdf

funding stopped and it was back to the general police budget. The funding increased again in 2015 and 2016 though.”³⁷⁰

An expert advisor to the Ministry of Justice and Public Security clarified the police funding situation to Amnesty International:

“Police funding is provided in a lump sum, from 2007 to 2011, we increased the budget as a whole [to support anti-trafficking work]... This year [2015], Parliament unexpectedly added NOK 15 million in the budget with clear directions to establish specialized anti-trafficking groups in five police districts. So it’s unpredictable.”³⁷¹

During the period from 2011 until 2015, no additional money was provided for anti-trafficking work. This led to a downsizing of police capacity on specialized anti-trafficking work. During this time, trafficking was subsumed into the wider Organized Crime Unit in Oslo Police.³⁷² At the time of Amnesty International’s interview with a representative of Oslo police in January 2015, there was only one specialist officer working on trafficking in the city, compared to approximately 10 to 15 at the height of the STOP Group. Since 2016, the number has been increased to ten dedicated officers (five investigators and five frontline civil police).³⁷³

These fluctuations have had a considerable impact on the police’s ability to build trafficking cases against perpetrators. A representative of the support service for survivors of trafficking, ROSA, speaking before the recent increase in funding, told Amnesty International that:

“Police in Oslo say that they only have the capacity to take two trafficking cases to court – in 2013, they had 26 women pressing charges³⁷⁴.”

GRETA’s 2013 report on Norway stated that:

“The [Norwegian trafficking] Plan of Action stresses that due to the high costs of investigations in THB cases, in particular concerning interpretation and translation, the police needs to set priorities for these investigations. As most of the victims and many of the perpetrators in THB cases are foreign nationals, setting the appropriate limits for an investigation in Norway is considered ‘a serious problem’.”³⁷⁵

As stated earlier, according to KOM, the number of cases of trafficking for the purpose of sexual exploitation reported nationally in Norway remained relatively stable between 2006 and 2014 (34 reported cases in 2006 and 37 in 2014). Out of 280 reported cases of trafficking for the purposes of sexual exploitation between 2006 and 2014, only 32 have resulted in the successful conviction of perpetrators. Nationally, the rate of conviction in trafficking cases has fluctuated between four successful prosecutions in 2008, to a high point of five in 2010, to one in 2012. In 2015, there were two successful convictions nationally. In terms of Oslo, the annual rate of conviction has ranged between zero (in 2010, 2012, 2014) and three (in 2011).³⁷⁶

During the period 2011 to 2015, application of “stress methods” towards the commercial sex market continued, led by general operational and immigration police – without the oversight of anti-trafficking specialists. Amnesty International is concerned that the Norwegian authorities’ strategy against trafficking is disproportionately balanced towards creating stress in the commercial sex market – through penalization of sex workers and, to a lesser extent, buyers – in order to reduce commercial sex. As outlined in this report, Amnesty International is concerned that this approach leads to the violation of the human rights of people who sell sex. Moreover, Amnesty International is also concerned that this approach is not successful in preventing trafficking. Indeed, it is increasing the vulnerability of people who sell sex in Norway, placing them at increased risk of exploitation. The strategic deportation of migrant women who sell sex, some of whom may be victims of trafficking, also leads to failures in the detection of trafficking and identification of victims and leaves individuals at risk of re-trafficking. It also means that perpetrators in these cases are not brought to justice. One academic researcher has described this imbalance in approach:

“The fact that prosecutors in Oslo are described as more passive, however, can also be seen in the way they prioritize so-called disturbances and stress strategies rather than focus on getting registered criminal cases.

³⁷⁰ Interview with a representative of Oslo police district, 20 January 2015.

³⁷¹ Interview with an expert advisor, Ministry of Justice and Public Security, 23 January 2015.

³⁷² Interview with a representative of Oslo police district, 20 January 2015.

³⁷³ Oslo police, email to Amnesty International 29 February 2016.

³⁷⁴ Interview with a representative from ROSA, 28 November 2014.

³⁷⁵ GRETA report on Norway, p. 52, para. 246.

³⁷⁶ KOM report 2015, pp. 71-73.

The so-called non-traditional, creative, preventative and proactive methods do not necessarily lead to the creation of criminal cases under the trafficking section of the Penal Code.”³⁷⁷

Amnesty International is concerned that the claimed success in reducing the commercial sex market, and therefore rates of trafficking – such as those outlined in the government evaluation of the purchasing law, employ an overly simplistic measure of success. It also obscures the human rights impact of punitive police enforcement of sex work, public nuisance and immigration laws on people involved in commercial sex, including victims of trafficking.

³⁷⁷ S.Ø. Jahnsen, “Innestengt eller utestengt?”, p. 240.

7. STIGMA AND DISCRIMINATION AGAINST SEX WORKERS

Selling sex is a highly stigmatized activity in many countries in the world. The act of selling sex has historically been seen as shameful and wrongly associated with personal degradation, sexual deviancy, the spread of sexually transmitted infection and as an indicator of moral and social decay.

This deep-rooted stigma intersects with and compounds harmful stereotypes against women and marginalized groups involved in sex work on the basis of their perceived failure to conform to social and gender-based norms of sexual behaviour. Women who sell sex are frequently subjected to harmful gender stereotypes because they are perceived as transgressing traditional notions of what is acceptable sexual behaviour for women.³⁷⁸ These tropes range from that of the “fallen women/whore” who in failing to control her own sexuality has spoiled her identity³⁷⁹ and poses a risk to “decent” society, to the characterization of the “prostitute” as a damaged woman who cannot be in control of her own mind in selling sex and is lacking any agency or rational consciousness.³⁸⁰ Stigmatization of sex work is also frequently informed by and enmeshed with racist and colonialist notions of the racialized, sexualized “Other” and/or heteronormative prejudices, which characterize indigenous communities, migrants, ethnic or racial minorities and LGBTI people as overtly sexualized and requiring containment, rescue or rehabilitation by the colonial power³⁸¹ white and/or hetero-patriarchal majority.³⁸²

Criminal laws which prohibit sex work serve as both an expression of this stigma, as they are the manifestation of society’s disapproval of certain conduct, and as a driver of ongoing stigmatization and stereotyping as they confirm and compound the perception of people who undertake, or are suspected of doing, sex work as criminal and unwanted.³⁸³

Many of the sex workers, service providers and academics interviewed by Amnesty International spoke of a changing context in Norway in the last decade with regard to stigmatization of sex work, changing public attitudes and media representations of sex workers which they argued was linked to changes in the sex work market and the legal framework. However, opinions about the form this attitude change had taken and its societal value varied.

