

TRAFFICKING OF CHILDREN
AND MINORS TO NORWAY
FOR SEXUAL EXPLOITATION

ECPAT Norway / Save the Children Norway

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1. Introduction

This report is based on research undertaken in Norway on the phenomenon of trafficking of children and young persons for the purpose of commercial sexual exploitation. The project was initiated by ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) and Europe Law Enforcement Group and was co-ordinated by Defence for Children International, Section Netherlands. The objectives of the project have been to map out existing knowledge and strategies to suppress and prevent the trafficking of children and young persons, and to increase awareness, highlight the need for basic information and analysis and co-ordinate action to deal with this type of exploitation of children and young persons.

Save the Children Norway, representing ECPAT in Norway, addressed the Institute of Criminology of the University of Oslo, which in turn approached the author with the request of undertaking the project. Responsible for the Norwegian project was Turid Heiberg and Annette Giertsen at Save the Children Norway. Professor Liv Finstad at the Institute of Criminology contributed with advice in the application for funds to finance the Norwegian study. The project was financed by the Ministry of Children and Family Affairs (BDF) and Save the Children Norway. This research is a part of a larger project aiming at mapping and acquiring knowledge on how the trading of children and young persons takes place in and between member countries of the EU. Other participant countries are Belgium, England, Finland, France, Germany, Italy, and the Netherlands.

ECPAT is a global network of voluntary organisations which was founded in 1990 with the purpose of combating and preventing the exploitation of children through prostitution that had established itself as a part of tourism in South East Asia. The organisation has its international headquarters in Bangkok and local offices spread around the world. In 1996 a congress was held in Stockholm dealing with the commercial sexual exploitation of children. Hosting the arrangements was the Swedish government in collaboration with UNICEF, ECPAT and the NGO-Group on the Right of the Child. The Stockholm Congress was the first worldwide congress dealing with the commercial sexual exploitation of children, and represented the governments of 122 countries. The Congress led to ECPAT expanding to address the exploitation of children through pornography and the trafficking of children for the purpose of commercial sexual exploitation. It also led to the establishment of the ECPAT Europe Law Enforcement Group.

The Stockholm Congress agreed to commit to collaborate to fight and prevent commercial sexual exploitation of children. This collaboration was formalised in a declaration of worldwide partnership, together with a plan of action to emphasise international and national efforts against the commercial sexual exploitation of children.

In 1997 The International Organisation for Migration (IOM) carried out research in EU member states and affiliated countries, including Norway. The intention was to assess the procedures for the mapping and gathering of information on trafficking of humans for sexual purposes.¹ IOM concludes that even though some countries could show better statistical material than others, the research revealed a general lack of systematic mapping and knowledge of the phenomenon. IOM points out the need for adequate information as a basis for national as well as international strategies and agreements to prevent and fight international trade in humans for sexual purposes.

¹ IOM 1997

Based on this background, ECPAT Europe Law Enforcement Group put into motion a project aimed at gathering qualitative information on international trafficking of children and young persons for the purpose of commercial sexual exploitation. The Stockholm Congress constituted the first world- wide congress against the commercial sexual exploitation of children, and in December 2001 the second worldwide congress will be held in Yokohama, Japan. This report, together with those of the other countries participating in the investigation, will be included in a more extensive report edited by ECPAT Europe Law Enforcement Group and presented in Yokohama.

1.1 Commercial sexual exploitation of children and young persons.

During the 1990s, the international community has put the trafficking of women and children for the purpose of commercial sexual exploitation on the political agenda. The trafficking of women and children is recognised to be an increasingly global problem.

The existing knowledge on the phenomenon deals primarily with adult women. There is very limited information on the number of children and young persons included in this traffic. ECPAT Europe Law Enforcement Group has as an objective to bring into focus what happens to children and young persons. The purpose of this report is to provide information on the extent to which children and young persons are involved in this international trade in sexual exploitation, and what attempts have been initiated in the respective countries to prevent and fight this form of abuse.

The research focuses on the measures taken to create legal strategies and victim protection mechanisms to suppress and prevent trafficking of children and young persons. In particular, what action has been taken to prevent children and young persons from being exposed to sexual exploitation, and what has been done to rescue, rehabilitate and possibly repatriate and reintegrate those who have been victimised? This is in line with the plan of action from the Stockholm Congress.² It is also in agreement with the Convention on the Rights of the Child, specifically Articles 19 and 34. Article 19 requires the state to protect children and young persons against lack of care, encroachment and protection against all forms of sexual abuse. Article 34 requires the state to make the necessary attempts to promote the psychological and physical rehabilitation of victimised children and young persons.

1.1.1 Children

The starting point for this research is the UN Convention on the Rights of the Child, approved by the United Nations on 20th November 1989. According to Article 1 of the Convention, every person under the age of 18 is defined as a child unless (s)he has reached the age of majority at an earlier age according to a country's national legislation.³ This definition of a child corresponds to the Norwegian practice, where the age of majority is 18.

Initially the term 'children' was used in the research project, but it was agreed at a meeting with the ECPAT Europe Law Enforcement Group in Amsterdam on the 9th and the 10th of March 2001 that it would be more appropriate to use the term 'children and young persons'. It was noted that there was a need to differentiate between children before and after puberty, in order to highlight

² The Norwegian plan based on the Stockholm Congress against Commercial Sexual Exploitation of Children. The Ministry of Children and Family Affairs, 1999.

