

Vanja Kristine Hellevik

**Positions on Social versus Legal Measures as the Proper
and Most Effective Tools in Dealing with Prostitution:**

A Comparative Study of Norway and Sweden

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Supervisor: Frank Meyer

Faculty of Social Science
Oslo University College

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Summary

The purpose of this qualitative study was to explore, and as a result, to better understand the positions of two central prostitution organisations, Pro Sentret in Norway, and Prostitutionsenheten (Prostitution Centre) in Sweden, using the method of comparative analysis. I used the following research questions: *How do the legal and promotional prevention measures on prostitution in Norway and Sweden differ and what characterizes them? What is the position of central institutions on the debate on prostitution, Pro Sentret in Oslo and Prostitutionsenheten in Stockholm, on the visibility of human trafficking and the legal approach used in Sweden?* I wondered, could there be a link between the positions these organisations have on prostitution, and the measures they develop to address the problem? For 25 years Pro Sentret has lobbied hard so that laws should remain unchanged, and to prevent new laws to end prostitution. They argue that they should not come at the cost of the personal freedoms of the women, and there is no proof they work, therefore only social measures should be used. In Sweden, they use both social and legal measures in combination to eliminate prostitution, as that is their primary goal. Prostitution is just another form of male violence and domination, where women are the victims who must be helped and protected, even at the expense of their individual rights and civil liberties.

In the discussion both countries argue that they use measures that best protect women's rights with the goal being equality. It is the difference in interpretation of the concept of equality that is at the heart of this longstanding ideological disagreement. There is a need for an evaluation style study to be conducted that looks more closely at the findings from this research, to determine which approach best meets the needs of women in prostitution.

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1. Introduction – prostitution, a social problem

According to Pro Sentret, the nationally recognized competence centre for prostitution in Norway, there have been dramatic changes during the last decade. In 2003, 644 of the 1,336 who used services provided by the Centre were foreign, that is 48 % of the users. In 2008 this had exploded to 79 %, or approximately 2/3 from foreign countries and 1/3 Norwegian. There has been an increase every year with the total number of women in prostitution in Norway reaching 3,246 in 2008 (Pro Sentret Annual Report, 2008: 6). Until recently prostitution has been largely ignored, maybe seen as something inevitable or unavoidable. It was clear that this had become a growing social problem that could no longer be swept under the rug. In this chapter I provide the background for selecting this topic, the aim of the research questions, and the rationale behind using comparative analysis as the most effective method of illustrating the positions and methods for dealing with prostitution in Norway and Sweden. Finally, I describe this study's key terms.

1.1 Background – grounds for choice of research topic

When I began my research in 2007, there were more than 1,000 'registered' female prostitutes in Oslo alone (Pro Sentret Annual Report 2006). At the time of the most recently published data, from 2008, the figures reflect a dramatic rise. There are now nearly 1600! (Pro Sentret Annual Report, 2008: 6). There are also many more working underground, inside establishments and in private neighbourhoods. Prostitution is also heavily linked to sex trafficking (JD handlingsplan mot menneskehandel 2006-2009), and 58% are newcomers to prostitution, and from outside the national borders of Norway. Its cause is heavily linked to family problems and abuse, drug addiction, homelessness, physical (disease and violence) and mental health issues, lack of education and employment, all of which affect and impact the individual and society (Pro Sentret Annual Report, 2008). These women are stigmatized and socially excluded from active participation in society, a clear violation of human rights. These compelling issues, on an individual and societal level, helped peak my interest in pursuing this research topic.

It was during the research process that I came to discover that the neighbouring countries of Norway and Sweden did not necessarily share positions on prostitution. They did share weak and underused laws. They both experienced a dramatic shift in positions on prostitution leading to very different methods to prevent it, with both sides claiming the overall goal of "equality for women". In Norway the shift came in 1990, with the strengthening of the position of a central institution on prostitution, Pro Sentret. It became the primary voice for

women in prostitution, becoming the most recognized organisation working with prostitution in Norway. Its influence is far reaching, and its views are similar to many noted researchers. The shared starting point is that women should be treated equally with men, and their individual rights and ability to make decisions over their own bodies should be protected at all costs. It is society that should change its social norms to be more accepting of different employment and lifestyle choices, even accepting prostitution if it is the women's choice.

In Sweden the shift came in 1997/98, with a significant push from those in the feminist movement, and a Proposition on Women's Safety [(Kvinnofridspropositionen 1997/98:55), in Ekberg, 2004], and legislation on Gross Violation of a Woman's Integrity (Kvinnofridslagstiftningen). The Swedish government and the Parliament defined prostitution as a form of male violence against women and children (Swedish Ministry of Industry, Employment and Communications, 2004). This movement led to the Prostitution Law, *Prohibiting the Purchase of Sexual Services Act* (1998:408), making it illegal to purchase sexual services, as well as other laws to protect women, with the intention of changing societal norms and perceptions on prostitution, and forcing gender equality.

1.2 The Aim and Research Questions

The topic of this study aims to explore positions on social versus legal measures as the proper and most effective tools in dealing with prostitution. I used the following research questions:

How do the legal and promotional prevention measures on prostitution in Norway and Sweden differ and what characterizes them?

What is the position of central institutions on the debate on prostitution, Pro Sentret in Oslo and Prostitutionsenheten in Stockholm, on the visibility of human trafficking and the legal approach used in Sweden?

1.3 Rationale for Comparative Study

The purpose of this study is primarily to understand how Pro Sentret, as the voice of Norway on prostitution for the better part of 25 years, developed its position on prostitution and its insistence on only using social measures to deal with it even when this has resulted in an increase in prostitution activity. It is my intention to use Sweden's position and policies in this study primarily to crystallize the position of Pro Sentret. I selected two neighbouring countries for this comparative study as both have primarily homogeneous populations and cultures, and yet have developed contrasting views on prostitution and prevention strategies.

Through my research, interviews and completed questionnaires I came to discover that two similar countries not only have different positions on prostitution, but utilize different tools to address the problem. There is also agreement that prostitution is a societal problem.

In order to answer the research questions I will explore positions in debates going on today in Norway and Sweden. I begin with the methodological issues in chapter two. The literature overview is presented in chapter three, where findings are described from the primary data from interviews with Pro Sentret and a questionnaire by Prostitutionsenheten in Stockholm, and an interpretation of facts from relevant secondary sources. The positions are presented and discussed in chapters four through seven, where interpretation of prostitution and equality, and the use of laws as method will be in focus. Both countries share the desire to assist women in prostitution and provide them with services, but this is where the similarities end. In the analysis chapters I will use John Stuart Mill's *Classic Liberation Democracy Theory* and Jon Elster's *Rational Choice Theory* in the discussion on Pro Sentret's liberal-based policies that emphasise the need to protect women's freedoms and individual human rights, including their right to choose form of employment, even if this leads to an increase in prostitution. Carole Pateman's *Sexual Contract Theory* is used in the discussion of Sweden's conservative policy, emphasising the need for laws that punish the male.

1.4 Key terms

The central terms of relevancy in this study are defined in the following section of this chapter: prostitution, human trafficking, and equality.

1.4.1 Prostitution

Prostitution occurs when at least two parties buy and sell sexual services where payment is involved, which is expected for the sexual service (Pro Sentret, 1996: 21). Pro Sentret uses the Swedish legal definition from 1981 and 1993. It has first and foremost to do with poverty, and is greatly politicized, and therefore difficult to find agreement on what it is and how it should be addressed. It can be discussed at many levels, from a social political view, philosophically, from a feminist perspective, from a social worker perspective, historically, anthropologically, or from a legal perspective. Pro Sentret sees it from a Norwegian societal humanitarian tradition, that prostitution is not "who the person is, but a service (Pro Sentret brochure, 2007)." Dag Stenvoll, Researcher at Rokkan Centre at University of Bergen who has written his dissertation on issues including prostitution said,

[...] language counts [...] the way issues are discussed or understood, influences how they are treated, both politically and in daily speech. If prostitution is

perceived as something criminal, bothersome and sickness related it will be left to institutions like the police, courts, health and immigration authorities to deal with the problem (Pro Sentret Annual Report, 2006: 24).

1.4.2 Human trafficking

The greatest challenge when discussing human trafficking is in the identification of what it is and how to define it. There are many interpretations of the United Nations definition, found in the Palermo protocol from 2000 that is intended to prevent, suppress, and punish trafficking in persons, especially women and children, supplementing the protocol on Transnational Organized Crime. Norway's laws on human trafficking build on the Palermo definition which I have translated below to English and will keep to in my thesis,

One that with violence, threats, abuse of a vulnerable position or other deviant behaviour forces a person to a) prostitution or other sexual intention/goal, b) forced labour or forced services, hereunder begging, c) serve in war in a foreign land or d) removal of human organs, or leads a person to let themselves be exploited to such ends, be punished for human trafficking with prison for up to 5 years. In the same manner will one be punished for a) that makes it possible for such exploitation or leading as mentioned in the first sentence by arrange for, transport or receive a person, b) in another manner aid in the exploitation, or c) gives payment or other advantage in order to get agreement for the exploitation from a person that has authority over the person being exploited, or that receives such payment or anther advantage (Norwegian penal code § 224).

1.4.3 Equality versus Gender Equality – how do they differ?

Norway's starting point is that women are equal to men. Their rights – right to liberty and free choice, what to do with their bodies and employment – should be protected and respected regardless of societal opinion. ” [...] *Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment [...]* (Article 23§1, UN Declaration on Human Rights, UN Website 2007).”

Sweden views equality in terms of gender equality collectively for all women, not on an individual level. They believe a gender-based power structure exists and must be combated in society. It is distinguished by women's subordination to men, and therefore gender equality must be given a feminist orientation.

[...] government must regard male and female as social constructions, i.e. patterns of behavior determined by upbringing, culture, economic conditions, and power structures and so on. Patterns are perpetuated at personal and social levels[...](Swedish Government Plan for Gender Equality, 2004: 4).

Gender policy markers intend to advance gender equality and women's empowerment or reduce discrimination and inequalities based on sex. Swedish experts fighting for gender equality might find these markers useful as they help to,

a) reduce social, economic or political power inequalities between women and men, girls and boys, ensure that women benefit equally with men from the activity, or compensate for past discrimination; or b) develop or strengthen gender equality or anti-discrimination policies, legislation or institutions (Gender equality policy markers, OECD website).

2. Methodological issues

“Without problems to solve, there can be no real thought, only wonder, dreams, simple associations and daydreams (John Dewey in Halvorsen, 2003).” Considering this idea, it is important to use a systematic framework and methodology in order to find meaningful answers to the central questions in this study. In this chapter I describe how I use the method of comparison to understand social phenomena, as well as other relevant methodological issues.

2.1 The role of conceptualization

In order to study human behaviour as meaningful performances we must grasp the meanings expressed in speech and action, and this requires that we understand the system of concepts, rules, conventions and beliefs which give such behaviour its meaning. In the human sciences the concepts we use to describe and explain human activity must be drawn from the social life that is being studied (Fay and Moon, in Martin and McIntyre (1994): 23-24).

In this study, it is the difference in the conceptualization of equality that proved to be an unexpected and integral discovery in my research and understanding of how two otherwise similar, mainly homogenous neighbouring countries can develop two different positions on prostitution. It is the interpretation of what equality means and how it can be achieved politically that marks the difference between these two countries. This discovery was critical in being able to answer my research questions. Chambliss and Schutt (2006) discuss the importance of conceptualization in inductive research, and the process used to make sense of related observations. “Many topics of study are not clearly defined things or objects, like trees or rocks, but abstract concepts or ideas (Chambliss and Schutt, 2006: 52-53).” They discuss how defining concepts can be difficult as they can have several meanings.