³⁷⁸ R.E. Fassinger & J.R. Arseneau, ‘Diverse Women’s Sexualities’ in F. Denmark, M.A. Paludi (eds), *Psychology of Women: A Handbook of Issues and Theories*, Westport, Conn, Greenwood Press, 1993 (hereinafter R.E. Fassinger & J.R. Arseneau, ‘Diverse Women’s Sexualities’).

³⁷⁹ E. Goffman, *Stigma: Notes on the Management of Spoiled Identity*, Englewood Cliffs, NJ, Prentice Hall, 1963.

³⁸⁰ R. Weitzer, ‘The mythology of prostitution: Advocacy research and public policy’, *Sexuality Research and Social Policy*, 2010.

³⁸¹ C.A. Mgbako, *To Live Freely in this World: Sex Worker Activism in Africa*, New York University Press, 2016, p. 50.

³⁸² R. Kapur, ‘Faith’ and the ‘good’ liberal: *The construction female sexual subjectivity in anti- trafficking legal discourse. Sexuality and the Law, Feminist Engagements*, Routledge Cavendish, 2007 pp. 223-258; L.M. Augustin, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*, Zed Books, 2007.

³⁸³ R.E. Fassinger & J.R. Arseneau, ‘Diverse Women’s Sexualities’.

7.1 PUBLIC ATTITUDES TOWARDS SEX WORK IN NORWAY

Organizations such as the Ombud for Equality and Anti-discrimination (LDO), the feminist campaign group Kvinnefronten and ROSA, the national support service for survivors of trafficking, told Amnesty International that one of the reasons they supported the ban on purchasing sex was due to its potential for changing public attitudes towards buying sex. Specifically, they expressed support for the stigmatization of buying sex – through criminalization – as a means to change men’s attitudes towards buying sex, reduce demand for paid sex and promote behavioural norms that support gender equality. A representative of the Ombud for Equality and Anti-discrimination cited recent research conducted in Norway on public attitudes as well as findings from Sweden, as evidence of the potential that such laws hold for changing people’s view on the acceptability of buying sex.

At the same time, other service providers such as Pro Sentret, Nadheim and PION, as well as some sex workers interviewed by Amnesty International, expressed concern that attitudes towards people who sell sex have hardened in recent years. They cited media reports, research and the experiences of sex workers as evidence that negative attitudes towards sex workers have become more common. For example, indoor sex worker Ellie described to Amnesty the change she felt had occurred:

“When the government made prostitution illegal, it made people see us as illegal. People started looking at us with different eyes than before.”

Similarly, a researcher for Pro Sentret told Amnesty International:

“A lot of people looked at these women differently after the law. They were the face of something that the government told us was unwanted.”³⁸⁴

7.2 RESEARCH ON PUBLIC ATTITUDES

A number of interviewees referenced a study published in 2011 by Norwegian researchers that used longitudinal data to explore the effect that the introduction of the law against buying sex has had on public attitudes in Norway.³⁸⁵ The authors of the study surveyed members of the public in Norway in autumn 2008 and again in autumn 2009 (after the law had been enacted). They found no statistically significant changes in moral attitudes towards buying or selling sex nationally in Norway. The study also did not find any significant change in support for the criminalization of buying sex nationally. However, people surveyed who lived in Oslo were more likely to support the criminalization of buying sex after the introduction of the law, and did not report having a more negative view of selling sex. The study also found that young people were more likely to change their attitudes towards buying sex and view it more negatively.

At the same time, however, the study also found that there was greater overall support for the criminalization of selling sex at the national level after the passage of the law and that “Norwegians became more likely to think it should be illegal to sell sex than they would have been in the absence of legal change”.³⁸⁶ The authors recognized that this change in attitudes was the “opposite of what was intended³⁸⁷ by legislators”:

“That legal change seems to have affected attitudes toward criminalization of selling sex but not toward criminalization of buying sex [nationally] may come as a surprise since the law focuses only on buying sex. As suggested by social response theory a legal change can lead to attitude changes contrary to the expectations of law makers...”³⁸⁸

³⁸⁴ Interview with Senior Executive Officer at Pro Sentret, 21 Jan 2015.

³⁸⁵ A. Kotsadam, N. Jakobsson, ‘Do laws affect attitudes? An Assessment of the Norwegian prostitution law using longitudinal data’, *International Review of Law and Economics* 31 (2011), pp 103-115 (hereinafter, A. Kotsadam, N. Jakobsson, ‘Do laws affect attitudes?’).

³⁸⁶ A. Kotsadam, N. Jakobsson, ‘Do laws affect attitudes?’, p.108.

³⁸⁷ A. Kotsadam, N. Jakobsson, ‘Do laws affect attitudes?’, p. 108.

³⁸⁸ A. Kotsadam, N. Jakobsson, ‘Do laws affect attitudes?’, p. 108.