³ Save the Children Norway (1993): The Convention on the Rights of the Child

different dimensions of the problem. According to Norwegian practice, persons under 12 are categorised as pre-pubescent. The arrangements made for witness interrogation had also to be adjusted according to the age of the child. A five-year-old and a seventeen-year-old will require different approaches.

1.1.2 Trafficking in humans

The English term *trafficking* refers to international trade in humans. This term describes a form of organised criminal activity that involves crossing international borders and is economically motivated. It involves force either in the form of loss of liberty through confinement, deprivation of travel documents, threats of violence or maltreatment. In other words, trafficking indicates criminal actions where an individual becomes an object of the act itself. The term is mainly associated with the commercial sexual exploitation of women and children, but humans can be victims of international trading for commercial exploitation in other areas such as legal or illegal labour markets and private households.

Trafficking indicates organised activities either through recruitment for migration, transportation to, from and through a country, and also residence in an area. In reference to adults this is a question of compulsion, either through deception by incorrect information or the use of force as a starting point for migration. A person might also give his/her consent to migration but as a result might find him/herself subjected to constraint in the form of loss of liberty, deprivation of travel documents or identification, maltreatment or threats of violence and/or having to live under slavlike conditions. In relation to children, all trafficked children under the age of 18 are considered to be the victims of exploitation. In these cases it is not a question of consent or voluntary action.

There has been a tendency to refer to trafficking and smuggling of humans as two aspects of the same problem. This means that both terms are often used when referring to organised illegal immigration to a country. The smuggling of humans refers to the circumstances around illegal immigration to a country, organised by a third party. Trafficking is a complex concept that takes into consideration both the circumstances around immigration and the circumstances around a person's stay in a country. It is not limited to illegal immigration. According to the UN Convention against Transnational Organised Crime and two of its protocols, one can distinguish between smuggling of humans and trafficking by referring to smuggling of humans as an act where there is often mutual interest between the parties, and the act is considered a criminal act committed against a state. Trafficking is defined as a criminal act committed against an individual, involving a relation where one party exploits the other. There is not enough room to elaborate on this discussion here, but whether one can distinguish between the two terms in this way is an interesting question. The smuggling of humans can involve other motives than economical gain, and to the extent that organised crime is involved it does include the economic exploitation of a person's lack of possibilities for legal immigration. Can one then claim that there is mutual interest for both parties? Another aspect is that restrictive refugee and asylum policies lead to situations where persons in refugee situations are exposed to the possibility of trafficking through their economic dependency on a third party.

1.1.2.1 Sending, receiving and transit country

Since the beginning of the 1990s the prostitution market has undergone a major change from being localised to becoming global and mobile. In a historic perspective this is not a new

phenomenon. Global prostitution, migration and the trade in humans for the purpose of commercial sexual exploitation was at the end of the 1800s and in the beginning of the 19th century described as *white slavery*. The victims at that time were women, young girls and children from countries within Western Europe. They either left their country of their own free will or were lured or forced to migrate, crossing borders within Europe or travelling to other continents. Today people from countries in Eastern Europe, Asia, Latin America and Africa are the victims of trafficking inside and between these continents, as well as to countries within Western Europe.

The terms *sending*, *receiving* and *transit country* are used. This indicates what role a country holds in relation to trafficking for the purpose of commercial sexual exploitation. A country can partake in all three roles, being a dispatching country to for example countries within Western Europe, whilst being a receiver and transit country for other dispatching countries. One can say that the global migration of prostitution and trafficking for the purpose of commercial sexual exploitation follows a form of economic hierarchy where countries become dispatching countries for wealthier countries and receiving countries from poorer ones.⁴ Today's dispatching countries are in many cases the targets for sex tourism and there is not an unambiguous relationship between sex tourism and trafficking or prostitution migration.⁵

Globalisation of the commercial sex market has in the last decade been met with increased attention both by governments and NGOs. There is concern at what appears to be an expansion of commercial sexual exploitation of children and young persons in sex tourism, pornography and prostitution. However, it is hard to pinpoint if this is caused by the fact that commercial sexual exploitation has expanded, or by the fact that since the beginning of the 1990s there has been an increased international focus on all levels of exploitation for sexual purposes.⁶ Most likely it is caused by both. Increased poverty, economic inequality, political conflict and change combined with restrictive migration-, refugee- and asylum politics has contributed to the present exposure of children and young persons without the protection of the family, close networks or authorities. Commercial sexual exploitation of children and young persons is, however, a complex problem that cannot be tied to particular social, economic or cultural conditions. It occurs in all societies and at all levels of society.

1.3 Methodology

This report is based on qualitative interviews using the questionnaire drawn up by ECPAT Europe Law Enforcement Group. This has been done to ensure the same type of information from each country participating in the project. The aim of the research was to include a minimum of 15 interviews, including people in authoritative positions, voluntary organisations and observers working with trafficking of children and young persons for the purpose of commercial sexual exploitation.

Unlike some of the countries participating in the research, Norway has no well-established experience or competence in this field. When arranging interviews, I was told "*we have no knowledge or experience in this area*". The questionnaire to some extent assumed that there was already knowledge about the existence of the problem. In order to adjust the interview guide to Norwegian conditions I have chosen to adapt the questions according to the informant's profession by emphasising the questions most related to his or her work. This means that I in some interviews emphasised legislation while I in others emphasised general knowledge and

⁴ Seminar on Organized Crime, Smuggling in Human and Trafficking. Arranged by Scandinavian Research Council for Criminology: Latvia 28.05 – 01.06.01

⁵ Altink 1995

⁶ Heiberg 2001

experience regarding the possibility of occurrences of trafficking of children and young persons in Norway.

