

Evaluation of Norwegian legislation criminalising the buying of sexual services (summary).

Background

Norway criminalized buying sex in 2009. The main rationale for implementing the law (from 1st Of January 2009) against commercial sex was to prevent and reduce human trafficking in Norway. By making it illegal to buy sex the Norwegian Government also wanted to 1) change attitudes in the population, 2) reduce the size of the Norwegian sex market by constraining supply and demand and 3) to prevent entry into prostitution and hence to reduce possible sexual exploitation of men and women in prostitution. The law also seeks to protect people in prostitution and to help people with the transit out of sex work. 5 years after adopting the law, the Norwegian Government wanted to evaluate its effects. The ban on purchasing sexual services is much debated in Norway and law making on this issue is complicated due to moral and ethical questions. For instance, there are worries that the law has resulted in negative side effects for people in prostitution. Hence, it is important to evaluate the effects of the law. This report is an evaluation of the law and was commissioned by the Norwegian Ministry of Justice and Public Security In the autumn of 2013. This report is the result of evaluation work conducted in the period between January 2014 and June 2014.

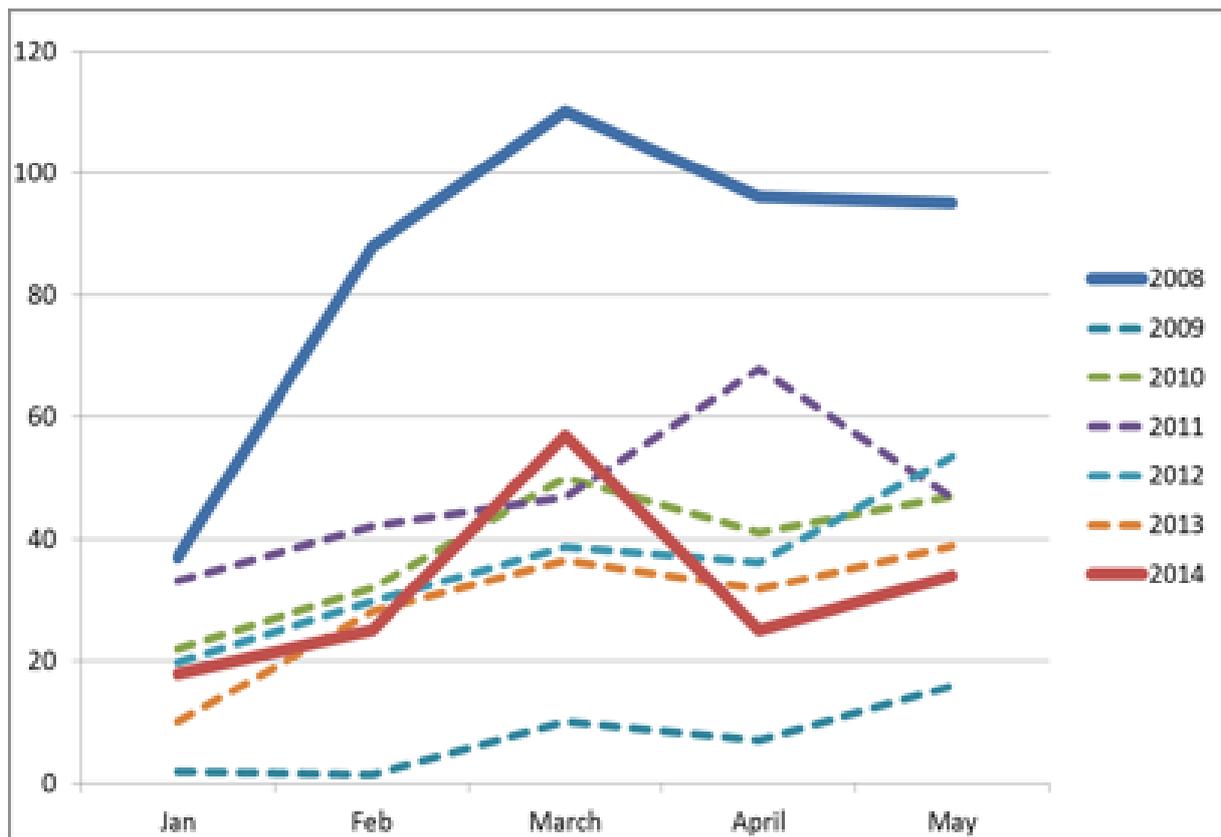
Main Findings

The ban on purchasing sexual services has reduced demand for sex and thus contribute to reduce the extent of prostitution in Norway. The enforcement of the law, in combination with the laws against trafficking and pimping, makes Norway a less attractive country for prostitution based trafficking than what would have been the case if the law had not been adopted. Furthermore, the economic conditions for prostitution in Norway are reduced following the implementation of the law. These effects are in line with the intentions of the law and are thus not considered as unintended side effects. This report does not find any evidence of more violence against prostitutes after the ban on buying sex entered into force.

The law has reduced the market for prostitution in Norway

There are no national estimates of the size of the prostitution market after 2010. There is also large uncertainty with regard to previous market estimates and other estimates of the market today, especially with regard to indoors prostitution where one person may have more than one unique advertisement online. Despite these data limitations, there is a clear declining trend in the market after the law was implemented. The market was at its lowest immediately after the introduction of the law and has later stabilized at a lower level than before 2009. The most profound changes are found in the Oslo street prostitution market. Here, systematic field observations show that the size of the market today has stabilized at a level of 40-65 Percent of the market before the law (see Figure A)).