Similarly, a Swedish study published in 2010 looked at the impact of the ban on purchasing sex on public attitudes towards the sale and buying of sex in Sweden.³⁸⁹ It compared the findings of four surveys conducted in 1996, 1999 (the year the Swedish ban was introduced), 2002 and 2008. Support among respondents for criminalization of buying sex grew over the course of the surveys between 1996 and 2002 and remained high in 2008.³⁹⁰ However, the same study also found that support for the criminalization of selling sex had increased, particularly among Swedish women. Two-thirds of the women surveyed in Sweden in 2008 supported the criminalization of the sale of sex, compared to 19% of men and 41% of women in 1996, and 64% of men and 78% of women in 1999 (immediately after the law was passed). The study concluded that:

“... it becomes clear that, after the enactment of the legislation, a change in public opinion in the direction of greater support for prohibition, both as regards the sale and purchase of sex, took place.”³⁹¹”

While these studies indicate that laws can be used to affect changes in public attitudes towards buying sex, they also suggest that attitudes towards sex workers have become more punitive as a result of their introduction. Punitive attitudes towards sex workers are an indicator of increased stigma and are a driver of discrimination against sex workers. The extent to which states can selectively stigmatize one side of the sex work transaction without also increasing stigma against the other group involved – namely people who sell sex – is therefore in doubt.

7.3 MEDIA REPRESENTATIONS

A number of studies have explored the media debate on sex work in Norway in recent decades and the influence that different narratives have had on public attitudes and the decision to introduce the ban on buying sex. One study, which analysed the public debate from 1970 until the introduction of the ban on buying sex in 2009, identified how the arrival of Nigerian women selling sex in the mid-2000s brought together the agendas of some feminist and anti-trafficking campaigners, with anti-immigration and public nuisance concerns, to build support for the ban on buying sex:

“Norwegian prostitution markets had become increasingly international, and a large influx of Nigerian women in street prostitution in the largest cities that was perceived to be uncontrollable created an unprecedented public interest in the phenomenon of prostitution.”³⁹²

“As feminist and immigration concerns came together, thus linking discourses on ‘prostitution as violence’ and ‘prostitution as possible trafficking’ and ‘prostitution as public nuisance’... a discourse coalition was established.”³⁹³

The same study also noted that Nigerian migrant sex workers were commonly constructed as ‘the Other’ in the public debate due to their skin colour and the “un-Norwegian” way in which they solicited the sale of sex and were more regularly characterized as problematic for Norwegian society, rather than as “victims society needed to rescue”.³⁹⁴

A more in-depth study which examined 247 media articles printed in leading Norwegian media outlets³⁹⁵ during the period from 2004–2006 identified three recurring narratives in the media representations of Nigerian migrant women involved in sex work. The first narrative focused on the scale of the increase in Nigerian women arriving in the country and the perceived pressure in, and expansion of, the market they were held responsible for creating:

“The media repeatedly describe the phenomenon by using words such as ‘explosions’, ‘invasions’ and ‘floods’ of ‘foreign prostitutes’ or ‘foreign whores’ who are controlled by ‘foreign criminals’ and mafia-like organizations,

³⁸⁹ J. Kuasmanen, ‘Attitudes and perceptions and legislation prohibiting the purchase of sexual services in Sweden’, *European Journal of Social Work*, August 2010 (hereinafter, J. Kuasmanen, ‘Attitudes and perceptions’). See also: C. Edlund, P. Jakobsson ‘En annan horisont’ (2014) Hiv-Sverige/Rose Alliance, Stockholm p. 106, available: <http://www.rosealliance.se/wp-content/uploads/En-annan-horisont.pdf>

³⁹⁰ In 1996, 32% of those surveyed supported the criminalization of buying sex, rising to 76% in 1999 and 2002 and 71% in 2008.

³⁹¹ J. Kuasmanen, ‘Attitudes and perceptions’, p. 8.

³⁹² M-L. Skillbrei, ‘The Development of Norwegian Prostitution Policies: A Marriage of Convenience between Pragmatism and Principles’, *Sexuality Research and Social Policy*, 2012, p. 253 (hereinafter, M-L. Skillbrei, ‘The Development of Norwegian Prostitution Policies’).

³⁹³ M-L. Skillbrei, ‘The Development of Norwegian Prostitution Policies’, p. 254.

³⁹⁴ M-L. Skillbrei, ‘The Development of Norwegian Prostitution Policies’, p. 253.

³⁹⁵ VG, *Dagbladet* and *Aftenposten*.

something which escalated into a 'whore-war'. It has especially been the Nigerian group of women who have received massive media attention..."³⁹⁶

Additionally, the study found that Nigerian women were commonly portrayed as representing a "threat" to public decency. The "threats" to public decency that were described included the potential stigmatization of "innocent" women of African origin as a result of being mistaken for Nigerian sex workers,³⁹⁷ Nigerian women selling sex as "vectors" of sexually transmitted infections and "African diseases",³⁹⁸ and the corruption of naïve Norwegian men by "aggressive" young Nigerian women.³⁹⁹

The third narrative the study identified was that of sexual exploitation as a reason for the arrival of Nigerian women selling sex in Norway:

"In the narrative of sexual exploitation of Nigerian women in prostitution in Norway, we find a prominent theme of asymmetrical relationships: between men and women, and between the 'rich' and the 'poor'. Norwegian news coverage of the Nigerian women in prostitution in Norway is thematized along these lines through headlines such as 'Explosive increase of Nigerian prostitutes in Oslo threatened with voodoo rituals', 'sex or death', 'I am a slave - a sex-slave', 'Forced to prostitute after a witch-pact'."⁴⁰⁰

The study found that the tone of public debate on sex work changed significantly in response to the presence of Nigerian women selling sex on the street, and argued that this had an impact on public attitudes:

"In the public debate, many have argued that the attention on the changes in prostitution has altered how we think and talk about prostitution. Anders Heger (2006) asked when it became tolerable to use the term 'whore' when one talks about women in prostitution. He therefore notes that 'the answer is as depressing as it is obvious and shameful; when they changed colour' ... Nigerian women in prostitution in Norway [are] on one hand, described as helpless victims of cynical profiteers, superstition and deprivation in Nigeria, and at another the women are presented as 'whores' who constitute a threat to the Norwegian 'borders' – territorial, as well as the social and moral lines of tolerance and decency"⁴⁰¹.