In all the interviews I provided information on the background and purpose of the project. IOM has pointed out that one of the problems linked to fighting and preventing trafficking has been the lack of a common international definition of the phenomenon. ECPAT Europe Law Enforcement Group therefore suggested a definition of trafficking, which the informants were asked to evaluate. I asked the informants in advance whether their department/organisation had its own definition of trafficking, and what knowledge they held on the subject. In order to make the structure more fluid, I asked questions on the following subjects: 1) trafficking, 2) how the children come to Norway, 3) general observations, 4) organising, 5) legislation and precedent, 6) actions of assistance.

A natural area to focus on in the international trading of children and young persons for the purpose of commercial sexual exploitation, is the prostitution market. In this context, the focus was on the knowledge of migration for the commercial sex market from Eastern Europe and particularly Russia. This is caused both by Norway bordering Russia, and because the increase in trafficking/migration of prostitution has primarily come from Eastern Europe. Another area, not so apparent but just as exposed in terms of this form of abuse, is separated children. While trafficking of separated children into Europe is regarded as a serious problem, the Norwegian government has paid little or no attention to it.⁷

The informants were chosen partly from their working field, partly from a snowball effect where others had tipped me off regarding persons, governmental institutions and organisations of interest and relevance. Firstly, I contacted those I assumed had an overview of the field, such as Pro-Center, but my choice of informants did not exclude other departments, organisations or observers holding relevant knowledge.⁸ The size of the project and the time frame of four months limited the collection of information. I list the institutions contacted, (see appendix) but I do not refer to names or to any specific working field/organisation.

I spent between one and two hours per interview. Five of the interviews took place on the telephone for practical reasons. The conditions during the interviews and the goodwill I met in my approach, gave me the view that the subject is of great interest even though it is not a part of the public discourse in Norway.

In the first part of the report I will give an account of existing legislation, knowledge and political actions regarding the commercial sexual exploitation of children and young persons. In the second part of the report I will describe the responses to the interviews and the knowledge and experience public institutions and organisations hold regarding children and young persons who are victims of trafficking in Norway.

2. Norwegian legislation and knowledge

Norway has no law aiming specifically at preventing international traffic for the purpose of commercial exploitation. The closest thing to Norwegian legislation aimed at trafficking is the anti-slavery law, the so-called pimp paragraph and the Immigration Act.⁹

⁷ Ruxton 2000

⁸ Pro-Center is a social service center aimed at women and men in prostitution

⁹ Penal code chapter 19 and 21, Immigration Act.

Prohibition against slavery and the slave trade are to be found in the penal code chapter 21 dealing with crimes against personal freedom, where paragraph 225 calls for five to twenty-one years of imprisonment for persons causing or contributing to slavery or the slave trade. In relation to the commercial sexual exploitation of an individual, penal code paragraph 225 can be applied when the relationship between a third party and the exploited person can be described as slavelike.

Chapter 19 of the penal code, which concerns sexual crimes, prohibits profiting from and publicly advertising prostitution (paragraph 202). According to paragraph 202, letters a and b, the person who recruits prostitutes or exploits the prostitution of others will be punished by fine or up to 5 years of imprisonment. Paragraph 202 letter c prohibits the renting out of premises for prostitution and includes cases of grave negligence – meaning that the person renting out the premises should have understood that the premises would be used for prostitution.

In chapter 7 of the Immigration Act, which contains a number of different decisions, paragraph 47 calls for fines or up to 3 years of imprisonment for persons who for their own gain assist others in attaining illegal residence or immigration to Norway or other countries participating in the Schengen co-operation, according to third subsection letters a and b.

2.1 International law

Even though Norway has no laws aiming specifically at trafficking in humans, we have signed a number of Conventions, and where there are inadequacies in Norwegian law these shall be interpreted in accordance with the Conventions. Norway has ratified the UN - Convention of 1949 on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Article 17 in this Convention gives special protection to children in the situation of entering/leaving a country. Norway has also ratified the UN additional Convention of 1956 on the Abolition of Slavery, the Slave Trade, conditions and courses of action related to slavery; The UN Convention of 1956 on Civil and Political Rights where Article 7 protects against inhuman and degrading treatment and Article 24 calls for the protection of children; The European Convention of Human Rights of 1950, where Article 3 protects against inhuman and degrading treatment.

On the 8th of January 1991, Norway ratified the UN Convention on the Rights of the Child.¹⁰ At the present time there are proceedings to implement the UN Convention on the Rights of the Child in Norwegian law. Discussion is underway to decide whether the Convention should be embodied by transformation or incorporation. The first implies adapting the entire Convention to Norwegian law, the latter that the Convention's articles are adapted to the legal provisions in which they belong.¹¹ As a component in the strengthening of the UN Convention on the Rights of the Child, the UN General Assembly of 25 May 2000 agreed to an Optional Protocol on the sale of children, child prostitution and child pornography. Representatives from the Foreign Office participated in the working group negotiating the terms of the protocol, and on the 23rd of March 2001 it was ratified in Norway.¹²

On the 8th of December 2000 Norway signed the new UN Convention against Transnational Organised Crime and two additional protocols against the trafficking in persons and smuggling of humans.¹³

¹⁰ Save the Children Norway (1993): The Convention on the Rights of the Child

¹¹ According to the Ombudsman for Children comments to the Ministry of Justice, May 2001

¹² St.prp. nr.58 (2000-2001)

