

Submission to the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls from Sex og Politikk (IPPF Norway)

Sex og Politikk is a non-profit and non-partisan membership organization that works with sexual and reproductive health and rights (SRHR) in Norway and internationally. Sex og Politikk is the Norwegian member association of International Planned Parenthood Federation (IPPF).

Sex og Politikk bases this input on its [policy paper on sex work](#). This policy paper was created in dialogue with key Norwegian actors, including The Prostitutes' Interest Organisation in Norway (PION).

2. Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.

Pro-senteret is the municipality of Oslo's help service for people with experience of selling or exchanging sex, and Norway's national center of competence on the prostitution field. In 2023, the center published a [mapping of those who sell sex in Norway](#) based on the people using their services in 2022. 25% of the users were registered as Norwegian, followed by people with ties to Spain (16.6%), Romania (8.2%), Ukraine (5.9%) and Thailand (4.4%). The report notes that the registration system does not take into account the user's country of origin, but rather their primary affiliation at the time they were asked. A clear majority of the users were women, amounting to 80%, while 12,2 % were male. Pro-senteret has no specific registration for trans women or men, but 6,5% of the users identified as non-binary. 47% of the users were in the age group 26 – 40 years, while 30,5 % were in the age group 41 – 55 years. The fewest were users under 25 (9%) and over 56 (9%).

3. Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.

In Norway, the purchase of sexual services from adults is currently prohibited under § 316 of the Criminal Code. This legislative model, which criminalizes the buyer but not the seller, is commonly referred to as the Nordic model.

The provisions of the Criminal Code regulating sexual offences is currently being reviewed, and in January 2023, the Criminal Code Council delivered their report to the Government, [NOU 2022:21](#). The Council recommends that § 316 be repealed, and that the purchase of sexual services is decriminalized. The proposal is mainly based on the right to sexual self-determination and the harm principle.

4. What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?
and 5. Who is responsible for the perpetration of violence against women and girls in prostitution?

High levels of violence against people selling sex are well documented in Norway. In 2012, Pro-senteret published the report [Dangerous Liaisons](#), mapping the violence against women involved in prostitution in Oslo. According to the report, 59 % of the surveyed sex-workers had experienced

violence in prostitution within three years prior.¹ The same report states that though it cannot conclude on whether the criminalization of buying sex has affected the amount of violence against women and girls selling sex, it states with certainty that “it is not fewer women in prostitution who answer that they have been subjected to violence after the introduction of the Criminal Code ban [...]”.² In the [evaluation of the Norwegian legal provision from 2014](#), it emerged that sex workers themselves feel that they are more exposed to violence and abuse as a result of the criminalization of buying sex.

In Amnesty International’s 2016 report [The human cost of 'crushing' the market: Criminalization of sex work in Norway](#), sex workers 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.”³

In addition to the violence perpetrated by clients and by-passers, the criminalization of buying sex also leads to breaches and lack of protection of the human rights of sex workers. The abovementioned report from Amnesty International documents violations of the right to residence, the right to security, the right to equal treatment before the law, the right to health, the right to non-discrimination and the right to privacy of sex workers in Norway.

6. Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.

Both UN organizations and key international human rights organizations have advocated the full decriminalization of all aspects of sex work ([UNAids](#), [WHO](#), [Amnesty International](#), [Human Rights Watch](#) and [International Commission of Jurists](#)).

Recently, the UNs Working Group on VAWG published the [Guidance document of the Working Group on discrimination against women and girls -Eliminating discrimination against sex workers and securing their human rights](#). Here, the working group recommends full decriminalization of all aspects of sex work as a key measure to prevent violence and discrimination against sex workers:

The Working Group considers that there is now sufficient evidence of the harms of any form of criminalization of sex work, including the criminalization of clients and activities by third parties. It notes the growing consensus by international human rights and other bodies on the full decriminalization of adult voluntary sex work, as well as the advocacy of sex workers’ rights movements for such an approach. While not finding it necessary to define sex work and noting the different experiences of diverse women and persons, the Working Group proposes the full decriminalization of adult voluntary sex work from a human rights perspective, as it holds the greatest promise to address systemic discrimination and violence and impunity for violations of sex workers’ rights. It also constitutes the approach best suited to enhancing sex workers’ rights to health and other socioeconomic rights, freedom from torture, inhuman or degrading treatment, right to private life and freedom from

¹ U. Bjørndahl, *Dangerous Liaisons* (2012) pg. 53

² U. Bjørndahl, *Dangerous Liaisons* (2012) pg. 54, translated by Sex og Politikk 2024