Considering Fay and Moon's argument that the meaning of something depends upon the role it has in the system of which it is a part, to understand the official position by Sweden we

must begin to look at the social structures, e.g. norms, beliefs, rules, systems, that create meaning and frame the actions of individuals. This study intends to better show how Sweden uses legal measures to change the public view of prostitution, and ultimately the action of the male. Where as in Norway Pro Sentret starts by looking at the role of actions by individuals as they are more meaningful to society than the social structures. They argue that social structures that make the rules and social norms must conform to meet the needs of the individuals [Fay and Moon, in Martin and McIntyre (1994): 23-24].

This is exemplified in my topic, looking at how legal and promotional prevention measures in Norway and Sweden differ and what characterizes them. When exploring these differing positions I have operationalised equality for women in prostitution by looking at the level of equality and access they have to health and social services. Limits imposed on this paper do not allow for measuring the actual access prostitutes have to health and social services in Norway and Sweden, instead I have chosen to describe and analyse social prevention measures which include assistance to health and social services, by both Pro Sentret in Norway and Prostitutionsenheten in Stockholm. These factors are described in the Literature Overview in chapter three, and in the critique of social measures by Norway in chapter seven.

2.2 Comparative analysis – two neighbours, two positions

“A comparative study is research of a comparable nature between countries that is often used to analyze the effects of social-political measures (Halvorsen, 2003: 66).” By doing a comparative analysis of the central prostitution organisations, Pro Sentret in Norway, and Prostitutionsenheten in Stockholm, I analyse how these differing positions on prostitution can lead to different prevention measures. I use the crystallization of these positions to explore differences between Norway and Sweden. I examine the various ways in which specified factors interact and combine with one another to yield particular outcomes. This increases the prospect of discerning diversity and identifying different pathways that result in an outcome of interest (Chambliss and Schutt, 2006: 212). More specifically, in this study it meant comparing and contrasting two otherwise similar countries, Norway and Sweden, and examining differing positions on prostitution, that as Chambliss and Schutt put it, ”led to different pathways”, and as it concerns my study, different measures to address prostitution.

“A problem that can arise with comparative studies is that the social phenomena being compared across cultures, can represent different social problems, and can be understood differently in different countries. The same concept can be defined differently dependent upon which theoretical perspectives dominate in the country (Halvorsen, 2003: 67).” I

introduced this problem earlier in the discussion on defining the concept of equality, and how conflicting interpretations have resulted in a debate on how to determine the proper and most effective method to prevent prostitution.

In John Stuart Mill's *System of Logic* he uses four methods of experimental inquiry that illuminate issues of causation. In this chapter I show how induction revealed similarities and differences on perceptions on prostitution between Pro Sentret in Stockholm and Prostitutionsenheten in Stockholm, and how differing interpretations on a central concept can result in the use of different methods by each country. Mills' Method of Difference is a tool that can logically show the cause and effect of a given phenomenon.

If an instance in which the phenomenon under investigation occurs, and an instance in which it does not occur, have every circumstance in common save one, that one occurring only in the former; the circumstance in which alone the two instances differ, is the effect, or the cause, or an indispensable part of the cause, of the phenomenon (Wikipedia, 2009).

A combination of antecedents, ABC, BC, ADE and c and combinations of corresponding consequents, abc, bc, ade and c; and let the object of inquiry be the consequence of some cause A, or the cause of some consequence a. The Method of Difference teaches us that when we find such facts as ABC the consequent of ABC, and bc the consequent of BC, then a is the consequent of A [John Stuart Mill (1843), in Whewell, 2006: 43]. In this study of Pro Sentret's position in Norway and Prostitutionsenheten in Sweden the variables are similar; largely homogenous neighboring countries, cultures, traditions, religions, socio-political systems, and a desire for equality for women in prostitution. The variable that differs is how each country defines the concept of equality.

Mills' Method of Difference argues that the 'cause' is the difference in how the concept of equality is defined between countries, where all other variables are similar. The 'effect' is shown in Pro Sentret's decision to only use social measures to solve social problems and its objection to use of legal measures. Where as in Sweden, the 'effect' is the decision to use legal measures to solve social problems.

"In classic compare-and-contrast papers, in which you weight A and B equally, it may be about two similar things that have crucial differences or two similar things that have crucial differences, yet turn out having surprising commonalities (Kerry, 1998)." My research shows how these two similar countries have different positions on prostitution, and different measures to address them, yet surprisingly share a similar goal of achieving equality for women, and an end to prostitution. Kerry discusses how A can act as a framework for understanding B, resulting in how you see B.

The purpose here is to use Sweden's position on prostitution as a 'framework' in order to contrast and illuminate the position of Norway, which assists in showing the reader the areas of conflict in the ongoing debate, and to highlight gaps in existing measures dealing with prostitution. According to Kerry (2007) I will organize my comparison utilizing both "*text-by-text*" and "*point-by-point*" approaches. In some chapters, such as in chapter three of the Literature Overview, it was necessary to present the positions of each country in the *tbt* format to provide clarity for the reader. This was initially done in order not to confuse the reader by intermingling descriptive and historical facts about the two organisations in Norway and Sweden, therefore one text was presented in its entirety before the contrasting text was presented. Where as in the analysis chapters, I discuss the arguments made by the two parties using the *pbp* method to clarify for the reader individual arguments while linking them back to the topic of the thesis.

In this comparative analysis, I used Carole Pateman's theory on *the Sexual Contract* in the discussion of Pro Sentret's position on prostitution and its opposition to using legal measures to solve social problems. This helped to clarify the position of Pro Sentret. In her analysis of the employment contract, she demonstrates how prostitution is not similar to a standard form of labour, as selling one's body relinquishes control over it to a man. She is in a subordinate role, just as she was in the "original contract" (sexual contract), where the man assumes the role of patriarch in the social order. Although Pateman does not believe that use of law can negate the original sexual contract that exists between men and women, she does acknowledge its use is necessary to achieve a measure of gender equality where possible.

I also used John Stuart Mills' *Classic Liberation Democracy Theory* and Jon Elster's *Rational Choice Theory* in the discussion of Norway's position on prostitution and argument against the use of additional legal measures in chapters five and six. In summation, these theories show how one can easily argue for or against the position of Pro Sentret in Norway, which stands for the protection of the individual rights and choices of women in prostitution, and the position of Prostitutionsenheten in Stockholm, Sweden, on the need to sometimes prioritise the needs of the collective over the rights of the individual, in order to achieve gender equality for the entire society.

2.3 Research Design – an exploratory study using qualitative methods

In order to meet my goals and work within the parameters of this study, I chose to narrow the focus and write a thesis that is both *descriptive* and *exploratory*, using the inductive method. Narrowing the focus was positive, as it provided me with an opportunity to examine the

questions I selected more deeply. I used qualitative methods, using words rather than numbers to explore what meanings the subjects of my study gave to their actions, and what issues concerned them (Chambliss and Schutt, 2006: 10-11). I use interpretation and understanding in order to get meaning from the measures used in Norway and Sweden. After narrowing my focus early in the research process I chose to reformulate my research questions. I use induction when interpreting raw data from interviews with informants (staff) at Pro Sentret, and when analysing results from a completed Questionnaire by staff at Prostitutionsenheten in Stockholm, and other relevant secondary data.

2.3.1 Ensuring objectivity and validity – use of multiple methods

I use the method of triangulation in order to increase the level of validity and trustworthiness in my research. Triangulation is the use of two or more different measures of the same variable [(Brewer and Hunter, 1989: 17), in Chambliss and Schutt, 2006: 65]. The decision to conduct personal interviews to collect primary data from Pro Sentret in Oslo, and design a semi-structured questionnaire to be completed by professional social workers at the Prostitutionsenheten in Stockholm, as well as secondary data, was for the purpose of ensuring validity. In addition, I combined the use of multiple theoretical perspectives, described in chapter 2.2, for the purpose of overcoming weakness and biases (Hart, 2005: 324).

After examining and interpreting findings from the interview and the responses from the questionnaire, I was able to confirm that the formulation “in words” of the positions of both Pro Sentret and the Prostitutionsenheten in Stockholm, remained consistent and did not diverge regardless of the measure used. This further strengthened the level of validity (Chambliss and Schutt, 2006: 66).

2.3.2 Interview with Pro Sentret – a fact-finding mission

I use interviews and questionnaires in order to understand social action from within the mind of each acting individual. When interviewing the social workers at Pro Sentret, I wanted to gain a better understanding of their reasoning for its use of more passive prevention measures if their goal is ultimately one of preventing and ending prostitution. Later in this paper I use comparative analysis to explore the use of these social measures, laws, and theories. An analysis of Sweden’s position and prevention methods was intended to help me and the reader better understand the position of Pro Sentret and Norway.

For the interview I used a semi-structured interview guide with open-ended questions to allow for follow-up questions and room for more in-depth discussions when it seemed necessary in order to be able to gain a deeper understanding. The first and second follow-up interview was held at the Pro Sentret office in Oslo in March 2007. The purpose was fact-finding to gather specific information from the central institution for prostitution in Norway. I used an open-ended format to allow for clear answers when questions involved complex concepts. But they were specific and clear enough so that the answer had less of a chance of being ambiguous. I really found it helpful and insightful to find out how the staff thinks, feels, and views prostitution. It was not enough for me only to read their articles and other texts, although they did confirm the same ideals and the firm position of Pro Sentret.

The interview guide is divided up into themes in order to answer the research questions, and in a semi-structured format so that the discussion could go deeper or branch into a slightly different direction if that proved helpful. To help minimize bias I consciously asked questions that were not “leading”, and afterwards interpreted and analysed them in a critical manner. The answers did provide me with a better understanding as to what Pro Sentret stands for, but the interpretation of their “actions” was much more difficult to do than Hollis alluded to in his texts (Hollis, 1994:151). I found it easier to understand the actions of the Prostitutionsenheten in Sweden, likely due to preexisting bias toward use of legal measures.

2.3.3 Use of questionnaires when informants are inaccessible

It was important to collect primary data from central prostitution centres in both countries, and to uncover where their positions and methods differ and what can be learned from them. Therefore I decided to design a questionnaire that included questions that would help me be able to answer the research questions, and at the same time providing me with a better understanding of how this central prostitution organisation thinks, believes, and ultimately acts in its interactions with women in prostitution, as well as cooperating agencies and service providers. As the Prostitutionsenheten in Stockholm would be too far to travel to in order to hold personal interviews, I chose to send the manager of the Centre a questionnaire with open-ended questions. It was agreed that a primary social worker would complete it.

The interview guide and questionnaire are divided up into themes in order to answer the research questions, and in a semi-structured format so that the informant has the opportunity to fully express herself/himself, and if necessary take the topic further or in a different direction. In the case of Norway and Sweden, I found it more appropriate to obtain the type of knowledge and information I required from informants working at the Centres and not

from women in prostitution. This is because the topic of my thesis has its focus and emphasis on the positions held by the institutions, not the women affected by these positions.