¹³ The Ministry of Foreign Affairs: Press statement nr: 183/00.08.12.00

2.1.1 The Norwegian penal code

The penal code's chapter 19 dealing with sexual offences, protects children and young persons against all forms of sexual exploitation. In Norway the age of consent is 16, and the central provisions affecting sexual activities with a minor under 16 years of age are paragraph 195 and paragraph 196.¹⁴

Paragraph 195 of the penal code calls for imprisonment of up to 10 years for persons having sexual relations with children under the age of 14. If the sexual activity is defined as intercourse, the minimum penalty is imprisonment for 1 year and the maximum penalty is raised to imprisonment of up to 15 years. Under certain aggravating circumstances, the maximum sentence is imprisonment of up to 21 years, according to paragraph 195, second section. Paragraph 196 gives a sentencing frame of up to 5 years for sexual activity with children under 16 years of age. It expands the sentencing frame for up to 15 years under aggravating circumstances, if the offence was committed by several persons together, inflicted in an especially painful or degrading manner, or if the accused had previously been convicted under paragraph 192 or 195.

The penal code chapter 19 contains several rules giving special protection to persons under the age of 18. Sexual relations with a person under the age of 18 who is under the perpetrator's authority or care, is punishable by penal code paragraph 199. Paragraph 199 of the penal code refers to abuse of power relations. In situations where the person holds a position that is not included under paragraph 199, paragraph 194 on the abuse of dependency relations applies. Penal code paragraphs 197 and 198 prohibit sexual activities with a relative in direct line of descent, whether biological or adopted, and with siblings. Paragraph 197 has a sentencing frame of up to 5 years and paragraph 195 up to 1 year. Penal code paragraph 197, as with the prohibition of incest, can be used in combination with paragraph 195 that prohibits sexual activities with children under the age of 14.

In Norway it is not forbidden to buy or sell sexual services. But according to the penal code chapter 19 paragraph 203, a person having sexual intercourse or activity with a person under the age of 18 for remuneration will be penalised with fines or imprisonment of up to 2 years. The second subsection of the statutory provisions establishes that delusion about the person's age does not exclude guilt unless the customer has acted in good faith, which involves the use of common sense and a total assessment of the situation. This implies that Norway has criminalised the purchase of sexual services from persons under the age of 18. Paragraph 203 has been operative since the 11th of August 2000.

The penal code paragraph 202 prohibits procurement and rental activity, gives general protection against abuse of others in prostitution irrespective of age, and has a penalty frame of imprisonment of up to 5 years.

Norwegian legislation also protects children and young persons against abuse through pornographic materials. The penal code paragraph 204 prohibits the distribution of pornographic materials to persons under the age of 18. It also prohibits the production, importation, possession, procurement or access for payment to web sites containing child pornography, according to first subsection letters c and d. It is also prohibited to mislead a person under the age of 18, to let

¹⁴ Ot.prp.nr 28 (1999-2000)

him/herself be depicted for commercial representation with sexual content or to produce such representations where somebody under the age of 18 is depicted, according to first (subsection, link) letter f. Until a change of the law on the 11th of August 2000, paragraph 204 of the penal code did not cover computerised pornographic representations, but now it is clear that all dealings with child pornography are prohibited. That is to say that both the downloading of child pornography onto a personal computer and the payment for access to web sites containing this material will be affected by paragraph 204, first subsection, letter d.¹⁵

A person with Norwegian citizenship can be penalised for the sexual abuse of children abroad. The penal code chapter 1 dealing with the Acts of Norwegian criminal law, are paragraph 12 first subsection no:3 and no:4 including the provisions that prohibit sexual activity or exploitation of persons under the age of 18. In cases of violations of the penal code's paragraphs 195, 196, 203 and 205, paragraph 12 allows for the sentencing of a person with Norwegian citizenship or residency even if the criminal act has taken place outside Norway.

The period of limitation for reporting sexual violations has been a conflict issue for years, but since August 11th 2000 the period of limitation for pressing charges for violations of penal code paragraphs 195 and 196 runs from the victim's 18th birthday. The length of the period of limitation is set according to the maximum sentence for the particular violation, in accordance with penal code paragraph 67, first subsection.¹⁶ This means that violations of paragraph 195 earlier had a period of limitation of 10, 15 and 25 years respectively from the time when the violation took place, while the period of limitation now begins when the victim is 18.

The Norwegian penal code has relatively good protection for children and young persons against sexual exploitation.¹⁷ Other forms of protection against sexual abuse or exploitation of children and young persons are found in the demand for police certificates of employers in public or private institutions dealing with children.

According to the Childcare ACT paragraph 6-10, a police certificate is required of persons employed to work in connection with childcare.¹⁸ According to paragraph 6-10, second, third and fourth subsections, this applies to persons working in both public and private institutions, foster parents, support contacts, probation officers and private individuals taking into care children for relief purposes. Persons sentenced or convicted of a violation of the penal code paragraph 193, 194, 195, 197, 199, 200, second subsection, and paragraph 201 letter c, containing sexual violation or other indecent behaviour in the presence of a child under the age of 16, and also paragraph 204 first subsection, letter d, are excluded from working or attending to tasks dealing with childcare services, according to paragraph 6-10 fifth and sixth subsection. The demand for police certificates also applies to persons employed in nursery schools and compulsory schools, according to the Nursery Schools Act paragraph 20 and the Training Act paragraph 10-9.¹⁹

¹⁵ Ot.prp.nr 28 (1999-2000)

¹⁶ Ot.prp nr.28 (1999-2000)

¹⁷ There is no room to discuss it here, but if Norwegian legislation is good, legal practice is another aspect and there has been criticism against poor legal protection for victims in cases of sexual violations of children. Hennem 2000 refers to conditions that are decisive in the result of the individual case, including the accused's confession, whether the accused has been reported earlier and the gender of the main investigator.