Representatives of Pro Sentret, Nadheim, PION and a number of academic researchers raised ongoing concerns about the negative portrayal of women who sell sex, particularly Nigerian migrant women, in the Norwegian media. A number of interviewees cited various media stories that were sensationalistic, employed derogatory language and harmful stereotypes towards sex workers, and portrayed migrant sex workers as a "threat" to Norwegian society. They discussed how the portrayals of Nigerian women in particular in the media had had an influence on the debate around criminalization of selling sex. A representative of the sex workers' rights organization PION told Amnesty International:

"The biggest impact on sex work in Norway was when Berlusconi made street sex work illegal in Italy. Nigerian sex workers came to Norway from Italy almost overnight. This drove the debate in Norway. Also a politician was groped by a Nigerian woman on the street. That was a huge media story. Nigerian women were working outside the red light district, they were hanging around Karl Johan Street and the Parliament. Everyone had an opinion. Then the law came in."⁴⁰²

Similarly, a Senior Executive Officer at Pro Sentret told Amnesty International:

"There was lots of discussion about how 'the streets had become immoral'. Most of the debate was about the very visible Nigerian women. They approached [sex work] differently and they attracted a lot of negative attention. There were politicians talking about how terrible it was for them to be approached by these women. The women were treated like they were garbage that needed to be cleaned away. The media stories were about 'black whores' causing 'immorality in the streets'. That was the main focus even before the law. Of course that will have an impact on how people see these women."⁴⁰³

³⁹⁶ S. Ø. Jahnsen, *Women who cross borders – black magic?* p. 1.

³⁹⁷ S. Ø. Jahnsen, *Women who cross borders – black magic?* p. 56.

³⁹⁸ S. Ø. Jahnsen, *Women who cross borders – black magic?* p. 57.

³⁹⁹ S. Ø. Jahnsen, *Women who cross borders – black magic?* p. 54.

⁴⁰⁰ S. Ø. Jahnsen, *Women who cross borders – black magic?* p. 63.

⁴⁰¹ S. Ø. Jahnsen, *Women who cross borders – black magic?*

⁴⁰² Interview with representative of PION, 21 January 2015.

⁴⁰³ Interview with Senior Executive Officer at Pro Sentret, 21 January 2015.

Following the introduction of the purchasing law, negative media portrayals have continued in Norway. A number of service providers consider that, while there is a level of sympathetic coverage, in some instances they feel that the situation has worsened since the ban on buying sex was introduced.

A representative of PION told Amnesty International:

“Criminalization has made it worse. There is stigma and the media does not have boundaries as to what they do. They don’t have to treat sex workers in a respectful manner. There have been pictures taken of sex workers with clients and they’ve run in the media - they are identifiable. It’s all very sensationalized. It’s more ‘sexy’ as a topic in the media now. They’re exploiting sex workers in their own way in order to sell newspapers.”⁴⁰⁴

7.4 IMPACT OF PUBLIC STIGMA ON PEOPLE WHO SELL SEX

While it is difficult to determine or verify the exact outcomes of this public stigma, there are indicators that negative attitudes towards sex work and sex workers are having a manifestly detrimental impact on the wellbeing of sex workers. According to a number of service providers interviewed by Amnesty International, the public debate that took place before and after the adoption of the ban on the purchase of sexual services has had a significant influence on how the public view people who sell sex. For example a Senior Executive Officer from Pro Sentret described to Amnesty International how:

“A lot of the women told us that every time there was a big debate about the law, [in media or Parliament] there would be people driving in the prostitution areas, shouting, throwing things, calling the women ‘dirty whores’.”⁴⁰⁵

Agencies providing support to sex workers identified “increased harassment and discrimination from the rest of society” as a major trend that they observed during the period between October 2010 and 2011. The study, published by Pro Sentret in 2012, detailed how service providers found that “more women speak of being harassed in public now than they did previously”, noting that they had received reports of women selling sex being subjected to “verbal abuse, objects thrown at the women, and derogatory treatment” with increasing frequency over this period. The survey concluded that:

“This has especially occurred subsequent to negative media coverage of these women. Additionally to the change in how women in prostitution are talked about in the public debate, we also see that the increased judicialization of prostitution has led many to perceive those who sell sexual services as criminals, despite the fact that they are not.”

Pro Sentret also surveyed women who sold sex on their experiences of violence as part of this study and compared their 2012 findings with a survey from 2007/2008. They found that an increased percentage of sex workers report being unwantedly “felt up”, called abusive terms, threatened or forced, pushed, threatened with a weapon, tugged, spat on, choked, bitten, kicked and scratched.⁴⁰⁶ In most cases, the perpetrator was either a random customer (67%), or a passer-by (22%).

Nigerian women reported the highest levels of harassment and violence at the hands of passers-by. Forty per cent of Nigerian women reported experiencing abuse from passers-by, compared with 22% of the overall sample of sex workers. As many as 50% of Nigerian women (compared to 34% in the whole sample) reported being shoved, while, 40% (compared to 19% in the whole sample) said they had been spat on.⁴⁰⁷ Pro Sentret identified the increased visibility of Nigerian sex workers and the fact that “they are often referred to as unwanted, pushy and as a disturbing influence”⁴⁰⁸ as likely influences on the high prevalence of opportunistic violence that Nigerian women experience at the hands of passers-by.

Nigerian sex workers that Amnesty International interviewed frequently spoke of negative experiences they had had with members of the public. The discrimination that women described was often interwoven with racism and anti-migrant sentiment.

⁴⁰⁴ Interview with Astrid Renland, PION, 27 November 2014.

⁴⁰⁵ Interview with Senior Executive Officer at Pro Sentret, 21 Jan 2015

⁴⁰⁶ U. Bjørndahn, *Dangerous Liaisons*, p. 26..

⁴⁰⁷ U. Bjørndahn, *Dangerous Liaisons*, p. 20

⁴⁰⁸ U. Bjørndahn, *Dangerous Liaisons*, p. 15

For example Eunice, Mary and Tina – all Nigerian women who had sold sex– reflected that:

“The police do what the masses want. People in the street say ‘go back to your monkeys’.”