2.3.4 Ethical considerations

Although I did not feel that there were any major ethical considerations in this study, I did follow the guidelines recommended by interview experts such as Steinar Kvale. The two informants that I interviewed in March 2007 were professional staff members at Pro Sentret in Oslo, so the special ethical considerations that Kvale describes in his book, *Inter Views*, need not necessarily apply here (Kvale, 1996). I received consent from both Prostitution centres in Norway and Sweden to answer questions for the purpose of fact-finding in connection with this master thesis. After giving consent it was agreed that the informants' names would be kept confidential, and that I as the researcher would keep the notes produced. It was agreed upon that information gained from both the Interview and Questionnaire would be used in this study. I was careful to follow the professional ethical codes and guidelines Kvale discussed when designing the interview guide and questionnaire, as well as adhering to the seven research stages (Kvale, 1996: 110-112). I was cognizant of my pre-existing bias for the strategy used by Sweden, and therefore was on my guard while writing the questions, taking notes and interpreting the responses.

2.4 Type of data

In addition to the primary data I collected, my study also required a wide variety of secondary data. I also examined texts from relevant organisations in the field of prostitution, government agencies, the police and justice department archives, and studies from research institutes such as, Fafo, Rokkan Centre, University of Bergen, University of Oslo, as well as similar sources in Sweden. The list of databases and websites is too long to list here, I only mention those that provided me with the most recent and relevant data, e.g. BIBSYS, EBSCO, ATEKST, Lovdata.no, NORART, Pubmed, jd.no, and prostitutionresearch.com. The websites referenced in this study are outlined in chapter eight.

The majority of all texts are recent from the past few years, with a minimal number from the past twenty-five years. I have reviewed scholarly articles and studies, books, publications, annual and conference reports, and county legal documents. In addition I looked at levels of cooperation between the prostitution centres and other agencies providing health and social services. All of the relevant scholarly literature that was used is described in chapter three of the Literature Overview. In Norway there exist several texts on prostitution in general terms, but a clear lack of scholarly material has been produced specifically involving issues of

equality and access women working in and exiting out of prostitution have to health and social services for this specific target group. I was unable to find a specific “exit plan or strategy” to assist women out of prostitution.

I was able to answer the research questions by examining and interpreting the primary and secondary data I collected. The doctoral thesis by Dag Stenvoll from 2003, provided additional insight and understanding on the topic of prostitution in terms of individual rights. Although his topic was primarily focussed on the analysis of political debates on sexuality and reproduction for the period of 1945 to 2001, his thesis did illustrate how I might use John Stuart Mills’ *Classic Liberation Democracy Theory* to argue for and against the position of Pro Sentret in Norway in the discussion chapters.

3. Literature overview

3.1 Introduction – Norway vs. Sweden, a controversial discourse

The purpose of this literature overview is to provide the reader with a description of key findings from the discussion on the debate today, the link to human trafficking and law as a control mechanism to prevent prostitution, and its perceived effectiveness in Sweden.

3.2 Pro Sentret’s position on women in prostitution

Interviews and secondary data

Pro Sentret's motto is help-to-self-help. Pro Sentret feel that we need to see the individual from a whole perspective, “...as subjects in their own lives and have respect for their choices (Pro Sentret Annual Report, 2006: 1).” The focus should not be on judging and stigmatizing the one who chooses prostitution as an alternative, but it is society that should not stereotype prostitutes, as there is no one type and labels are often built on lack of information and personal attitudes on morality.

Pro Sentret was established in 1983 and in 1993 received the mandate as a national resource centre by the Health and Social Department in Norway, with a budget of NOK 10 million. In 2008 it celebrated 25 years of service to the community, and is highly regarded. It collects research, and provides competence, knowledge and counselling to the existing public service providers, authorities, and public. This includes child, female and male prostitution, although I will limit my focus to women (both Norwegian and of foreign origin over the age of 18). As the prostitution market has dramatically changed over the past 5-10 years, so have those who use the Centre as well as their needs. In 2001, Norwegian users totalled 686, and

foreign users, 161. In 2006, there were 363 Norwegian users and 996 from outside of Norway. The three main categories of users are those from Nigeria, 392 in 2006, from Eastern Europe, 126 from Bulgaria alone, and 363 Norwegian users, a reduction from 440 in 2005 (Pro Sentret Annual Report, 2006: 4-8). Data on the users is relevant to following trends in the changing market, changing perspectives based in part on the "visible" changes, which unfortunately do not give society an accurate picture of the reality of the new market.

From the interview with Pro Sentret employees, and from data in its annual reports for 2006 and 2008, it is clear that prostitution and perspectives on prostitution are changing in Norway. It is important not to stereotype based on past attitudes or norms, but on facts ascertained from working directly with prostitutes in the market today. Only from collecting correct and current information is it possible to develop proper measures to prevent and assist women out of prostitution. It collects and uses information received internationally, from studies carried out by research institutions as well as from its own professional expert staff. The informants feel that current perceptions of prostitution are based on a lack of knowledge, feelings, opinions, bias, and incorrect stereotyping. They argue that society's view is not how it is in reality. The Centre feels strongly that society should treat prostitutes as capable, independent individuals in their own lives, who can decide for themselves the direction of their lives. They feel it is unfortunate that the media and public often view them negatively, as dirty, disgusting, and amoral (Pro Sentret Interview, 2007).

The women's choice to sell sex should be met with respect, it is only from a place of openness that confidence can be built and the possibility of change can come (Pro Sentret Interview, 2007). Pro Sentret is most concerned with how the woman is and sees it as a social problem, not a legal one that laws can solve. They also do not see prostitution from a victim perspective, based on abuse and violence as many in the media, politicians and public do. This is also where Norway differs from its neighbour Sweden. Although Norway and Sweden both agree that it would be best with a stop to prostitution, methods employed differ.

The Centre offers the following services that they assert serve as the methods of choice to prevent and help women out of prostitution: 1) Individual client work, 2) warm room and environmental work, 3) contact work with street prostitution, 4) contact work with the inside/private market, 5) health services, and 6) employment and rehabilitation services. The primary method employed is one with the perspective that the "user" defines her problems, and what she wants assistance with, and in what pace she wishes the assistance to be given (Pro Sentret Annual Report, 2006: 58-88).

The Centre receives state funding and is therefore expected to assist all county districts in Norway that request assistance, knowledge, material, and training. They do not have the goal of initiative-taker, of trying to convince schools, health or social services, including job placement agencies and social assistance offices, to request more knowledge and competence on the subject of prostitution, whether it is with the goal of preventing prostitution or assistance to come out of prostitution. They do not have the staff required or the funding necessary to carry out such time consuming work (Pro Sentret Interview, 2007). They reiterate that this is not one of their many goals. They feel that those working in fields that come into contact with those in prostitution should recognize the need to gain this knowledge and take contact with them. Just as the women in prostitution are "free thinking and acting" individuals, so too are those employed in relevant sectors, capable of reaching out for assistance that can make them more competent in assisting women from the prostitution market (Pro Sentret Interview, 2007).

There was a user survey carried out by Pro Sentret in 2006, which was divided into two parts, 1) looking at the users' level of satisfaction of services offered, and 2) the users' level of satisfaction of the Centre's staff. The survey was formulated to address the three main user groups, Nigerian, East European, and Norwegians, in Norwegian, English and Russian. After receiving 30 completed surveys from the three groups they discontinued disbursing the surveys. They focused on the basic services offered at the Centre, and their impressions of the staff, with the goal of seeing if their needs are being met and if they are understood and treated well. As a whole, 93% of the Norwegians were satisfied and 7% unsatisfied. 89% of the Nigerians were satisfied, with 11% unsatisfied. All of the East Europeans were satisfied, yet some did indicate on the survey that they wanted more "alternatives" to prostitution. The overall findings from the comments provided on the surveys indicated that three areas can be improved, 1) more focus on assisting women to find alternatives to prostitution, 2) more and better information for foreign women's rights in Norway, and 3) better cooperation and treatment between Norwegian and foreign women users (Pro Sentret User Survey, 2006). These findings seem to indicate that although the users are generally pleased with the services offered them, they would like more assistance directed at helping them exit out of prostitution and into other forms of employment.

3.3 Sweden's position – criminalisation, a success story?

Questionnaire results and secondary data

Sweden is known for using a combination of legal and social measures to combat prostitution to achieve its goal of gender equality. In 1999, the Law on Prostitution came into effect

making it illegal to buy sex. Eighty percent of the public is positive toward the law, as it is viewed as one that increases knowledge and raises awareness. Prostitution centres, the government, and the police make the argument that human trafficking has stopped, and that prostitution has been cut in half (Ekberg, Ministry of Industry, Employment and Communications, 2004). Street prostitution is down, but has it increased in other markets?

Critics of the law say it is more difficult to investigate cases of pimping and trafficking because it is now off the streets and no longer as visible. Enforcement of the law is difficult to uphold as many women do not cooperate, and it is hard to get a conviction (Sweden's Ministry of Justice and Police, 2004). Since the law took effect in 1999, social measures have been an elemental tool in prevention of prostitution. Social measures are the responsibility of social services, but there is no specific provision regarding prostitution in particular, but some clauses of the Social Services Act are relevant. Section 2, §2 includes, "*The municipality has the ultimate responsibility for ensuring that all those present in the municipality receive the support and assistance which they require (Social Services Act 2001: 453, in Ambesjø, Eriksson and Lidholm, 2003: 63)*". Euro 800,000 has been designated for services to assist women out of prostitution (Swedish Ministry of Industry, Employment and Communications, 2004).

In the spring of 2007, I contacted Prostitutionsenheten in Stockholm to find out how prostitution is handled there versus in Norway. There are three teams from the central Prostitutionsenheten in Sweden, they are located in Stockholm, Göteborg, and Malmö, and administered by the Social Services Committee under the Individual and Family Unit of the National Board of Health and Welfare. They provide practical help, crisis advice on sexuality and counseling, gynecological assistance, treatment, and dissemination of knowledge (Prostitutionsenheten Questionnaire, 2007). "It is at least equally as important to maintain supportive contacts in order to bolster the woman's self-esteem, reduce the sense of isolation during the transitional phase, and to serve as a reference point in the event of major changes (Ambesjø, Eriksson and Lidholm, 2003: 13)." Its goal is to help women exit out of prostitution and ultimately achieve an end to prostitution and human trafficking in Sweden.

They do this in part by offering anonymous motivational one-on-one discussions free to women working in prostitution. They also actively work with government agencies and voluntary organisations. This level of cooperation between all relevant parties is necessary to both prevent prostitution and to succeed in assisting women over into other forms of employment (Prostitutionsenheten Questionnaire, 2007). Most measures are carried out by the social services department, voluntary organisations and the healthcare system which are

involved in activities directed at those engaged in prostitution. What I found particularly interesting, was the level of support provided to those in the exit process. Public authorities in Sweden recognize that extricating oneself from a life of prostitution is demanding therefore financial support, housing and employment are part of the basic services offered. "These services and supportive contacts help to bolster the women's self-esteem, reduce the sense of isolation during the transitional phase, and serve as a stable reference point in the event of major changes (Ambesjø, Eriksson and Lidholm, 2003: 13)."

3.4 Critique from the opposition in Norway – which expert is right?

Not all organisations working with prostitution in Norway agree with the position of Pro Sentret and the majority of those producing scholarly research. PION is one such organisation, and was established in 1990 as the prostitutes' interests' organisation in Norway. It works to protect the interests and rights of the prostitute, as does Pro Sentret, although it operates on a much smaller scale with limited services, and a budget of just under 1 million NOK. They compare today's changing prostitution market based on migration to the European migration that took place at the end of the 18th and beginning of the 19th century, where women migrated from poorer countries to work in prostitution or ended up in prostitution due to limited opportunities to earn a living (Albertine, 2006: 3). PION works to end exploitation and violence against prostitution. They are also against legalization and criminalization of prostitution, and are active in the debate on prostitution.