³ Amnesty International, *The human cost of 'crushing' the market: Criminalization of sex work in Norway*, mai 2016, <https://www.amnesty.org/en/documents/eur36/4034/2016/en/> [30.01.24], pg. 53

discrimination. Further, a decriminalized framework is the most conducive to the protection of the right of sex workers to participate in public and political life. (pg. 10)

The working group also highlights the wrongful conclusion often drawn between the decriminalization of sex work and that this will prevent states from fulfilling their obligations to prevent sexual exploitation, human trafficking and coercion:

Decriminalization would not jeopardize the protective functions of the State in relation to combating exploitation, as other criminal law provisions, including antitrafficking laws, would be used in cases of violence, compulsion or exploitation. However, anti-trafficking measures should not be implemented in a way that infringes sex workers' rights, as recognized by the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (pg. 10-11)

8. How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?

Sex og Politikk considers that in sex work, the requirement for consent applies on two levels: in the choice to work with the sale of sexual services, and in the requirement that customers respect the individual sex worker's boundaries. If the first level of consent does not exist or is withdrawn, it is not sex work, but coercion, deprivation of liberty or human rights abuse. If the second level of consent does not exist or is withdrawn, it is sexual abuse or violence. Any form of buying and selling sex where children are involved is considered abuse, regardless of consent.

There are various reasons as to why the individual enters sex work. People who experience various forms of discrimination and marginalization are often overrepresented in sex work. Sex og Politikk believes it is very important to combat poverty, structural inequality, discrimination and other factors that can contribute to people entering sex work because they have no other options.

Nonetheless, anyone who makes a choice with limited possibilities must still be recognized as a rationally acting human being. The fact that one has few choices due to marginalization and discrimination cannot be an argument for disempowerment and deprivation of the right to bodily and sexual self-determination. Such disempowerment will often lead to further marginalization, as is well documented in the case of sex work. Measures meant to counteract the lack of options for some sex workers must always be in line with their human rights. It is important to strengthen exit initiatives to ensure that people who want to leave sex work or diversify their income sources can do so.

9. How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution? and 13. What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls?

A commonly used argument in favor of criminalizing the buyer is that it helps uncover and aids the prosecution of cases of exploitation and human trafficking. This was highlighted by the Norwegian police during the [2014 evaluation of the law](#). Still, the Criminal Law Council's review of the provisions of the Criminal Code on sexual offenses, [NOU 2022:21](#), states that since the introduction of § 316, less human trafficking for prostitution purposes has been uncovered and prosecuted.

The Prostitutes' Interest Organisation in Norway (PION) has been clear in their critique of the current legislation related to sex work. Sex og Politikk highlights the importance of listening to the lived experiences of sex workers when evaluating and regulating the field.

**12. What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?
and 14. Are frontline organizations and survivors' organisations sufficiently included in policymaking at the national and international level?**

Sex og Politikk would like to highlight the need to also assess the obstacles faced by organizations of sex workers and of individuals actively engaging in sex work. By addressing only victims and survivors of prostitution, the diversity of sex workers and their sexual self-determination may be excluded.

Sex workers have been systematically discriminated and excluded from discussions on their rights. The principles of sex workers' meaningful involvement and assessment tools to gauge progress have already been developed by sex worker-led organizations, and these must be implemented.⁴

15. What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?

Sex og Politikk recommends the following to ensure that the human rights of all sex workers are fulfilled, and to prevent violence against all women and girls:

- To strengthen comprehensive sexuality education (CSE) and information work, and implement measures to strengthen bodily autonomy and sexual self-determination, and prevent harmful attitudes, harmful stereotypes and power structures in society.
- That sex workers should have the opportunity to organize freely without being subjected to discrimination. Sex workers and sex workers' unions and interest organizations must be involved and listened to in important decision-making processes that concern them.
- That all people who perform sex work must do so of their own free will, under safe conditions, with the option to continue or stop sex work when and if they wish.
- That all forms of exploitation, abuse and human trafficking are prevented and prosecuted.
- That measures are taken to combat discrimination, inequality and other factors that can lead to individuals being forced into sex work against their will.

⁴ 'Meaningful Involvement of Sex Workers' (Global Network of Sex Work Projects 2018) Briefing Note <<https://nswp.org/resource/nswp-briefing-notes/meaningful-involvement-sex-workers>>.

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- That human rights are at the center of all countries' work with sex work. Measures to counteract the harmful aspects of selling sex must always be in line with the individual's human rights. This includes the decriminalization of all aspects of sex work.