Figure A: The Number of street prostitutes in Oslo 2008---2014 (source: Pro Sentret)



One possible source of error in this data material is the timing of observations (i.e. when during the day/night the observations have been made and whether this timing varies over the years in the time frame). However, the market shows the same tendencies also when this bias is controlled for. The street markets in Bergen (Norway's second largest city) and Stavanger show similar trends as Oslo after the introduction of the ban on purchasing sexual services. When the police have strategically targeted the market, we see a clear fall in the number of people in prostitution. Estimates of the size of the indoors market are considerably more uncertain. This is due to the increasing rotation of the market. The prostitutes frequently travel across cities and countries and only stay at one place for a short term. Furthermore, it is normal to have several advertisements connected to the same telephone number (in sense of a call centre), to have more than one telephone number and to have more than one advertisement at the same website. This makes it difficult to provide a correct estimate of the size of the market. Still, according to informants in this branch of the 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 the demand is lower nowadays. Men and women in prostitution need to work harder now in order to secure 2008 income levels. Our analysis of the indoors market is that it has stabilized at a somewhat lower level than before the introduction of the law. Our best estimate – with a high degree of uncertainty – is a market reduction of 10-20 percent compared to the situation before the law. However, since the indoors market is less reduced than the outdoors market following the law, we conclude that the share of indoors prostitution of the total prostitution market has decreased.

Without the law: What would have been the market situation?

In 2008, the global financial crisis began. This crisis led to negative consequences for the labour markets in a number of countries. Norway, on the other side, was not particularly affected due to good economic policies and healthy state finances. The large increase in the number of prostitutes in Norway in 2008 thus has to be seen in light of the financial crisis which reduced the demand for sexual services and probably also increased the supply of prostitution (due to more unemployment) in other countries. Demand for sexual services and revenues obtained from selling these services are vital for the supply of prostitution in Norway. As long as the possible profit from prostitution is larger in Norway than in other countries, one has to expect market growth. The developments in the rest of Europe with reduced revenues in the prostitution market would thus most likely have led to a larger share of prostitutes in Norway if the law had not been implemented. Without the law, the Norwegian police would also have lost an important tool for reducing human trafficking. For instance, the police use information from fetched sex buyers to enforce the laws on trafficking and pimping and pandering. The actors benefitting from the prostitution of others would thus have faced a smaller risk of being caught if the law had not been adopted. We estimate – again with a high degree of uncertainty – that the market today would have been around 15 percent larger than the market in 2008 and around 45 percent larger than the actual market today.

A Need for targeting policies

The prostitution market in Norway is, like the rest of Europe, characterized by an increasing share of immigrants from middle-income countries and poor countries. Most of these immigrants are women with few other real options than to entry into prostitution. Human trafficking is a part of this rotating market. The entry into prostitution is based on economic motives. Still, the prices are lower than before. Norway has a number of good social policies and charities targeting trafficking victims and prostitutes. However, there is a need for providing more options for people that wants to get out of prostitution. Language classes, work training and work options are considered to have clear positive effects and there is a need for more of such initiatives.

The Effects of the law are in line with its mandate

We find that the effects of the law, in general, are in line with its original intentions. In sum, the effects are as follows:

Effect on attitudes

Kotsadam and Jakobsson (2011) find that young men in Norway have changed their attitudes towards buying sex more than older men. Furthermore, people in Oslo are more negative towards buying sex than other people in Norway. This can be due to more visible prostitution in Oslo than in other parts of Norway. Our interviews with police in the largest cities also indicate that the law has had a normative effect on people's behaviour. It is somewhat early to conclude on this matter as it takes time to internalize a norm. Still, our findings indicate that the law has had an effect on attitudes. This is also the conclusion in evaluations of a similar law implemented in Sweden in 1999.

Reduced demand

As previously outlined in this summary, the ban on purchasing sexual services has led to reduced demand for such services. 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. The financial crisis has also resulted in lower absolute prices on sexual services within the EU. Increased competition and increased supply in the European prostitution market can better explain the price reductions than the law in isolation. Even so, the law has contributed to reduce the demand for sexual services in Norway.

Market Reduction

The ban on purchasing sex in combination with the ban on pimping and pandering have made it harder to sell sexual services in Norway, especially if such activities are conducted in hotels and apartment collectives. The possible costs for the actors benefitting from other's prostitution have thus increased and their profit has been reduced. Taken together this has affected the supply side of the market and contributed to less prostitution in comparison to a situation without a law.

Less attractive for human traffickers

A reduced market and increased law enforcement posit larger risks for human traffickers. The profit from human trafficking is also reduced due to these factors. The law has thus affected important pull factors and reduced the extent of human trafficking in Norway in comparison to a situation without a law.

The working conditions of men and women in prostitution

The law that criminalises 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. Still, 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. The threshold for reporting a violent customer to the police also seems to be higher after the law. People in prostitution are afraid that such actions will come back to halt them at later stages. Even so, 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.