The Church City Mission in Norway was started in Oslo in 1855, with a vision that individuals in the city deserve respect, equality and justice and care (Church City Mission website, 2007). It carries out positive work in several areas including prostitution and shares the same vision and perspective of meeting the women where they are in life and helping to build them up at their own pace according to their needs. They have been running Nadheim Women's Centre for 24 years, with the goal of working with women who choose to stay in prostitution or are looking for alternatives to leave it. The organisation occasionally comes to Oslo to receive information and training from Pro Sentret, which they take back with them and implement into its work. Pro Sentret has mentioned that a key challenge in Norway is the lack of competence and sometimes poor treatment and assistance by the "helping sector" due to lack of proper knowledge (Pro Sentret Interview, 2007).

The Women's Front of Norway (Kvinnefronten) is a politically independent and radical feminist women's organisation, against all forms of discrimination women experience in a society dominated by men; economical, sexual, political and cultural. It fights against sexual

oppression: pornography, prostitution, sexual harassment, sexual abuse of women and children, all discrimination against women in commercials and beauty-contests, and international trafficking in women (Women's Front of Norway website, 2007). It perceives prostitution as forced and exploitative, where women are victims and would never have chosen to work in prostitution if there was an alternative. They hold a similar position on prostitution as that of Norway's neighbour, Sweden, where the woman is the victim and has not made a true free choice. No form of prostitution is voluntary therefore the only method to combat it is by criminalizing it using laws. Pro Sentret, PION, The Church City Mission and the majority of scholars in this field do not agree with this feminization of prostitution.

3.5 Overview of articles, studies, and other relevant scholarly texts.

I have selected a few of the most relevant texts that highlight the focus of this paper's objectives. The majority of recent scholarly texts share similar themes – prostitution and human trafficking, and prostitution and legal measures. Most of the texts are current as this topic is ever changing and new studies are carried out almost on an annual basis by several Nordic countries. It is unfortunate that the majority of these are limited in context by their primary focus on human trafficking. These are funded by the government, and until prostitution became so heavily linked to the visible increase in trafficking in Norway, studies with a focus on the health and other social aspects of prostitution have not been sponsored.

Dr. May-Len Skilbrei, Sociologist at University of Oslo, and researcher for Institute for Applied International Studies (Fafo), is one of the primary professional experts on prostitution, both domestic and foreign. She has written articles and has been involved in studies and prostitution networks for 20 years. One of her articles on prostitution, *Nordic prostitution control: past and present, reasons and consequences*, was used at Pro Sentret's 20th anniversary conference in 2003, "Prostitution, Control and Globalisation". The Nordic approach could be said to consist of three elements: the legal position of prostitution, public opinion and the way prostitution organisations are set up as a response to the view that it is a social problem.

The majority of professional experts and researchers in Norway do not agree with the public and political view on prostitution. Skilbrei's article seems to concur with Pro Sentret, that it is a free choice and that prostitutes should therefore be met with respect grounded in the UN Human Rights Declaration, and that criminalization can both make their situation better and worse (Skilbrei, 2004). Both parties agree that money, and most often varying degrees of poverty, are the root causes to entering prostitution. There are women at one end of the

extreme, wishing only to earn enough money to survive, and those at the other end, wishing to earn enough to more than just survive. At the Conference, “Prostitution, Control and Globalisation”, the Director of the Swedish Think Tank Agora, Ursula Berge, underlined, “...our ambition in Sweden is not to control prostitution - we want to fight it (Berge, 2003: 53).” She identified four key questions: Is prostitution a result of a free choice? Is prostitution ordinary work? Is prostitution exploitation of poor people and racism? Is prostitution the result of male dominance and violence?

If prostitution is a free choice, why is it that it is always the women and girls who are the ones who end up in prostitution...those with least power, the most marginalized, the drug addicts, the most abused, and the poorest and persons with foreign origin. It is the lack of alternatives that shows that the choice is not free (Berge, 2003: 55).

In the analysis chapters, Jon Elster’s *Rational Choice Theory* and John Stuart Mills’ *Classic Liberation Democracy Theory*, will be among those I use to highlight Berge’s and Sweden’s assertion that this lack of alternatives for women in prostitution show that the choice to enter prostitution is not necessarily a free one. Berge’s findings really help to highlight the changing perspectives and social norms, and how they appear to be linked to changes in the prostitution market. What is certain is that these changes during the past decade have resulted in different methods to prevent prostitution.

The most recent professional conference on prostitution, “Prostitution in the North”, was held in Stockholm in October 2008. The goal of this Project was to exchange and further develop knowledge on prostitution and human trafficking for sexual purposes in the North, and also to describe and analyse what legal measures and social assistance is directed at prostitution and human trafficking. May-Len Skilbrei and Marianne Tveit from Norway based their knowledge and participation in the Project on their understanding of the occurrences of prostitution and the social assistance provided in Norway by Pro Sentret, which have the responsibility for collection of knowledge and information, and following the development of the sex market in Norway using its own social workers (Holstrøm and Skilbrei, 2008: 16). Skilbrei and Tveit think that both the methods used and perspective of the social workers have an affect on the collection of information of prostitutes in Norway, and how the number working in prostitution are counted.

In Sweden the social workers from the government’s Social Services Committee (Socialstyrelsen), working out of local prostitution departments in the three largest cities, have the primary responsibility of following the prostitution market. Yet the Swedish social workers work more concentrated on the counselling and treatment of those who contact them,

and with the shared perspective that prostitution is a form of violence against women and must be stopped, and that the law is positive. The Swedish approach appears more proactive, focussed on assisting women out of prostitution, not primarily providing a “safe haven” from the streets or a meeting place to share experiences (Prostitutionsenheten Questionnaire, 2007).

Charlotta Holmstrøm, responsible for the Swedish study in this Project, found only 300 working in street prostitution and approximately 300 announcing services via the Internet in 2008. This data shows that street prostitution is ca. 75% higher in Norway than Sweden. Holmstrøm and the majority of those polled feel the law prohibiting the purchase of sex has dramatically reduced the number working in prostitution. Jari Kuosmanens study of 2008, show that 71% want to keep the law in Sweden, whereof 79% are women and 60% men (Holstrøm and Skilbrei, 2008: 29-30). Yet, according to her study, only one-fifth of the population believes the law actually helped to reduce prostitution. Another key finding from the study showed that 66% of women polled say it is not enough to make it illegal to purchase sex, but it should also be outlawed to sell sexual services as well. Kuosmanen says this finding can be interpreted to indicate that the society at large perceives prostitution as a problem for the entire community, not only as an expression of a man’s power and dominance over women.

In the analysis of the research collected for the Project, it was concluded that the perceptions of the social workers and how they work within the sex market in their individual countries determine how knowledge of prostitution is gathered and interpreted. The politicians in Norway have listened to the experiences of Pro Sentret over the past 25 years, and its view that prostitution exists because men and women have different forms of sexual expression, which is also a shared perception by the writers of *Backstreets* (Høigård and Finstad, *Bakgater*, 1986, in Holstrøm and Skilbrei, 2008: 35-36). During this research I discovered that although *Backstreets* is one of the texts most referred to by those working in this field, Pro Sentret disagrees with Høigård and Finstad’s suggestion that criminalizing the purchase of sex, and making the buyer responsible by way of fines and other legal measures, would reduce the overall level of prostitution. The authors perceive it as a violent crime, where the seller is the victim, the buyer the attacker, and women do not choose to work in prostitution.

Pro Sentret feel that the degree of those forced into prostitution and those who do it by choice vary, and that if women in prostitution are viewed only as victims of an aggressor then this would mean they have no power over the decisions they make. “...it is this power to decide over our own lives that makes us human (Pro Sentret Annual Report, 2008: 3).” The officials

in Sweden might appreciate the message of *Backstreets*, where the use of law is not only for the purpose of scaring the buyer, but that the long-term effects can be great. “This generation’s laws can be the next generation’s morals (Walker 1964 in Andenæs 1977: 65, in Høigård and Finstad 1986: 349).” They believe that morals and perceptions, and ultimately behaviour can be changed with laws.

4. Description of the debate – Norway versus Sweden

In this chapter I describe the debate, using Sweden’s position to highlight the one in Norway. I attempt to answer the first research question here. This chapter will primarily be descriptive in nature, and the analysis will come in the remaining chapters of this paper.

4.1 Norway – the nature of the debate

The focus of the debate in Norway is the link between the increased visibility of prostitution and human trafficking, and the effects of Sweden’s law on prostitution. In 2000, the debate on criminalizing prostitution started again, with the phenomena, ”trafficking” that became synonymous with prostitution and ”force” (Smette, 2003:156). The leading national newspaper *Aftenposten* said prostitution exploded in Norway and that Oslo’s main street Karl Johan needed to be cleaned up. Prostitution is more visible in the city now which adds to the illusion that Sweden’s law is an effective method against human trafficking and prostitution. Whereas the critics to the Swedish law say it is incorrect to combine trafficking, procuring/pimping, and criminalizing buying sex.

In Norway, Pro Sentret, and prostitutes argue against the law saying it is harmful to women, that the market will go underground, society must help, not punish. Laws lead to more crimes, voluntary measures have not yet been tested, and there is no proof that criminalizing buying sex reduces prostitution and trafficking. Pro Sentret argues for help of a social nature. Advocates of the Swedish law argue for the ”signal effect”, that a law will help in changing norms in society toward prostitution (Liv Jessen, Pro Sentret, 2007). Pro Sentret claims that such views are based on feelings and emotion, moral judgments, a lack of information and knowledge of female prostitutes (Pro Sentret Interview, 2007).

4.2 Sweden – background to the debate and effects of the Law

In Sweden the policy has been conservative, which became evident with the passage of legislation in 1997/1998 to protect women, and the resulting Law on Prostitution in 1999. This was part of a larger piece of legislation that encompasses several offences to stop male violence and domination of men against women and children. Purchasing sexual services

was made illegal, as women should not be punished when they already are in a vulnerable position. Advocates of the law on prostitution argue it prohibits the purchase of sexual services and works as a barrier against the establishment of traffickers working in Sweden, and would function as a deterrent. Many academics, social workers, and politicians in Sweden argue prostitution is male violence against women and girls. The Law is also supported by the majority of the population, and has the full political will of the government (Ekberg, Ministry of Industry, Employment and Communications, 2004:1208). Critics for the Law say it is effective. Sixty percent have left prostitution permanently and that the Law gave them the incentive necessary to seek assistance to leave it for good (Personal conversation, 2001, in Ambesjø, Eriksson and Lidholm, 2003). Critics against the Law in Sweden say it is ineffective, there is no proof it works against prostitution and trafficking, and that no official evaluations have been carried out on the Law's effects. The majority of these critics who want to repeal the Law are men, only 7% of women want to repeal it.

4.3 Norway's legal regulations and normative aspects

When I began my research in 2007, it had not been criminalized nor legalized here in Norway. The Norwegian procurement paragraph, § 202, was updated in 2003 when a new human trafficking law § 224, came into effect. The concepts related to exploitation and earning money from someone's prostitution was turned into what was called human trafficking. Therefore, organized prostitution of women in a vulnerable position, due to poverty or drug addiction, can now also be defined as human trafficking and domestic prostitution and therefore be affected by § 224.

4.3.1 Laws in Norway (updated anno 2009)

§202, procurement (illegal to procure).