“It’s mostly women [but] sometimes men who insult us. It’s happened lots of times. ‘You prostitute go back to you own country’. ‘Fuck off out of my sight’.”

“When they see you in the street they say ‘fuck off’. They don’t think you are a human being.”

7.5 PROFILING AND EXCLUSIONS BY HOTELS, BARS AND TAXIS

All of the social service providers and many of the sex workers Amnesty interviewed raised the issue of women being profiled by hotel staff or, in some instances, other entertainment venues, and being actively barred from accessing them or removed from the premises. This form of discrimination was most frequently associated with hotels, however, a small number of women interviewed by Amnesty also spoke of being refused entry to venues such as bars⁴⁰⁹ and, in some instances, taxis⁴¹⁰. For example, Wendy told Amnesty International how she often got excluded from bars: “Sometimes when you are cold and want a coffee or a drink or someone wants to buy you a drink you try to go in. But I always get stopped.” Similarly, Esther told Amnesty International: “Taxis won’t take Nigerian women and bars and hotels won’t let us in.”

Social service providers, and some sex workers, attributed these exclusions to a widely held view in the service industry that the “promotion” law creates liability for hotels, bars and taxis if they undertake activity that could be considered to be assisting sex workers in carrying out their work. Celin, a Norwegian sex worker described the situation this interpretation of the law creates: “If a taxi driver drives me to an outcall – then he’s a pimp [under the law]. It’s crazy.”

These cases are difficult to verify and, Amnesty did not find any clear evidence of bar or restaurant staff or taxi drivers being prosecuted or penalized for “promotion” of sex work. Nevertheless, this issue was raised by multiple sources suggesting that there is a level of public perception that the law applies in these circumstances. The lack of a clear definition of what constitutes “promotion” means that, theoretically, any activity that assists a sex worker in undertaking their work could qualify as “promotion”.

What was clearer, however, is the fact that the hotel industry have been instructed by police to ensure that sex work does not occur on their premises on the basis that they could be held liable for “promotion” for knowingly letting premises where sex work occurs. Amnesty International was told of a small number of criminal cases brought against hotels and other accommodation providers.⁴¹¹ Oslo police district confirmed to Amnesty International that they have actively encouraged hotels to exclude sex work from their premises on these grounds.⁴¹² Under Norwegian law, if sex work occurs in a hotel, the parties that could be held liable for criminal activity are the hotel staff or owner (for the crime of “promotion”) and the buyer of sex (under the ban on purchasing sex). However, based on Amnesty International’s findings, it is sex workers who are profiled, in some cases identified, and actively excluded from hotels, despite the fact that they are not committing any crime under Norwegian law.

Given the often discreet and clandestine nature of sex work, hotels – tasked with preventing sex work from occurring in their premises by police – face a challenge in identifying potential sex work. All the social service providers Amnesty International met with identified two methods they believe are being, or have previously been, used by some hotels to identify sex workers. The first is the use of profiling based on assumptions about different racial, ethnic or nationality groups that are associated with sex work in Norway. The second is hotel staff monitoring sex work advertising, sharing information with other hotels about possible sex workers, and potentially holding lists which provide details of women suspected of being sex workers.

⁴⁰⁹ Interview with Dorcas, 28 January 2015.

⁴¹⁰ Based on interviews with: Celin on 2 February 2015; Nadheim Client Council, 20 January 2015; sex worker, 26 January 2015.

⁴¹¹ See Supreme Court – Sentence HR-2004-381-A - Rt-2004-331; “Stenger Skipagurra camping”, *Dagbladet*, 19 December 2000; SSee also: HR-2006-2140-A

⁴¹² Interview with representative of Oslo police district, 20 January 2015.

PROFILING BY HOTELS ON THE BASIS OF GENDER, RACE, ETHNICITY AND NATIONALITY.

A number of migrant women who had sold sex interviewed by Amnesty International described being refused rooms – often, they felt, on the basis of having an Eastern or Central European passport or on the grounds of race or ethnicity. Andrea, a Bulgarian national told Amnesty:

“If you want to get a room to sleep with your boyfriend, when you show a Bulgarian passport, you are told there are no rooms. It has happened to me five or six times since 2013. They ask you lots of questions about who is visiting. They’re not normal questions. If I go into a hotel when I’m not working and they hear my accent then there are no rooms. Or if you try and book on the spot and not online. It’s the same, ‘no rooms’.”

Many of the Nigerian women⁴¹³ who sold sex from the streets that Amnesty interviewed spoke of being refused entry to hotels. For example, Mary and Wendy both shared similar experiences of being singled out by hotel staff when trying to enter hotels. Wendy told Amnesty International:

“I always get thrown out. It’s happened a lot. I’ve never got to stay in a hotel. Sometimes they [the staff] are very rude, saying things like ‘get out of here’.”

Mary and Tina, told Amnesty of their experiences with hotels:

“Most times I didn’t get into a hotel. Some [staff] were rude and just said ‘get out’. Others said ‘sorry you can’t come in’. Some said to Norwegian men [Mary’s clients] ‘she can’t come in’.

“When I was on the street- men would ask me to go to the hotel and the hotel would send me back. Maybe you have a visitor staying in a hotel and you can’t visit them. We’re always stopped and told ‘you can’t come in’. They treat us like we are slaves or goats.”

Mercy spoke about an experience she recently had:

“One hotel security guard shouted at me last week when I went into a hotel. He didn’t say anything to the client. He said: ‘get out of here you prostitute’. He shouted really violently. I couldn’t say a word, I know the police won’t help. He didn’t say anything to the customer. I felt like I wasn’t a human being. The customer said ‘you don’t need to speak to a lady like that’. It happens a lot.”