¹⁸ Lov 1992-07 nr 100: The Child Care Act

¹⁹ Ot. prp.nr.28 (1999-2000)

2.1.2. Other forms of juridical protection

In other areas, children and young persons are protected by the Childcare Act, which secures the required assistance for children and young people living under conditions that can harm their health and development, according to paragraph 1-1. The Childcare Act involves every person under the age of 18 that resides in the kingdom. In Norway, childcare services are decentralised and it is an individual local authority's responsibility to organise preventive action, according to paragraphs 2-1 and 3-1. However, it is the responsibility of the state to supervise the laws, regulations and other agreements promoted by the Childcare Act and see that they are applied in a correct manner by the individual local authorities, according to paragraph 2-3. The Childcare Act paragraph 2-3 requires the childcare service to contribute to the interests of the child maintained by other official organs.

In addition to The Childcare Act, persons under the age of 18 are protected under the Legal Guardian Act for under-aged persons according to paragraph 1.²⁰ The Legal Guardians Act paragraph 3 states that a legal guardian for a minor is the person or persons who have the parental responsibility for the minor according to the rules of the Child Act paragraph 30, which states that the child has the right to care and attention from those who have parental responsibility.²¹ The Child Act paragraph 30 also requires those with parental responsibility to act in the child's best interest and according to the child's needs. The Legal Guardians Act paragraph 6 requires the local authorities to appoint a legal guardian to a minor. The legal guardian's responsibility is to maintain the juridical side of the parental responsibility, and parallel to the Childcare Act the Legal Guardian Act applies to all minors taking residence in the kingdom.

2.2. Existing knowledge and politics

The existing Norwegian knowledge on prostitution is dominated by street prostitution. On the one hand this is due to research predominately being directed towards street prostitution. On the other hand, street prostitution is the form of prostitution most visible to the police and the support apparatus. In addition, street prostitution is dominated by women with drug problems, and therefore there is an established relationship with social and support services.²² The knowledge of the indoor market for prostitution is limited, both regarding research and public insight. The limited knowledge that exists concerns massage institutes where women of Norwegian origin are working.²³

The creation of a prostitution market with women of foreign descent started at the beginning of the 1980s, but on a small scale. Since the beginning of the 1990s, the indoor market, such as massage parlours, has been dominated by women from Thailand and other countries in Southeast Asia, the Dominican Republic and other countries in South and Central America.²⁴ The category "women of foreign descent" does not distinguish between women with an established relationship to Norway and women migrating for the purpose of working in prostitution - that is to say, taking up temporary residency in Norway.

²⁰ Lov 1927-04-22 nr 23: The Legal Guardian Act

²¹ Lov 1981-04-08 nr 07: The Child Act

²² Finstad et.al 1982, Høigård og Finstad 1993

²³ Müller-Nilssen 1996, Skilbrei 1996

²⁴ Randers-Person 1998

The tendencies seen elsewhere in Europe with a growing market of women from Eastern and Central Europe working in prostitution has, with the exception of the county of Finnmark, been a minor problem in Norway. Finnmark, which is Norway's northernmost county and borders Russia, has since the mid-1990s experienced buses with women from Russia crossing the border to work in prostitution or to sell cigarettes or spirits. It has been claimed that they are primarily selling sex. According to the picture presented by the media, campsites in remote hamlets in Eastern Finnmark have been filled with Russian women selling sexual services. In 1997, the Norwegian Consulate in Murmansk estimated that around 100 women a week travelled from Murmansk across the border to Finnmark.²⁵ These prostitutes are very mobile and the trade has established itself in Western Finnmark as well as other places in the north of Norway. In Oslo it is only in the last year that women from countries in Eastern Europe have started to come in on tourist visas to work as prostitutes. Mobile prostitution, or travelling prostitutes, is a form of prostitution which is either new or was not visible at an earlier stage. Women are travelling round Norway selling sexual services, advertising themselves in advance in certain magazines or on the Internet.

The knowledge available in relation to changes in the prostitution market is primarily based on media entries. The Norwegian authorities have shown a lack of interest in considering this in the context of an international trade, and today the existing information is limited both regarding the changing situation on the prostitution market and trafficking as a subject.

In 1998, Morten Müller-Nilssen commissioned by PION (The Organisation for Prostitutes in Norway), carried out research aimed at identifying the conditions of women of foreign descent working within prostitution. The purpose of the research was to gain knowledge on these women and their living conditions. In addition there was a desire to know if the women wanted help, and if so, what type of help they were in need of.²⁶ The report was based on a selection of 64 women from countries in South East Asia, Latin America and especially the Dominican Republic, Africa and Eastern Europe. The majority of the women in the research came from Thailand. Because most of the women had an established relationship with Norway that had lasted between 2 and 12 years, the report concluded that there were no grounds for suspicion that the women were victims of trafficking. Only 6 women in the selection had stayed in Norway for less than 1 year. Only 6 of the women stated that their starting point was a tourist visa, and only 1 had been granted residency based on humanitarian grounds. The research showed that 5 of the women reported to have started in prostitution because of a man. Of these 5, only one stated that she felt she had been forced into it. The rest gave economics as the main reason. Contact with the prostitution market was established through family and friends.