This was a law on the books for years but underused and often referred to as a "sleeping law". Aspects of it were put into the human trafficking law § 224.

a) Organizing or assisting one in prostitution (the procurer/pimp), or b) Rents out location and understands it is used for prostitution, punished with fines or prison up to 5 years. It is illegal to conduct prostitution in "public". Advertisements to sell, buy or arrange prostitution made illegal in 2000 (Pro Sentret website archives, 2007).

§224, human trafficking law (result of Palermo protocol in 2000).

A person who uses violence, threats, misuses a vulnerable situation or uses a vulnerable person to enter into, a) prostitution, b) forced labour, c) war service in foreign land or d) removal of human organs, or leads a person to do the above,

punished up to 5 yrs. And, a) organizes or makes possible such misuse/abuse by arranging for, transporting or receiving the person, b) cooperates in the misuse or organizing, or c) gives payment or other reward for agreement to be misused/abused from one who has authority over the victim, or receives payment or other reward (Pro Sentret website archives, 2007).

§ 202 a, new addition to the existing § 202 – Anno January 2009.

In January 2009, the purchasing of sexual services was made illegal with § 202 a. It came about as a result of a political decision by the current government administration to help prevent sex trafficking of women to Norway, which dramatically increased the last few years. Passage of § 202 (a) has not altered the position of organisations such as Pro Sentret or the majority of experts who have carried out studies on the subject. They remain vigilant in their belief that the law will only reinforce the public perception of prostitutes as victims and amoral. § 202 a reads,

With fines and jail up to 6 months or both used as punishment for one who, a) arranges for sexual relations for himself/herself or for others, or pimping by arranging for or agreeing to a payment, b) has sexual relations or involved in actions so that payment is agreed to or made, or performed by another, or c) as described in letter a or b, gets someone to carry out with himself/herself actions that are construed as sexual relations (Pro Sentret Annual Report, 2008: 18).

§ 202 a, sounds similar but distinguishes itself from the Swedish law on purchasing sex on the following three points: Norwegian law says it is also illegal to pay for someone to have sexual relations with themselves (§202 a (point c); the Norwegian law says the level of punishment or fines can be increased if the sexual relations/sexual activity can be viewed as especially harmful; and the Norwegian law also applies outside of Norway for "Norwegian citizens or someone belonging to Norway" (Pro Sentret Annual Report, 2008: 18).

4.3.2 Normative function of § 202, § 202 a, § 224

Pro Sentret, representing the interests of women in prostitution and other scholarly experts conducting research in Norway on this subject, and some of the politicians do not wish to legalize nor criminalize prostitution. Yet the government was pressed to pass this new addition to the law on purchasing sexual services, though the decision has more to do with tackling human trafficking and making prostitution less visible on the streets, and less to do with their position on prostitution in Norway. The recognized experts have been vocal about their opposition to criminalizing prostitution no matter what the reason is. Their position reflects the importance of "individualism and free choice". "Solve social problems by social measures (Minister of Justice, Dørum 2003, and Storberget 2007)."

Part of § 202 was removed,” taking advantage of one in a vulnerable position or assisting into prostitution”, and was incorporated into the trafficking law § 224. The consequence made prosecuting more complex. An unintended effect of the changes made to § 202 was that it was weakened and as a result it became more difficult to prove a crime took place and convict pimps under this law. Also, the public who were used to seeing prostitution in the streets but never protested too loudly suddenly began to change their perception and position on its acceptability and inevitability when street prostitution became dominated by those from Africa and the Baltic states.

With the passage of the complicated § 224, courts will now need to distinguish between voluntary and involuntary prostitution. If the prostitute was legally found to be “vulnerable” the sexual activity would be considered involuntary even if the prostitute disagrees with the court’s finding. Tyldum, Tveit, and Brunovskis say there is a problem with the definition of what in a vulnerable position means. *“We are still far from a consensus, in both theory and practice, as to how severe this exploitation needs to be in order for it to be classified as trafficking – which entails an obligation to protect and prosecute according to trafficking legislation. Perhaps even further away is a concretization of our understanding of “a vulnerable position [(Tyldum, Tveit, and Brunovskis, 2005: 14), in Skilbrei, 2007: 91].”*

Another challenge to contend with is voluntary migration of foreign prostitutes. They could now be mistaken for women who were “trafficked” into the country. Finally, another unintended effect of § 224 is that it could now be used against nationals (Norwegian prostitutes) if they were proven in court to be vulnerable, e.g. poor, on drugs etc.

4.4 Sweden’s legal regulations and normative aspects

4.4.1 The law in Sweden

Person who obtains casual sexual relations in exchange for payment shall be sentenced for the purchase of sexual services to a fine or imprisonment for at most six months. It is punishable under Chapter 23 of Swedish Penal Code and the *Act Prohibiting the Purchase of Sexual Services (Lag 1998:408)*. Its main objective is gender equality in order to end male dominance and violence over women.

In 1987, the National Organisation for Women’s Shelters and Young Women’s Shelters in Sweden (ROKS), made this demand as part of its yearly Plan of Action, a plan which includes a list of demands that the organisation presents to female parliamentarians annually. Due to intense lobbying and policy-setting by dedicated feminists, and the assistance of

female politicians from across party lines, it was approved with little opposition (Ekberg, 2004: 1191).

The Law was part of 'Act on Violence Against Women', and legislation on 'Gross Violation of a Woman's Integrity (Kvinnofridslagstiftingen)', enacted 1998, as a result of Commissions of Inquiry on Prostitution in 1995. It includes amendments to laws regarding male violence against women. The action plan includes the priority area, violence committed by men against women, prostitution and trafficking in women for purposes of sexual exploitation. The Prostitution Law, *Act Prohibiting the Purchase of Sexual Services*, is worded as follows:

A person who obtains casual sexual relations in exchange for payment shall be sentenced – unless the act is punishable under the Swedish Penal Code – for the purchase of sexual services to a fine or imprisonment for at least 6 months. Attempt to purchase sexual services is punishable under Chapter 23 of the Swedish Penal Code (Ministry of Social Affairs, 2001, in Ekberg, 2004: 1192).

4.4.2 Normative function of the Law

This prohibition marks Sweden's attitude toward prostitution – that it is not a desirable phenomenon. The government also feels that it would not be correct to punish the person who sells a sexual service, as this is usually done by the weaker partner who is exploited by those who wish to satisfy their sexual drives (Ministry of Labour in Cooperation with Ministry of Justice and the Ministry of Health and Social Affairs in Prostitutes Education Network Website, 2007). The legislation is a concrete and tangible expression of the belief that in Sweden women and children are not for sale. It dispels men's self-assumed right to buy women and children for prostitution. *“This objective is central to Sweden's goal of achieving equality between women and men, at the national level as well as internationally. However, gender equality will remain unattainable as long as men buy, sell and exploit women and children by prostituting them (Ministry of Industry, Employment and Communications, 2004).”* When buyers risk punishment the number who purchase decreases and traffickers choose other more profitable destinations. At the same time it is perceived to help encourage prostitutes to seek help in order to change their situation.

5. An analysis of the 2 positions in the debates on prostitution in Norway and Sweden

In order to help the reader better understand the ongoing discourse on prostitution in Norway and Sweden, I have selected a couple of questions from the interview I conducted with Pro Sentret in 2007 and the completed questionnaire from Prostitutionsenheten in Stockholm, and use relevant theories to highlight key elements from the debate. As there are several aspects

that differentiate the positions of these two neighboring countries, I use this chapter to introduce the reader to some of the perceptions and their challenges, and leave the debate on use of law as method to achieve gender equality to the following chapter.

5.1 Introduction to discussion

For the reader who may be unfamiliar with theories used in the analysis below, I begin the discussion by briefly introducing John Stuart Mills' *Classic Liberal Democracy Theory* as used in Dag Stenvoll's doctoral thesis from 2003, Jon Elster's *Rational Choice Theory*, and finally Carole Pateman's *The Sexual Contract Theory*. They will also be used intermittently throughout the following chapters. I am aware of the degree of double hermeneutics involved in the analysis in this study, and how it can impact the level of trustworthiness. In light of this, I have tried to remain objective and cognizant of the difficulties that can arise during qualitative research.

5.2 Pro Sentret's position in light of Classic Liberal Democracy Theory

Classic Liberal Democracy Theory, as used by J.S. Mill in Dag Stenvoll's doctoral thesis, "An Analysis of Norwegian Government Debates on Sexuality and Reproduction," is used in the discussion on the topic of the legal and political intervention in sexuality and reproduction. Mills' essay *On Liberty* is referenced in Stenvoll's analysis of literature.

For the purpose of highlighting Pro Sentret's position, the concepts of relevance here include Mills' principle of freedom, right to free choice, citizenship and equality. Individual morality must also come before the collective needs. Mill is skeptical to restrictions placed on individual or minority group expressions or actions due to the majority's beliefs [(Mill 1989 (1859):56-74), in Stenvoll, 2003:166]. Mill underlines that there is no better alternative to that which the individual chooses. "It is ok to influence, give advice or warnings, as long as the individual takes the final decision [(Mill 1989 (1859): 76-83), in Stenvoll: 197]."

He goes on to argue that, "*a glorious defence of individual freedom against all political and social encroachments, on the grounds that the only freedom which deserves the name is that of pursuing our own good in our own way. In an open society where individuality flourishes progress comes through critical thinking and rational persuasion [(J.S. Mill (1859), in Hollis, 1994: 9].*" This argument is similar to the one held by Pro Sentret in the debate.

Question number 1 from the Interview Guide with Pro Sentret March 21, 2007, is from the topic “Perceptions, views, attitudes, and norms on prostitution by government, health and social services, media/public, academia, and organisations,”

How does Pro Sentret think perceptions of prostitution are shaped by attitudes, values and norms in Norway? How does Pro Sentret perceive prostitution and how it should be addressed?

The informants from Pro Sentret feel that the perception on prostitution in Norway is divided between the beliefs of those with direct knowledge of prostitution, working at the Centre, or having studied the field, and the political focus on it steered by the public and media as a stereotype.

There is too little knowledge...Information on prostitution is disseminated based on feelings, judgements, and opinions that steer society's view and this is not how it is in reality. The reality is that they are not all victims. The public and politicians say they are amoral, pushy, disgusting, disturbing the citizens of Oslo, and that no one chooses to be a prostitute. But the truth is that they have human rights, they are independent and free individuals who can make the choice themselves. They are not all victims of force or violence (Pro Sentret Interview, 2007).

The informants say that positions on prostitution are either made from the human rights perspective based on free choice and from a place of independence where the choice is voluntary, or that it is seen as a form of violence and that the prostitutes are victims to be protected from themselves and others. Pro Sentret's starting point is that of letting them take a stand, "...we do not force them to change, we respect that women can take the choice to sell sex, and they deserve just as much respect, and that their choice should be met with openness." They go on to say that they should be met on their own terms, as being worthy and to give them the confidence that they can make changes in their lives if they so choose (Pro Sentret Interview, 2007).

Mill would concur with Pro Sentret's position here based on his formulation of the principle involving 'protecting others from injury or harm', as found in Stenvoll, "[...]The only purpose for which power can be rightfully exercised over any member of civilised community, against his will, is to prevent harm to others...His own good either physical or moral, is not a sufficient warrant[...]Over himself, over his own body and mind, the individual is sovereign [(Mill 1989 (1859): 13), in Stenvoll, 2003: 150]."

Does the position of Pro Sentret meet the criteria of Mills' thesis where the individual is sovereign? It would seem to depend on the interpretation of "harm to others", and whether

prostitution meets this burden. It is difficult to see how one individual act could cause harm to the entire society. But the position of Sweden argues the opposite, that prostitution is a result of male dominance and violence, and that there is no free choice. Therefore the power to decide over individual behaviour, in order to protect women from such violence, even if this means infringing on civil liberties by use of legal measures, is justified. This opposing position is discussed in more depth in chapter 5.4 with the help of Carole Pateman's theory on the Sex Contract.