In March 2015, The Equality and Anti-discrimination Tribunal⁴¹⁴ upheld a complaint against the Radisson Blu Royal Garden hotel in Trondheim, Norway, following an appeal by the hotel owners against a decision by The Equality and Anti-discrimination Ombud⁴¹⁵. The Equality and Anti-discrimination Tribunal found that the hotel had discriminated against a woman on the basis of her gender and ethnicity, when they ejected her from their premises. The woman who was a sex worker had successfully checked into the hotel in March 2013 and paid cash for her stay. The woman told the Tribunal that she had not been doing sex work at the time of the incident and did not have plans to do so. Whilst she was out having something to eat, hotel staff removed her belongings from her room and checked her out, citing the fact that she didn’t have a valid credit card and that it was company policy that guests must have one. The majority decision of The Equality and Anti-discrimination Tribunal found that the company’s policy at the time of the woman’s stay had in fact been to accept both cash and credit card payments. The Tribunal agreed with the woman that the hotel had likely ran checks on her identity due to her ethnicity and gender, and related assumptions that she may be a sex worker. The Tribunal determined that “A Hotel... acted contrary to the Equality Act § 3 ... and Discrimination Act § 4 ... when B was dismissed from the hotel”⁴¹⁶. In its statement following the Tribunal’s decision, The Equality and Anti-discrimination Ombud also referenced two prior cases that they had considered which involved women being ejected from hotels due to suspicion that they may be sex workers⁴¹⁷.

⁴¹³ Interviews with Tina, 29 January 2015, Mercy, 29 January 2015, Dorcas, 28 January, Esther, 28 January 2015, Promise, 22 January 2015; Interview with Nadheim Client Council, 20 January 2015.

⁴¹⁴ See: www.diskrimineringsnemnda.no/wips/1808551378/

⁴¹⁵ See: www.ldo.no/en/nyheiter-og-fag/om-ombudet/arbeidet-var/

⁴¹⁶ The Tribunal’s decision is available at:

www.diskrimineringsnemnda.no/sites/d/diskrimineringsnemnda.no/files/bae77d65c7ede5cfc5cfd69c6b54f74. See also: Radisson-hotell sendte prostituert på dør – felt av Likestillingsombudet, 17 April 2014, TV2, available at: www.tv2.no/a/5507590

⁴¹⁷ The Ombud stated: “There is reason to assume that there is prostitution at Norwegian hotels, and that some involve women who are prostitutes with a different ethnic background than Norwegian. The Ombud has dealt with cases involving the dismissal of women of respectively Z and X background from hotels, because of the assumption that the women made their living through prostitution.” Available at: www.ldo.no/nyheiter-og-fag/klagesaker/2015/13759-radisson-blu-royal-garden-hotel-i-trondheim-diskriminerte-pa-grunn-av-kjonn-og-etnisitet/ (translated from Norwegian to English by Amnesty International).

Mercy, a Nigerian street based sex worker told Amnesty International about a similar experience to that of A's case:

"I went to stay in a hotel for three nights. I only got to stay for one because they threw me out. I had paid with a SpendOn card and booked it online. They said the payment hadn't come through. They were banging on the door saying "you have to get out." The payment had gone through- the hotel kept the money for three nights. I didn't complain or go to the police. I was just so stressed and tired at that point, I just wanted to lay my head down. I wasn't working in the hotel."

Maria, a migrant sex worker who regularly worked from hotels told Amnesty International:

"I was treated very badly by staff at one hotel. They were very rude to me. They asked me for ID then told me my room wasn't ready. I was told 'you need to wait'. I felt things were strange. I put my phone on silent. I could see them talking and using the phone. Ten mins later a man came and was looking at me. He sat in front of me and started to use his phone. My phone started to ring. I knew he was calling me. Eventually I got my room. She said: 'just to let you know you are not allowed to receive visitors.'"

Maria also raised the issue of hotels allowing women to check in and pay before they are ejected without refunds. She told Amnesty: "They force us to pay in advance and then call the police. They get our money and then force us out – rob us basically. They know police won't support us".

All the social service providers that Amnesty International met with raised concerns that hotels were collecting information on women involved in sex work – such as names and phone numbers from online advertisements – which they shared with each other⁴¹⁸. In 2010, Albertine, the Church City Mission's centre for women who sell sex in Stavanger, Norway, made a complaint to the Norwegian Data Protection Authority in which it asserted that hotel staff in Stavanger "have been taught to uncover prostitution by going into the various sites where women advertise. Furthermore, [on check in, hotel staff] take a copy of the passport of women [suspected of being a sex worker] and call the police to check whether the name is on their register".⁴¹⁹ Amnesty International raised this issue with a representative of Oslo police district who denied that the police had any involvement or knowledge of such lists, and underlined that this would likely be in breach of data protection laws.

In April 2013, the technical director of the Norwegian Data Protection Authority commented publicly that the way in which "hotels' work against prostitution is problematic" and that in her view "It is going too far".⁴²⁰ The former director of tourism in Norway stated that hotels are required by law to do what they can to prevent unlawful activity, clarifying that: "The hotels are not allowed to keep records, but they are allowed to notify each other of suspicion."⁴²¹ In April 2013, a manager of a Clarion hotel stated publicly that hotels "monitor sites where there are advertisements for prostitution to prevent this type of activity [in their venues]".⁴²² Norwegian national news outlet NRK also reported that: "Several of the largest hotel chains NRK spoke with, tell of fixed procedures and employee training to prevent prostitutes from booking rooms with them".⁴²³ Amnesty International is unable to verify claims regarding hotels keeping lists. Nevertheless, the actions of hotels are leading to discrimination and harassment against women involved in sex work, and others assumed to be sex workers on the basis of their race, nationality or ethnicity.