In 2000, Marianne Sætre in co-operation with Oslo police district carried out research where the goal was to determine whether any kind of cross-border sex trade existed in Oslo, and if so, how this trade was organised.²⁷ The report was based on interviews with 21 foreign women in the age group of 20-45 years with the majority between 31-40 years. The women's origin was Europe, Eastern Europe, Latin America, Africa and Asia. Based on this selection, the women from Eastern Europe were between the ages of 20-25 whilst the women from Asia were mainly between 31-40 years old. 5 of the women had spent less than 3 months in the country - from Europe and Eastern Europe. The rest had residency in Norway lasting several years. 8 of the women told the researcher that they had come to Norway to work in prostitution; 4 of these came from countries within Eastern Europe, 2 from countries within Western Europe, 1 of African descent (living in Sweden) and 1 from Asia. Of these women, one was in the country illegally. This turned out to be the African woman living in Sweden.

²⁵ Aaset 1997

²⁶ Müller-Nilssen 1998

²⁷ Sætre 2000

According to Sætre, these women made it clear that their choice to sell sex was made on free and independent grounds and that they had not been exposed to force, threats, loss of liberty or violence. Economic reasons were given as the main motive to work in prostitution. The women worked in massage parlours and private apartments. Sætre nevertheless concluded that trafficking, in this report translated as a cross-border sex trade, exists in Norway.²⁸ This was based on the fact that even though the women did not satisfy all the criteria for trafficking, they did in fact satisfy several of them. A few explained that they had been lured or tempted to come to Norway with promises of good earnings. In addition, Sætre gives weight to the fact that the motive for entering Norway was prostitution. This, in her view, indicates that background players organised the women's sex sales and profited from them.

None of these reports mention the women's debut age for prostitution, but Sætre's report shows that the prostitution market dominated by women from Eastern Europe involves women who are significantly younger than the market dominated by women from Thailand.

2.2.1 Research on prostitution in Norway

The first Norwegian research on prostitution in Norway was undertaken in 1967. This was by Willy Martinussen at the request of The Penal Code Council. The research was based on statistical materials collected from the country's police chambers, childcare services, guidance teams and archives of other official agencies.²⁹ The goal was to map out the different forms, dimensions and participation in prostitution. In this research the approach to prostitution was characterised by the prevailing opinion at the time, where individual features of the women were used to explain the reasons for prostitution. The research showed that they were mainly in the age group of 18-29 years, but girls at the age of 14-15 could also be found. The latter were particularly to be found among what was referred to as the "boat girls", or harbour prostitutes. Martinussen established that these girls were amateurs, suggesting that they did not have an established relationship with prostitution, and that sexual activity with seamen was exchanged for cigarettes, liquor, a party, a roof over the head or some money.³⁰

Just over a decade later, new research on prostitution appeared in Norway. The mass media's branding of child and youth prostitution in Oslo as a political problem resulted in the establishment of the Oslo project.³¹ Through on-site activity, the Oslo project was to map, describe and explain prostitution amongst children and youth, in addition to starting remedial action aimed at keeping persons under the age of 18 off the streets. The research did not find as high a number of children and young persons working in prostitution as the media had indicated. Meanwhile it registered that there were children under the age of 11, but the main bulk of the youth were 4-5 girls aged 16-17, operating on a regular basis. In addition there was a handful of transients of the same age group. They registered a significant increase during the spring and summer and a decrease during autumn and winter. The difference between the picture spread by the media on the size of the problems and the numbers the Oslo project came in contact with, is linked to these seasonal differences plus the fact that the market changes from one year to another. Street prostitution in Oslo was linked to certain streets in the centre. Increased attention and control in one area triggers the creation of new arenas of activity.³²

²⁸ Sætre 2000:26/27

²⁹ Martinussen 1967

³⁰ Martinussen 1967: 9-6

³¹ Finstad m.fl. 1982

³² Järvinen 1993

Similarly to Martinussen's research in 1967, the Oslo project showed that amongst the youngest girls, only a minority had established a relation to prostitution. They describe the different steps in the prostitution career, where the youngest are categorized as *the amateurs*.³³ The girls that the Oslo project came into contact with often had backgrounds filled with problems linked to several factors: an unstable family situation, adolescence in different institutions and foster homes, little or no connection with school, leisure and other environments with friends. According to Martinussen, the youngest girls were mainly in harbour prostitution, but they also formed a group on their own. The same has been seen in street prostitution. Finstad et.al. write that child and youth prostitution cannot be isolated as a field of its own, but creates a network of diverse connections to adult prostitution. Both researchers point out that cross-border prostitution takes place between the Nordic countries. According to Martinussen, the Danish police know that several hundred Norwegian girls work in prostitution in Copenhagen. Martinussen links this up to the possibility of better money and the different cultural climate in Denmark in comparison to Norway in terms of prostitution. Finstad et.al. write that several of the girls take trips to Stockholm or Copenhagen, and that Finnish and Swedish girls come to Norway. This commuting is connected to the need for variation, as new girls on the market are popular.³⁴

After the Oslo project it appears as if the commercial sexual exploitation of children and young persons becomes invisible to the public. The project's focus was street prostitution amongst girls under the age of 18. This suggests that other areas and forms of child and youth prostitution are still an unknown matter in the Norwegian context. The lack of follow-up of the commercial sexual exploitation of children and young persons could perhaps be attributed to the very small numbers, and it is now considered to be a marginal problem. Another reason could be that other forms of sexual assaults on children were put on the public agenda, and children and young persons in prostitution came, so to speak, in the shadow of this type of encroachment.³⁵ It is also possible that age is seen to be just one variable in the context of regular prostitution, and that no need has been seen for a special focus on child and youth prostitution. The Oslo project was followed up by more extensive research on prostitution. This was also on-site research on street prostitution.³⁶

Recent research on prostitution comprises two studies, where one has highlighted the recruitment to prostitution in massage parlours and the other highlights prostitution as social opinion.³⁷ Both studies concern the indoor market with women of Norwegian origin as a starting point. Research on prostitution also includes a study on men buying sex, and men working in prostitution.³⁸ The first is a qualitative study of men who buy sex. This study shows that men who buy sex are a diverse group regarding civil status and social group affiliation. This means that the idea that the prostitute client is a person set apart from the rest of the population is a myth. The study on men working in prostitution is a qualitative study of men who sell sex to both women and men, and how they experience this.