5.3 Pro Sentret's position in light of Jon Elster's Rational Choice Theory

Pro Sentret's position, grounded in the Declaration of Human Rights, defends the prostitute's right to take decisions over her own body and person, and choice of employment, and that these are voluntary choices that should not be impeded upon because of conflicts on what are considered acceptable social norms in society. Jon Elster's *Rational Choice Theory* seems to support Pro Sentret's position that the rational decision-maker is capable of making the choice that is best at the time after reviewing all possible alternatives. When faced with several courses of action, people usually do what they believe is likely to have the best overall outcome. Rational choice is instrumental, guided by the outcome of action. Actions are valued and chosen not for themselves, but as more or less efficient means to a further end (Elster, 1989: 22). Elster argues that rational choice is primarily concerned with finding the best means available to the given ends, and of adapting optimally to the circumstances.

In my interview with Pro Sentret, I learned that Prostitution is an action and service, not a personal quality. That women in prostitution have done just as Elster alluded to in his text, "adapted optimally to the circumstances." It should be seen as a rational and therefore legitimate choice that must be respected. Its Annual Report for 2008 expresses the same claim and concern over prostitution as the only real choice for both the Norwegian women and the foreign women who have become more visible in "street prostitution".

With the increase of women migrating into Norway voluntarily or by force from countries like Nigeria and Eastern Europe, there has been a drop in the visibility of Norwegian women on the street. "Despite these obvious differences between the Norwegian and foreign women in street prostitution they do share a common destiny. They both chose prostitution as a solution in a difficult life situation, whether it can be blamed on drug dependency, homelessness, or organised prostitution and human trafficking (Pro Sentret Annual Report, 2008: 13)."

The public also expressed their worry over these women's life stories and current living conditions, whether it is because prostitution was the only real alternative in a difficult life situation, or because these women in various ways were organised into a life of prostitution (Pro Sentret Annual Report, 2008: 13).

Rational Choice Theory aims to explain human behaviour, but it must first determine what a rational person would do in the circumstances, and secondly see whether this is what the person actually did. One could try and predict behavior based on what one would do in similar circumstances, but there are people who can fail to conform to the predictions – in other words, behaving irrationally. Elster also speaks of indeterminacy, where there is no hope of making an optimal decision or choice, where the individual must make one that is considered "good enough" (Elster, 1989: 35). By accepting that under certain conditions one may have to choose that which is deemed as good enough, Elster admits to the limits of *Rational Choice Theory*.

Can a prostitute really meet the criteria of rationality? It is recognized that afflictions that many prostitutes suffer from, according to Pro Sentret's own findings, e.g. drug addiction, homelessness, psychological disorders, extreme poverty, and a violent upbringing, can affect one's judgment and impede it to the extent the individual is unable to meet the requirements of this theory.

If there is consensus that the decision to enter prostitution is found to be irrational, should it then be allowed? The critics in Sweden would say no, that as long as the effects of prostitution on both the individual and society are negative it must be stopped.

5.4 Sweden's position in light of Carole Pateman's Sexual Contract Theory

The purpose of using Sweden's position in a comparative analysis with Norway is to help the reader better understand how a central organisation such as Pro Sentret perceives women in prostitution and its challenges. Is prostitution the problem that must be eliminated at all costs, even at the expense of individual human rights, or should the onus be on society to change its negative perceptions of women in prostitution?

"Prostitution is a serious problem that is harmful, in particular, not only to the prostituted woman or child but also to society at large. Therefore, prostituted women and children are seen as victims of male violence who do not risk legal penalties. Instead, have a right to assistance to escape prostitution." Further, the official opinion in Sweden is that, *"...prostitution and trafficking in human beings for sexual purposes are seen as issues that*

cannot and should not be separated; both are harmful practices and intrinsically linked (Ekberg, 2004: 1189)."

In this chapter I hope to bring more clarity around the perceived need for use of legal measures to end violence and domination by men, and ending the cycle of violence and victimization of women in the form of prostitution. I use Carole Pateman's *Sexual Contract Theory* to highlight the key issues. I will leave the discussion on Sweden's use of law to achieve gender equality for the following chapter.

Carole Pateman's *Sexual Contract Theory* is a critique of the *Social Contract Theory*. Where the *Social Contract Theory* has as its starting point that a contract is an agreement made between two equal individual actors, she argues that the contract is a device for ensuring male rule over women. Contract theorists assume that women lack the necessary capacity required to consent to a social contract such as the marriage contract. She argues that the sexual contract precedes the formation of political society and the social contract. They incorporate women into civil society in a subordinate role, where they are denied any place in the public sphere created by the social contract, and therefore given inferior status in the private sphere (Pateman, 1988).

Pateman looks at origins of freedom guaranteed in the original contract – allowing individuals to exchange states of unfreedom for political society and freedom. It is a politics of subordination for those not part of the original contract. For the sexual contract between prostitute and her client to take place, she must consent as a free individual, yet women are not such individuals. As the "original pact", preceding the social contract, is not entered into by equals, but an agreement by men to dominate and control women.

By looking at questions posed to the Prostitutionsenheten in Stockholm, and the use of Pateman's theory above, I aim to illustrate Sweden's position that social practices such as prostitution can and should be changed, but laws are required to do so.

Questions 1 and 2 from the topic, "Perceptions (views, attitudes, and norms) on prostitution by government ministries, media, public, expert organizations, and between Sweden and Norway," from the Questionnaire completed by Prostitutionsenheten in Stockholm in August 2007,

How does Prostitutionsenheten in Stockholm perceive prostitution and how it should be addressed (by what measures)? What is the position of Prostitutionsenheten in Stockholm on the debate on prostitution and the legal approach used?

I received the completed Questionnaire from a social worker at the Prostitutionsenheten in Stockholm, under the Social Services Committee and National Health and Social Welfare Department, in August 2007. It was explained to me that there are three prostitution centres or groups working in Stockholm, Gøteborg, and in Malmø, and are all part of county departments. They work together with authorities and voluntary organisations to provide the help necessary to prevent prostitution and to assist with necessary treatment, and to help women transition over to other forms of employment. I was assured there is consensus in the response I received to my Questionnaire.

Prostitution has in principle always been seen as something shameful, whether it is the buyer or seller. We at the Prostitutionsenheten here in Stockholm, as a part of the greater Sweden and the norms and values that rule here, attempt to reach out to society with a broader concept of prostitution, one that does not only involve money, but also other sexually destructive behaviour (Prostitutionsenheten in Stockholm Questionnaire, 2007).

This position by Sweden is in sharp contrast with the one by Pro Sentret discussed earlier in this chapter. Where Pro Sentret argued that it is society that should change its negative attitude toward women working in prostitution, and that selling sexual services is an action, and does not mean the women are selling themselves or are victims of male domination.

Pateman's theory would argue that this conclusion by Pro Sentret is dependent on the same assumptions as the contractarian defense of prostitution, that a prostitute contracts out a certain form of labour power for a given period in exchange for money. Those that believe in *Social Contract Theory* would have us believe that the prostitution contract is the same as the employment contract, that the prostitute is the owner of property, and simply contracts out that property in the marketplace. Following this argument she does not sell herself, or even sell her sexual parts, but only contracts out the use of sexual services (Pateman, 1988: 191). Following this line of reasoning we are made to believe that the prostitute's body and person are not victimized as she is able to "contract out" her services without harm or injury to herself. Does the argument by the contractarians and by Pro Sentret in Norway meet the requirements of the assumptions above, that prostitution is equal to, and should be treated as any other employment contract?

The informant, responding to the Questionnaire, spoke about the official attitude toward the Law, and how their Centre, the National Health and Social Welfare Department, the Government, and the Police Department stand together behind it, and see it as positive.

We think and believe that the Law is good. We see it as an "attitude Law", to affect changes in attitudes about prostitution, more specifically one that results in an end to prostitution (Prostitutionsenheten in Stockholm Questionnaire, 2007).

They did mention that there are two networks operating in Sweden, one which wants to keep the Law and works to end prostitution, and another that wants sex workers to be treated equally with other forms of employment, such as it is done in Holland and Germany (Prostitutionsenheten in Stockholm Questionnaire, 2007).

Once the story of the sexual contract has been told, prostitution can be seen as a problem about men. The problem of prostitution then becomes encapsulated in the question why men demand that women's bodies are sold as commodities in the capitalist market. The sexual contract also supplies the answer. Prostitution is part of the exercise of the law of male sex-right, one of the ways in which men are ensured access to women's bodies (Pateman, 1988: 194).

Pateman goes on to argue that within the structure of prostitution, the prostitutes are subject to the client (the man), just as the wife is subordinate to the husband within the structure of marriage. If we are to believe her thesis, the original contract (sexual contract) is a patriarchal social order, and therefore an inescapable truth that even the use of law can not change. In the following chapter I look more closely at concepts of equality and positions on use of law as method to achieve it.

6. Equality – analysis of positions on equality and use of legal measures

Different interpretations of an idea or concept have often been at the root of heated debates in society. The concept of equality is the primary thread running through this chapter where differing positions on prostitution in Norway and Sweden, and the use of legal measures are discussed.

6.1 What are the conceptions of equality?

For the purposes of this study I have operationalized equality for female prostitutes by looking at equality and access to health and social services guaranteed all members of society. Although it would be of interest to study the level of access women in prostitution have to these basic services, limits imposed on this paper do not allow for measuring the actual access prostitutes have to health and social services in Norway and Sweden, instead I have chosen to describe and analyse social measures which include providing assistance to health and social services, by both Pro Sentret in Norway and Prostitutionsenheten in Stockholm. Both are advocates of using social measures to achieve equality, but forces in

Sweden have for many years also defended the use of law as the key ingredient in eliminating prostitution altogether.

Following Pro Sentret's line of reasoning, the closest to achieving equality for women in prostitution would be when females have their individual civil liberties in hold, e.g. rights over their bodies and choice of labour. Where as Sweden's conception is one with a feminist orientation, there is no equality before there is full gender equality. Meeting this requirement means that women have full control over their bodies, and that men who buy women working in prostitution are committing a crime of violence and sexual exploitation, which is seen as firmly against the basic tenets of Swedish Gender Equality politics (Winberg, 2001, in Ekberg, 2004: 1208).

6.2 Achieving equality – how is it possible?

Has equality been achieved, and how might Pro Sentret say it is possible to achieve equality? They clearly put the onus on society, arguing that social measures are the only acceptable methods. It is society who must conform on social norms and change its views on women who voluntarily choose to prostitute themselves. It is also an incorrect approach to combine the perceptions one has on human trafficking with prostitution. Informants argue that there is a difference between voluntary and involuntary prostitution, and it is therefore incorrect to group them together and use laws to abolish them. Society should start by looking at the men who purchase sex, and find out why they do so. They strongly argue that punishing women with laws only further stigmatizes them by society, and are less likely to be treated as equals.

In sharp contrast is the official policy of the Swedish government, and followed by Prostitutionsenheten, which argues for the use of law and a zero tolerance policy for prostitution and human trafficking. It is the only effective tool to free all women from male violence. When the male buyers risk punishment, and the number of men who buy prostitutes decreases, the local prostitution markets become less lucrative (Ekberg, 2004: 1187).