⁴¹⁸ "Blir kastet på dør av hotellene", NRK, 27 May 2010, available at: www.nrk.no/rogaland/blir-kastet-pa-dor-av-hotellene-1.7138972

⁴¹⁹ Albertine: "Hoteller svartelister og utestenger prostituerte", available at: www.bymisjon.no/Byer/Stavanger/Nyheter2/Hoteller-svartelister-og-utestenger-prostituerte/; See also: C. Hatleskog, "Må svare Datatilsynet om svartelisting av prostituerte" NRK, available at: www.nrk.no/rogaland/ma-svare-datatilsynet-1.7266304

⁴²⁰ A.A Neilsen and E.B Kristofferssen "Datatilsynet: – Hotellene går for langt i arbeidet mot sexkjøp", NRK, 4 April 2013, available at: www.nrk.no/norge/_-hotellene-gar-for-langt-1.10973472

⁴²¹ "Hotellene er pålagt å stanse sexkjøp", available at: www.nrk.no/norge/_-hotel-er-palagt-a-stanse-sexkjop-1.10973001

⁴²² Quoted in: "Hoteller samarbeider for å stoppe sexsalg", NRK, 4 April 2013, www.nrk.no/norge/hoteller-sammen-mot-prostitusjon-1.10972241

⁴²³ Quoted in: "Hoteller samarbeider for å stoppe sexsalg", NRK, 4 April 2013, www.nrk.no/norge/hoteller-sammen-mot-prostitusjon-1.10972241

7.6 HARMFUL STEREOTYPES AND HUMAN RIGHTS

The UN Human Rights Committee, which monitors state compliance with the International Covenant on Civil and Political Rights, has long acknowledged the critical role that culture has had on women's full enjoyment of their rights under the Covenant. In its General Comment No 28, the Human Rights Committee elaborated:

“Inequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes... States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's... equal enjoyment of all Covenant rights.”⁴²⁴

Article 5 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) calls upon states to confront harmful⁴²⁵ stereotyping by requiring state parties to:

“To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;”

Article 5 covers both gender stereotypes that are based on a view of women as being inferior to men and sex-role stereotypes.⁴²⁶ Additionally, Article 2(f) reinforces Article 5 by requiring state parties to take “all appropriate measures” to “modify or abolish... laws, regulations, customs and practices which constitute discriminat[ion] against women”.⁴²⁷

Criminalizing sex work reinforces the notion that sex work is deviant, and stigmatizes the women who engage in it. These stereotypes preserve the social circumstances and norms that allow sex workers' human rights to be violated. The existence of such stereotypes has led to a situation where laws, policies and practices punish sex workers for engaging in non-normative sex and gender expression, and have institutionalized violence against all persons engaging in sex work, regardless of their sex, gender identity and/or sexual orientation. Laws that punish non-normative sex between consenting adults infringe government obligations to combat sex and gender stereotyping. This is the case also of laws criminalizing the purchase of sex, because these laws also maintain or create new stereotypes regarding the sellers of sex services.

The CEDAW Committee has affirmed through its analysis of intersectional discrimination in General Recommendation 28 that:

“the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them”.⁴²⁸

⁴²⁴ Human Rights Committee, General Comment No 28: Equality of rights between men and women (Article 3), 2000, UN Doc. CCPR/C/21/Rev.1/Add.10, para. 5.

⁴²⁵ *VVP v Bulgaria*, UN Doc. CEDAW/C/53/D/31/2011 (24 November 2012), para. 9.6.

⁴²⁶ CEDAW, Article 5. See also OHCHR, Gender stereotyping as a human rights violation, 2013, p. 23.

⁴²⁷ OHCHR, Gender stereotyping as a human rights violation, 2014, p. 24.

⁴²⁸ See CEDAW, General Recommendation 28, UN Doc. CEDAW/C/2010/47/GC.2, 2010, paras. 18 and 26. See also CEDAW, General Recommendation 26 (women migrant workers), UN Doc. CEDAW/C/2009/WP.1/R, 2008, para. 14.

8. RECOMMENDATIONS

The issues described in this report demonstrate that Norway is not implementing its international obligations to respect, protect and fulfil the rights of people who sell sex. Amnesty International spoke with sex workers who had experienced violations of the right to housing, the right to security of person, the right to equal protection of the law, the right to health, the right to non-discrimination and the right to privacy.

Rather than prioritizing the realization of the human rights of people who sell sex as the central aim of policy making in this area, the Norwegian government has instead adopted a criminalization approach. At its essence this approach supports reduction/eradication of the commercial sex market over all other aims and as such, the impact on the human rights of people who sell sex is often overlooked or seen as less important than the aim of reduction/eradication.

Amnesty International is therefore calling on the Norwegian authorities to change its approach and instead place the protection of the human rights of all people who sell sex at the centre of its responses to commercial sex.

To the Norwegian Government and Storting (Parliament)

1. Respect and protect the human rights of all people who sell sex in Norway.
2. Undertake a programme of legal reform that decriminalizes adult consensual sex work, and ensures legal protections from exploitation for people who sell sex that comply with human rights standards.

As a minimum, legal reform should:

- replace section 315 of the Norwegian penal code which makes the ‘promotion’ of sex work illegal, with legislation that criminalizes clearly defined acts of exploitation against sex workers such as compelling a person to sell sex through the abuse of authority.⁴²⁹ This legislation must not conflate all sex work with exploitation or act as a de facto prohibition on activities involved in consensual adult sex work;
- repeal section 316 of the Norwegian penal code which makes buying sex a crime
- retain legislation that prohibits the involvement of children (under the age of 18) in commercial sex;
- retain legislation which criminalizes human trafficking.