The commercial sexual exploitation of children and young persons has in other words not been given much space on the public agenda. In recent years it has nevertheless been admitted that this is a market with dark figures, something that has been uncovered by researchers on the debut age into prostitution.³⁹ The research shows that the average debut age is around 14 years, and this goes for boys as well as girls. This describes a market for youth in prostitution about which there is

³³ Both researches use the term *full time prostitution, part time prostitution, and amateurs* to clarify different connections to prostitution.

³⁴ Martinussen 1967: 9-1, Finstad et.al 1982: 32

³⁵ St. meld nr 53 refers to the public authority lack of perspective and whole thinking relating to sexual abuse of children.

³⁶ Høigård og Finstad 1993

³⁷ Skilbrei 1996, Müller-Nilssen 1996

³⁸ Prieur og Taksdal 1989, Kippe 2000

³⁹ Tjersland 1995, Pro-sentret 1996, Pro-sentret 1998, Pedersen og Hegna 2000, Kippe 2000

very scant evidence. In which areas do they act and who are the performers in the market, are unanswered questions. When taking into account the fact that several of these studies have been done in connection with the helping agencies, it is suggested that even today there is little awareness about prostitution in agencies working with children and youth.⁴⁰

2.2.2 Political strategies

In 1982 the Oslo Police headquarters prostitution and procurement group was established. The mandate was to map the milieu where prostitution takes place to obtain the best overview of the dimensions of prostitution along with information about the activity. This group was closed down in 1992, and today there is one person, a woman, in the intelligence section that has the prostitution milieu as a special field. The reason why the group was discontinued was resources. Prostitution did not fall within the prioritised areas such as violent crime, economic crime, narcotics and traffic crime.⁴¹

The Pro-Center was established in 1983 as a nation-wide centre of competence in matters of prostitution as well as Oslo county borough's remedial action centre. The Pro-centre provided countrywide advice and had a wealth of information about the wider issues related to prostitution. That is to say female, male and child prostitution. In addition, the Pro-centre is commissioned to undertake on-site activity in the prostitution environments, working with individuals, developing projects and workgroups and developing competence regarding male prostitutes. The Pro-centre works in close connection with other occupational fields such as the police and childcare services, and participates in network and resource groups led by representatives from the government. The Pro-centre is also represented in ECPAT Norway's national network.

Norway has been an active participant and founding member of international co-operative action against all forms of sexual assault against children. At the end of the 1980s, the Norwegian government took an initiative to better the procedures and co-operation across borders to fight sexual harassment and exploitation of children. This contributed to the EU's Council of Ministers in 1991 agreeing upon a document that requests the European countries to strengthen public attention and competence in this field. Norway has also been pushing to get the International Police Organisation (Interpol) to direct a greater focus on international trafficking with children.⁴²

Like the other Nordic countries, Norway has been active in connection with The Østersjø Council initiative on commercial sexual exploitation of children. It has, amongst others, initiated action to heighten the level of competence in the field within the police, social and health personnel in the Baltic countries, financed through Nordic support. Through The Nordic Council and the Nordic Council of Ministers as a co-operating organ between the Nordic countries, they have worked on different measures to fight against the sexual abuse of children. This contains both an examination of legal strategies and heightening of competence amongst professional and governmental institutions that work with children. Norway is also represented in an expert committee (PC-SE) established by the European Council's steering committee on criminal law, criminology and prison cases (CDPC). The committee works for the protection of children from sexual exploitation and CDPC has given the committee the task of looking closer at the treatment of sexual offenders in prison institutions and society. The Norwegian Ministry of Justice has nominated regional commissioner Ann-Kristin Olsen as the Norwegian member of this committee.⁴³

⁴⁰ This is confirmed by Pro-centre

⁴¹ Pro-sentret 1993

⁴² St.meld. nr 53

⁴³ Ot.prp.nr 28

During the first World Congress against sexual exploitation of children, the Norwegian government put forward a proposal to initiate an international network against child pornography. The suggestion was compiled by Save the Children Norway and Kripos (The Crime Section in Norway) and involves the surveillance of child pornography and the paedophile network. This contributed to the establishment of the Website children@risk.online.no in august 1996.⁴⁴

In 1998 a cross-topic network and resource group against the sexual exploitation of children was established by the Ministry of Children and Family Affairs. The group consists of representatives from the political leadership in the Ministry of Justice, Ministry of Health and Social Affairs and the Ministry of Church, Education and Research. Additional participants are the Commissioner for Children, representatives from Kripos, the Pro-centre, National centre of resources for sexually abused children, Save the Children Norway, ECPAT Norway and the Foundation Support Centre against Incest – Oslo.⁴⁵