6.3 Pro Sentret's position – social measures to solve social problems

The tenets of Pro Sentret's philosophy is in line with Mill's argument that equality can only be achieved by enforcing unrestricted individual free choice – therefore social measures to solve social problems. Mills' theory is not always so straightforward to use and understand. In the discussion below on use of legal measures opposed to social measures, I show just how Mill can be used both to defend and argue against use of law. In Jessen's article, "No to

criminalizing the sex buyer”, she argues against the use of law to prevent prostitution. “*We are against any use of legal measures because the market will go underground; it will hit the women hardest; the community must help – not punish; a law that punishes opens for more criminal activity; and voluntary (social) measures have not been tried (Liv Jessen, Pro Sentret, 2008).*”

Stenvoll reminds the reader that Mill makes a distinction when discussing limiting individual freedom or liberties. I first used Stenvoll’s interpretation of Mill in chapter five when illustrating Pro Sentret’s position which argues for the protection of individual freedoms. He seems to draw a line between individual liberties occurring in the private sphere versus in the public sphere [(Mill, 1989 (1859): 98), in Stenvoll, 2003: 165].

Jessen underlines, “*we who take the side of the prostitute, must always ask the question: What effect will it have on her life situation if we follow Sweden and make it illegal to purchase sexual services? If her life will be made worse then we need to find another good method other than legal measures (Jessen, Pro Sentret, 2008).*” She goes on to argue that visible street prostitution is reduced in Sweden, but there is no follow-up study there to show how many women were forced inside to work in the private market.

Depending on the interpretation of public and private, Mill would defend Pro Sentret’s position as well as that of the prostitute working in the privacy of her own home, or away from the public domain. “...there are many acts which, being directly injurious only to the agents themselves ought not to be legally interdicted [(Mill 1989 (1859): 98), in Stenvoll (2003): 165].” Here Mills’ thesis seems to rightfully defend the civil liberties of the prostitutes as long as these actions take place away from the eyes of the public.

Although his theory sides here with the rights of the prostitute, the idea of them forced into hiding, possibly leading to more criminal activity is not favoured by Pro Sentret. In Jessen’s article she focuses on the effect of the law on crime, which she claims will occur when street prostitution is driven into hiding or the private sphere. She reminds us that some of the women in prostitution are also against the implementation of a law that forbids the purchase of sexual services. When asked about their thoughts on implementing a new prostitution law have argued, “The ‘nice’ customers disappear and the horrible ones are left, and we have less of an opportunity not to choose them.” “There will be less time to judge the customers. I am afraid of more violence.” “We will have to work more isolated (Jessen article, 2008).”

I argued above how Mill might be used to defend the women's right to work in the private sphere. Mill can also be interpreted to make the argument against prostitution in the public sphere. He claims that the law can only limit an individual's freedom when it can appear offensive to the feelings of others, and that offensive behaviour in public could be prohibited, "...but which done publicly, are a violation of good manners, and coming thus within the category of offences against others, may rightfully be prohibited. Of this kind are offences against decency [(Mill 1989 (1859): 98), in Stenvoll: 165]."

Another key argument Jessen, leader of Pro Sentret, makes against additional legal measures is that not all prostitution is violence against women as advocates of the Law on Prostitution would have the public believe. This theory sees women as the victim, therefore an object, and the male buyer becomes the subject demanding access to the women's body. Jessen argues that the woman is the subject in her own life, and takes responsibility for her choices. She acknowledges that sometimes the choices are reduced to the lesser of two evils while others are more conscious choices.

I entered this research process firmly believing that Norway and Pro Sentret, as its official spokes model on a national level, also share the goal of ending prostitution, but by social means. It was only after analysing large amounts of data, and conducting two interviews, that I was surprised to learn that this is not the goal. The goal is to honour the wishes of the women in prostitution themselves, and not to motivate or force them in any way to transition out of it into other lines of work. A quote by Jessen makes its intention more clear, "Feminists must not force rigid theories, but build solidarity with women in prostitution whether the women want to get out of it or not (Jessen, Pro Sentret, 2008)."

6.4 Sweden's position – law as control mechanism to achieve gender equality

In the discussion here on law as a control mechanism to end prostitution and achieve gender equality, Carole Pateman's *Sex Contract Theory* is used to illustrate the Swedish position. She argues that the traditional social contract, e.g. marriage, employment, is not the path to freedom and equality as many staunch feminists would have us believe, but a means by which patriarchy is upheld. Although law and a proactive approach is required to change societal norms and motivate women out of prostitution, a contract of any kind between women and men is not enough to achieve full gender equality.

The Swedish government's, "Plan for Gender Equality", is in alignment with Pateman's theory on gender equality and power structures. "*Government must regard male and female as social constructions, i.e. patterns of behavior determined by upbringing, culture, economic*

conditions, power structures and so on. Patterns are perpetuated at the personal and social level (Swedish Government Plan for Gender Equality, 2004: 4)."

Efforts to promote gender equality have long focused on women, the subordinate sex in this system. But for equality to exist women and men must have the same rights, responsibilities and opportunities. The argument made by the Swedish government is that strict legal measures are needed to dismantle this undemocratic system (Swedish government Plan for Gender Equality, 2004: 8).

In the Questionnaire I sent to the Prostitutionsenheten in Stockholm, I posed a few questions under the topic of "Perceptions on prostitution." Question number 2 is central to this discussion on the necessity of law to affect change.

What is the position of Prostitutionsenheten in Stockholm on the debate on prostitution and the legal approach used?

The informant who responded to this Questionnaire explained that until the passage of the Swedish Law on Prostitution in 1999, the prostitute and buyer were treated the same. After the Law came into effect the invisible party, the buyer, became the center of focus. The informant wanted to make clear the distinction between Norway and Sweden and the grounds for the passage of this Law on Prostitution. Although prostitution and sex trafficking are often linked together in discussions, the National Action Plan for Trafficking came about much later, and was not the basis for the Law on Prostitution. This Law was a part of the great law on women's safety (Kvinnofridslagen) from 1997/1998, and the Law on Prostitution was part of the Swedish government's Bill on legislative provisions and other measures to counteract violence against women. "By prohibiting the purchase of sexual services, prostitution and its damaging effects can be counteracted more effectively. The government however is of the view that criminalisation can never be more than a supplementary element in the efforts to reduce prostitution and cannot be a substitute for broader social exertions (Prostitutes' Education Network, 2007)."

In Norway, only underused "sleeping laws" were on the books, and prostitution was practiced openly. If advocates against the new Law had their way, this passive attitude toward prostitution would remain unchanged. The government first passed the Law on Human Trafficking § 224, well before it was decided to make it illegal to purchase sexual services. It was the increase in sex trafficking and visibility of foreign women in prostitution in Norway that raised the public alarm and the need for tougher legal measures.

The Prostitutionsenheten in Stockholm agrees with the government on the need for effective social measures in addition to use of legal measures. In the Questionnaire, they responded by saying that, “*although the three Prostitution Centres in Sweden look and are built up a bit differently from each other, we are all county agencies, where we work to capture those who need help, and cooperate with authorities and voluntary organisations.*” “*We also have the possibility of paying for a place for the women to live, for drug addiction assistance, and social assistance, where we actively contact the authorities that work with these issues.*” “*We also have good communication with the employment office, and yes, we are part of the ‘exit program’ along with the assistance provided by other authorities and voluntary organisations (Prostitutionsenheten Questionnaire, 2007).*”

Pateman’s theory on the sexual contract, can be used both to champion for the need for tough legal measures to achieve gender equality, and can also be used to argue the opposite, that modern laws today can never undo the damage from the original contract – the sexual contract. This defined women’s subordinate role in civil society, and the one of dominance by men. Even voluntary contracts about property in the person, like in the marriage contract, create relations of subordination (Pateman and Mills, *Contract and Domination*, 2007: 216).

Pateman explains the defense of prostitution in the eyes of some feminists who argue that prostitution in the past was excused as a necessary evil, but in the 1980’s began to be justified in terms of women’s freedom and defended as such. Now, some feminists claim that, “*prostitution is transgressive, that it is empowering for women and provides an example of women’s agency. It is presented “as though it can represent a form of resistance to social inequalities [(Davidson, 2002: 87), in Pateman and Mills, 2007: 224].”* Does this argument for prostitution as a form of women’s empowerment make sense? In the original pact of the sexual contract, marriage provided men with legitimate access to the labor and bodies of wives, just as women’s bodies are available through prostitution. Pateman looked more deeply at these changing views on women’s autonomy (Pateman and Mills, 2007: 224).

In comparing employment contracts with the idea of prostitution as a form of regular work, she contends that it is an example of civil subordination and exploitation. “*Prostitution differs from employment...both involve use of persons, not abstract services, but in prostitution a woman’s body is used differently from individuals’ bodies in employment. A prostitute’s body becomes a commodity for sale in the market for different reasons than labor power (Pateman and Mills, 2007: 226).*”

In her analysis she also rightly points out another key distinction, one between a marriage contract and prostitution. In a marriage contract, “the possibility exists for intimate association to become a free relationship between two equals, based on mutual desire, mutual respect, and the well-being of both partners,” where prostitution “would remain payment for unilateral use of a woman’s body without any desire or erotic attraction on her part (Pateman and Mills, 2007: 227).” In following her line of reasoning, the use of law, coupled with broad social measures, is needed to encourage change in social norms, eliminate the market for prostitution, and make gender equality possible.

7. Conclusion – a critique of strategies, a summary and recommendations

In this conclusion chapter I begin with a brief critique of the official policy prevention strategy and social measures employed by Pro Sentret in cooperation with Oslo County Health and Social Department. I provide a summation of what the research is able to show, as well as my reflections as researcher, and at the end of this chapter I put forward recommendations for further research on this topic.

7.1 A Critique of policy intervention strategies and social measures

I have chosen only to present a critique of the policy prevention strategy and social measures employed by Norway, as Sweden’s position and policies were primarily used in this study to better crystallize Pro Sentret’s position for the reader. I learned from my interview with Pro Sentret in 2007, that its cooperating partners at the county district level within health and social services, work from an "inclusion" perspective. This means that they are aware prostitution exists, that many suffer from drug addiction and other psychosomatic illnesses and, in general have specific issues affecting them that began before or as a result of entering prostitution. Yet, the inclusive perspective is one of providing services that apply to the general or majority population. Services and programs, in principle, are not designed for a specific target group as it is believed that everyone in society should be treated equally (Pro Sentret Interview, 2007). I find the Health and Social Department’s vision and goals contradictory in the application of its "inclusion for all" strategy.

We shall strengthen the possibility for people in a difficult life situation and use tools to make participation possible for all...the work is targeted toward the population with need for rehabilitation and social services,...to develop good rehabilitation strategies...advocate for good quality for those that use the social services at their local employment and welfare offices...and that the "users" can participate in society on equal level with others (Norwegian Health and Social Department Strategic Plan 2007-2010: 1-7).

But can the users participate in society on an equal level with others as is the intention of the Health and Social Department's Strategic Plan, when part of the user group who are clearly in a difficult life situation are not included in the Plan? The Plan is vague, and gives the reader the impression that it includes everyone.

Those working in the county district administration and Oslo City Council felt that all services provided by the state should be inclusive, that all citizens should be able to benefit from them. Pro Sentret felt that this group is so marginalized, invisible and stigmatized by society that they require targeted services (Pro Sentret Interview, 2007). The Oslo City Council decided to give Pro Sentret state funds to provide these specialized services. But are they being provided?