To the Ministry of Justice and Public Security

On sex work

3. In line with previous commitments,⁴³⁰ develop and issue a White Paper (Stortingsmelding) which explores and makes recommendations on the establishment of a legislative, policy and regulatory framework that realizes the human rights of people who sell sex in Norway. The White Paper should examine international human rights standards and evidence on the realization of sex worker’s human

⁴²⁹ See for example, New Zealand Prostitution Reform Act 2003, Sections 16 and 17 on “Inducing or compelling persons to provide commercial sexual services or earnings from prostitution” and “Refusal to provide commercial sexual services”, available at www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html

⁴³⁰ See commitment to undertake a White Paper on prostitution made on 11 August 2014, available at www.regjeringen.no/no/aktuelt/Sexkjopsloven-er-evaluert/id765653/ [Last accessed May 2016]

- rights.
4. Facilitate and provide sufficient funding for a multidisciplinary and long-term research project that provides research-based knowledge about the living conditions and human rights of sex workers in Norway in general and the consequences of criminalization of sex work.
 5. Develop and implement a national plan of action on sex work which places the realization of the human rights of people who sell sex at the centre of all responses to sex work. Such an approach must recognize the inalienable human rights of people who sell sex and ensure that any legislative, policy or other measures developed to respond to sex work do not adversely affect the human rights and dignity of all people who sell sex. The strategy should also:
 - ensure the participation of sex workers in the development of laws and policies that directly affect their lives and safety;
 - provide stable and sufficient funding to service providing agencies that work with people who sell sex;
 - guarantee effective frameworks and services that allow people to leave sex work if and when they choose;
 - outline measures to address stigma and discrimination experienced by people who sell sex in Norway.

On human trafficking

6. Ensure that the forthcoming national plan of action against human trafficking places the realization of human rights at the centre of all efforts to combat trafficking and prioritizes prevention, protection of victims and prosecution of perpetrators in line with Norway's international obligations.⁴³¹ The forthcoming national plan of action should confirm the distinction between consensual adult sex work and human trafficking for the purposes of sexual exploitation and, in line with the recommendations of the Office of the High Commissioner on Human Rights,⁴³² ensure that anti-trafficking measures do not adversely affect the human rights and dignity of any person, in particular those who have been trafficked for the purposes of sexual exploitation, people who sell sex, migrants, refugees and asylum-seekers.
7. Provide sustained funding for police which enables sufficient investigation of reported cases of human trafficking and prosecution through a fair trial where there is sufficient admissible evidence, in line with international law.

On immigration

8. Revise immigration policy to ensure that laws and policies on the deportation of migrants are not being applied in a discriminatory way; act as a deterrent for the reporting of crimes by migrants, refugees or asylum seekers or undermine efforts to prevent human trafficking, identify or protect victims or prosecute perpetrators.
9. Ensure that expulsion from Norway on the sole grounds of irregular migration status is applied in strict compliance with domestic law and only after a thorough individual assessment of each person's situation including their risk of serious human rights violations upon return.
10. Ensure that all complaints of violence against people who sell sex, including sexual and gender-based violence, are taken seriously by the authorities, and are promptly and independently investigated without discrimination, including complaints of violence against migrants who sell sex, and perpetrators brought to justice in line with Norway's international obligations.

On police profiling

11. Establish the systematic recording, through the use of specific and applicable stop forms, of any stops undertaken by police in Norway; ensure the monitoring of those forms; and address any indication of racial profiling by the police during those stops. These stop forms should as a minimum be used to record the gender and ethnicity of the person subjected to the identity check and the grounds for the stop; such data should be collected with due respect to the principles of confidentiality, informed consent and voluntary self-identification, in accordance with the explanatory memorandum of the European Commission against Racism and Intolerance's General Policy Recommendation No 11. The person stopped should receive a receipt or copy of the form.

⁴³¹ See UN Trafficking Protocol and ECATHB

⁴³² OHCHR, Recommended Principles and Guidelines, 2002

12. Publish comprehensive and coherent data on stop and search activities by Norwegian police agencies, in line with recommendations made by the European Commission on Racism and Intolerance. This data should as a minimum be disaggregated by criteria including ethnic origin, gender and reason for the stop.

To the Norwegian Police Directorate

On sex work

13. Refrain from the use of “stress method” policing practices against people who sell sex including the targeted enforcement of sex work, public nuisance, and/or immigration laws against sex workers as a means to put pressure on the sex work market.
14. Take necessary measures to ensure that condoms are not used as evidence of sex work or that condoms are confiscated from sex workers. Information about the importance of condom provision to key populations and its role in the realization of the human right to health⁴³³ should be integrated into HIV awareness training and human rights education for police personnel.
15. Develop and embed policies, in consultation with people who sell sex and relevant support agencies that build trust between police agencies and sex workers and facilitate reporting by sex workers of violence and crime against them. These should include:
 - codes of engagement with sex workers which all police personnel are trained in and required to follow;
 - an effective system for anonymous reporting to police of violence and other crimes against sex workers. Such a system should allow sex workers to anonymously pass on information to police about violent or other criminal incidents through dedicated intermediaries without having to provide identifying information;⁴³⁴
 - a standard operating procedure for responding to reports of violence or crimes against sex workers.

⁴³³ World Health Organization et al, Implementing Comprehensive HIV/STI Prevention Programmes with Sex Workers: Practical from Collaborative Interventions, available at: www.who.int/hiv/pub/sti/sex_worker_implementation/en/

⁴³⁴ See for example the anonymous reporting scheme for sex workers implemented in the UK, “Ugly Mugs” evaluation report available at www.uknswp.org/wp-content/uploads/NUM%20Evaluation%20FIN%20090813.pdf

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THE HUMAN COST OF 'CRUSHING' THE MARKET

CRIMINALIZATION OF SEX WORK IN NORWAY

In 2009, Norway became the third country in the Nordic region to criminalize the purchase of sex. While the direct selling of sex is not illegal, the penal code also outlaws “promotion” of sex work. This includes a wide range of activities associated with organizing sex work, such as renting secure premises or working with others for safety.

Adopting a “preventative policing” approach, the police have sought to “crush” the commercial sex market by enforcing lower level offences to disrupt those operating within it. They have facilitated the systematic and rapid eviction of many sex workers from their workplace and/or homes. Sex workers report having to take greater risks to protect clients from police detection, such as visiting clients’ homes, or having less time and opportunity to assess the risks of taking on potentially abusive customers. Since reporting abuses and acts of violence makes sex workers vulnerable to possible eviction and, for some, deportation, such acts are often left unreported. Sex work remains highly stigmatized in Norway, contributing to sex workers being discriminated against, marginalized and often exploited.

This report provides recommendations for the current legislation to be amended and measures to be adopted towards protecting the human rights of all sex workers in Norway.

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