Pro Sentret provides very limited health and social services from its office in Oslo, as well as a few other social measures as described in the Literature Overview in Chapter three. When I asked the informants about the level of cooperation between relevant agencies, as an integral part of providing the necessary tools for women to be able to leave prostitution, I was given a reply that indicates that actively helping women exit out of prostitution is not the priority. The informants made it clear that county employees providing services within education, job placement, and other social service arenas should take the initiative and approach the Centre on their own if they require expert knowledge and assistance on prostitution. If equality for women in prostitution is the goal of Pro Sentret, then it seems that achieving this goal is not possible without a uniform structure and active cooperation with service providers, and the use of more effective tools.

7.2 Summary and reflections on the research

The comparison of the two organisations and their approaches, Pro Sentret's use of social measures versus Prostitutionsenheten's use of legal measures, display both interesting similarities and differences. Both Norway and Sweden perceive prostitution as a social problem affecting the entire society. There is agreement that social measures should be used, but not how or to what extent they should be used. There is agreement that experts on prostitution should continue to share knowledge across countries. There is also a shared desire to bring equality to women in prostitution. At the heart of the debate, and the grounds for differing positions on prostitution, is the concept of equality and how it is defined. There is disagreement on the interpretation of equality and how prostitution should be dealt with. This leads to different tools of prevention. Norway still prefers the liberal and more passive-oriented approach, using only social measures to solve social problems to protect the rights

and freedoms of the individual, where as the official policy of Sweden remains conservative, utilizing an action-oriented legal approach coupled with more stringent social measures to help change social norms, to eliminate prostitution and achieve gender equality.

This topic has been the source of heated academic, political and public debates for the last decade, and although personal opinions and perspectives on prostitution by experts in the field have really not changed in Norway and Sweden, the climate certainly has. This study's theme, positions on social versus legal measures as the proper and most effective tools for dealing with prostitution, remain just as current today. So, what is best for society and for women in prostitution? If the goal is to quickly eliminate prostitution, clearly the Swedish policy including the use of tough legal and social measures is the most effective tool. The results of my research document a reduction in prostitution from the inception of the Law in 1999. Though a law by itself is not enough to stop prostitution, a complete exit programme with staff who motivate women to leave prostitution is instrumental to success. Sweden has such an exit programme, including a pro-active style of cooperation with employment, health and social service providers. Pro Sentret would argue that what is best for women is not to forcibly end prostitution, but rather to continue to try social measures.

7.3 Recommendations for further research

Considering that a result of this study shows a clear lack of scholarly material available on this important topic, and considering further that it affects not only the women in prostitution on an individual level, but the society as a whole, I recommend that one of the many research institutes or universities in Norway continue the research in the direction this paper suggested. I have only begun to lay the groundwork for a more in-depth study that will hopefully lead to a better understanding of how women in prostitution experience public services here. I submit that a study should be conducted with a primary focus on women working in local prostitution, and should not include human trafficking, as there exists a wealth of scholarly material on issues related to human trafficking here in Norway.

I submit that the study should examine the perspective women working in prostitution have on services they receive from the public sector, including assistance they receive from Pro Sentret and other prostitution organisations. How relevant county departments cooperate together, share knowledge and experiences, and work directly with Pro Sentret and other prostitution organisations in Norway is important as part of the evaluation process. Any study should fill the current gap in assessing the effectiveness in the services provided those working in and exiting out of prostitution. The findings from the User Survey conducted by

Pro Sentret indicated that the women seeking assistance would like more specific help to exit out of prostitution. The goal of such a study would include the identification of areas where structural changes should be made and services can be improved.

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Appendix 1

Interview guide – Pro Sentret 21. mars 2007

I. Perceptions, views, attitudes, and norms on prostitution

(government/ministries, health and social services department, media, public, academia/researchers, organizations) and between Norway, Sweden + Denmark.

1. How does Pro Sentret think perceptions of prostitution are shaped by attitudes, values and norms in Norway? How does Pro Sentret perceive prostitution and how it should be addressed?
2. Do government ministries, departments, police, academia/researchers, professional experts/organizations, public and media perceive prostitution the same, do they agree or disagree? How do they disagree, on what grounds? Does that affect how policies and methods/models are shaped and applied? How so?
3. How do different perceptions of prostitution in Norwegian society pose challenges for Pro Sentret's work? How do perceptions vary between Norwegian and foreign prostitutes? How does Pro Sentret meet these challenges?
4. Sweden and Denmark – What are the different perceptions and methods of addressing prostitution? Does Norway's academic and professional community disagree on methods and policies/laws used to address prostitution?

II. Measures to address prostitution and prostitution from human trafficking (focus on equity, access and barriers to health and social services/assistance measures).

1. Does Pro Sentret feel that special targeted services in health and social services are necessary? If yes, why? Who other than Pro Sentret provides preventative and assistance related services to help women out of prostitution? Does Pro Sentret feel that the state should be responsible for providing targeted services for those in prostitution?
2. How do perceptions of prostitution influence the development of health and social measures/initiatives (including health – mental and physical, social, counselling, therapy, drug addiction/rehabilitation, skills training, work assistance, lack of education (completion of secondary school, further education), reintegration/exit programs (inclusion strategies) to assist women to re-enter the workplace and participate in society?
3. How are existing prevention and exit strategies/programs evaluated? Internally, by the "users"? What are the results of the findings? What are the strengths and weaknesses/gaps where there is room for improvement?

III. Responsibility for carrying out measures to prevent and assist women out of prostitution.

1. Who is responsible, the ministry, health and social services department, Pro Sentret, the Police department, other agency, or all? Please explain.
2. How do relevant sectors cooperate today? Challenges? Gaps/room for improvement?
3. What is Pro Sentret responsible for? Who do they report to, what agency? How are methods, strategies and plans approved, by a higher authority? If so, to whom do they report?

IV. Equity in Access to Health and Social services.

1. How does Pro Sentret view access to health and social services in Norway? Are there differences in equity and access in different regions in Norway? How might services and quality differ? What barriers exist in Oslo and other regions?
2. How do county (kommunale) plans of action on prostitution differ, and are they based on the government's plan against prostitution? What does Pro Sentret think of Bergen's new plan? Kristiansand's perception that there exists a lack of prostitution in its city? Are counties in Norway expected to carry out government plans for prostitution? What is the hierarchy, or is there no method for ensuring similar quality and access to services for both Norwegian and foreign prostitutes?
3. Health measures (preventative, promotion). What are the primary methods used to prevent bad health and promote good health? Challenges related to both Norwegian and foreign workers? How to the "users" view the measures? Evaluations or surveys carried out? Are gaps found?
4. Social measures – preventative strategies. What are the key methods used to prevent prostitution for both Norwegian and foreign workers? Do methods include looking at social exclusion, exploitation, and lack of social network? Challenges? Gaps? How are these strategies evaluated? What do Users say?
5. Social measures – promotion and propulsion/exit programs/inclusion strategies. What are the key methods used to assist both Norwegian and foreign workers out of prostitution? What are the "alternatives" offered prostitutes who choose to leave prostitution? How long have the exit programs been running? How is NAV involved? As education is key to lifting women out of poverty, allowing women to be capable of making sound choices, and enter the job market – how is lack of education addressed (completing high school, skills training, rehabilitation)? Challenges? How are strategies evaluated? Gaps found? What do Users say?

V. Human Trafficking

1. The Human Trafficking plan 2006-2009

What does Pro Sentret think about this new plan to fight human trafficking? Strengths and weaknesses? Challenges in the new plan? How does Pro Sentret plan to meet these challenges?

2. In the Plan it states that Norway has a well developed health and social welfare system that applies also to prostitutes. Does this mean that there are targeted programs for prostitutes within the welfare system? Please explain.

3. Rosa Project – started 2005
Goals and challenges with Rosa Project?

4. Does Pro Sentret feel that too much focus is now on the issue of human trafficking due to fears from the government, media, public and internationally? If so, how does this new focus affect how Pro Sentret's budget is used and methods employed?

5. Is there now a shift in focus on the issue of human trafficking in prostitution, away from domestic prostitution (voluntary) – if so, how does this affect Pro Sentret's work/projects, methods used to address prostitution?

VI. Involvement with Correlation Network (Scandinavia and Europe).

1. Has Pro Sentret sent Correlation members information on its experience on access and barriers to health and social services and assistance? Its methods used? Results from previous findings and evaluations carried out?

2. Has Pro Sentret received evaluation reports from Correlation members, including methods employed, models, and information?

Extra questions added on the 2nd day of the interview:

1. How does Pro Sentret collect its primary information? What are its main sources of knowledge, e.g. specific national studies by Fafo or others, international sources etc.?

2. How does Pro Sentret develop its initiatives/measures in health and social services? Are they built upon existing measures used previously by specific organisations, departments or others? From international organisations? Others

Appendix II (sent by E-mail)

Til: Enhetschef

Prostitutionsenheten i Stockholm

12. august 2007

Spørreskjema i forbindelse med masteroppgaven

NB. Hvis det finnes ingen informasjon eller svar på et spørsmål vennligst skriv det.

I. Perceptions (views, attitudes, and norms) on prostitution by f.x. government ministries, media, public, expert organizations, and between Sweden and Norway.

1. How does Prostitutionsenheten in Stockholm think perceptions of prostitution are shaped by attitudes, values and norms in Sweden? How does Prostitutionsenheten i Stockholm perceive prostitution and how it should be addressed (by what measures)?
2. What is the position (view point) of Prostitutionsenheten i Stockholm on the debate on prostitution and the legal approach used?
3. Do government ministries, departments, police, academia/researchers, professional experts/organizations, public and media perceive prostitution the same in Sweden, do they agree or disagree? If they disagree, how so? And does that affect how policies and measures are designed and implemented?

II. Measures to address prostitution and prostitution from human trafficking (focus on equality and equity, access and barriers to health and social services/assistance measures).

4. Does Prostitutionsenheten i Stockholm feel that specially targeted services in health and social services are necessary? If yes, why? Who other than Prostitutionsenheten provides preventative and assistance related services to help women out of prostitution?
5. How do perceptions of prostitution influence the development of health and social measures/initiatives, exit programs (inclusion strategies) to assist women to re-enter the workplace and participate in society?
6. How are existing prevention and exit programs evaluated? By the "users"? What are the results of the findings? What are the strengths and weaknesses?

III. Responsibility for carrying out measures to prevent and assist women out of prostitution.

7. Who is responsible, the ministry, health and the social services department, Prostitutionsenheten, the Police department, or all? Please explain.
8. How do relevant sectors cooperate today? Challenges? Need for improvements?

IV. Equity in Access to Health and Social services for women in prostitution in Sweden.

9. How does Prostitutionsenheten i Stockholm view access to health and social services in Sweden for women working in prostitution? Are there differences in equity and access in different regions in Sweden? How might services and quality differ? What barriers exist in Stockholm and other regions in Sweden?

10. Social measures – preventative strategies. What are the key methods used to prevent prostitution for both Swedish (native) and foreign workers? How are these strategies evaluated? What do the “Users” say?

11. Social measures – promotion and propulsion/exit programs/inclusion strategies. What are the key methods used to assist both Swedish and foreign workers out of prostitution? What are the "alternatives" offered prostitutes who choose to leave prostitution? Challenges? How are exit programs/strategies evaluated?

V. Human Trafficking.

12. What is the State’s plan for combating/fighting human trafficking? To what extent has the plan influenced the decision to make buying sex illegal (criminalizing buying sex)?

Thank you for completing this questionnaire!

Please email it back to me at: jorneber@online.no.

A copy can also be sent to my home address:

Vanja Hellevik
Granstubben 1A
1358 Jar
Norge