In 1999 The Ministry of Children and Family Affairs produced a follow-up plan after the Stockholm Congress against commercial sexual exploitation of children, where the emphasis was on co-ordination both on a national and international level to strengthen and improve the work and protect children against commercial sexual exploitation.⁴⁶ The Norwegian government claims that cases of sexual assault are a prioritised area of crime. As a part of strengthening the investigations of sexual assault against children, the Norwegian government agreed to support Kripos through assigning positions earmarked for work with cases of sexual assault. Kripos was asked to establish a unit, which would function as a centre of competence in relation to all kinds of sexual assault and exploitation of children, together with assisting the police locally in cases concerning crimes with the purpose of sex against children.⁴⁷ The unit, which goes under the name "Child-Kripos", was also to establish a base of knowledge on trained personnel - psychologists, doctors, and so on - that the police districts could use in the investigation of cases of assault against children. The government has in addition done its utmost to ensure the strengthening of the competence within the police in general. Today the Police Academy is providing education on the subjects of rape and other sexual assaults both in its basic training and in up-grading courses.⁴⁸

In connection with international police co-operation, Norway participates in UN efforts to fight crime, and has made a police officer available to Interpol in cases concerning sexual violations of children.

Norway is incorporated in the Schengen Agreement, which deals with European police co-operation. In addition to this, Norway has formalised co-operation between the Norwegian police and Europol. Norway participates with the other countries in the Østersjø region in an established co-operation between police, customs and border-guard authorities. In addition, Norway is in the co-operative project Nordic Baltic Academy, and since 1998 has had an agreement with the Russian authorities on co-operation against certain types of criminal acts. In the same year, Norway entered into a three-sided agreement between Norway, Finland and Russia for border surveillance and border control.

To sum up, one could in my opinion say that Norwegian authorities have an impressive activity and participation in international co-operation to fight commercial sexual exploitation of children and young persons. The international police co-operation also includes participation in processes

⁴⁴ Nettnytt 1996 Save the Children Norway

⁴⁵ Press statement Nr 98094. Ministry of Children and Family Affairs

⁴⁶ Norwegian follow-up of the Stockholm Congress against commercial sexual exploitation of children

⁴⁷ Press statement nr.75 –2001.0806.2001. Ministry of Justice

⁴⁸ St.meld nr. 52 (2000-2001)

such as the Budapest process, which is the largest pan-European co-operation against smuggling of humans and illegal immigration and the Nordic police and customs co-operation (PTN) which works against organised crime in general and narcotics in particular.⁴⁹ However, it is important to consider that trafficking for commercial sexual exploitation is a part of the operations of organised crime, and an interesting question in that connection is how the fight against trafficking for sexual purposes is prioritised in relation to other operations such as the smuggling of narcotics, alcohol and cigarettes, computer crimes, economic crimes, the export of stolen cars, smuggling in humans etc. As I mentioned above, the group assigned to work on prostitution in Oslo was discontinued because of a lack of resources and one might say, lack of will to prioritise the field.

3. What is happening in Norway?

This research is concentrated on two areas in Norway, Oslo and Finnmark, more particularly Eastern Finnmark in the area where the border between Norway and Russia runs. The reason why I have chosen to limit the area is partly due to the time limitation of the project. It has also been the thought that the Oslo region has three of the largest reception centres for asylum seekers: Tanum, Lysaker and Onsrud, where most asylum seekers report. Eastern Finnmark stands out specifically from the fact that it is the area in Norway with the longest experience in cross-border prostitution from Russia. The traffic from Murmansk to Eastern Finnmark has been going on since the middle of the 1990s. Considering that there are transit reception centres for asylum seekers in Kristiansand, Bergen and Trondheim –although these are first and foremost relief centres for the transit reception centres in the Oslo area – and that the prostitution market dominated by Eastern European women is mobile, a study of other areas of Norway would be both interesting and relevant.

3.1 Trafficking

I started the interviews by stating the purpose of the research and asking questions as to what the institutions I was addressing knew about the phenomenon. All my informants replied that they did not have concrete knowledge or experience in this field. Those of the informants working in close relation to prostitution, foreign cases, asylum cases and minor asylum seekers said that they were attentive to the problem and talked about it. In one of the institutions I came in contact with in Finnmark, I was told that they started discussing the possibility of trafficking after I had requested an interview.

None of the informants worked with a definition of trafficking of their own, but those who were attentive to the problem had opinions about what the definition embraced. One informant was of the opinion that trafficking concerned illegal entry into the country and the exploitation of the individual in Norway or a third country. The term was also understood as a description of cross-border prostitution and prostitution concerning "people who were brought here and put into prostitution, some do it voluntarily and others were forced". One informant was of the opinion that trafficking could mean both smuggling of humans and forced prostitution. Two of the informants were clear on that subject and said that the definition involved cross-border trade for the purpose of prostitution, and it had to involve force. On a general level the feedback was that it is a criminal act and involves the crossing of borders and the exploitation of women and children in the sex industry.

⁴⁹ St.meld.nr.6 (2000-2001)

3.1.1 Reaction to ECPATs definition

ECPAT Europe Law Enforcement Group constructed a definition on the term trafficking that the informants were asked to give a reaction to:

TRAFFICKING: Any behaviour which facilitates the entry into, transit through, residence in or exit from any territory. It is irrelevant whether force is used or the child has been misled.

CHILD: A person under the age of 18.

SEXUAL EXPLOITATION: The use of a child in prostitution or the exploitative use of a child in other sexual practices, including the use of a child in pornography and forced marriage.

TRAFFICKER: Any person who facilitates the entry into, transit through, residence in or exit from any territory. This includes anyone who contributes to the traffic at any stage or by any means.

EXPLOITER: Any person who facilitates the sexual exploitation of a child. This includes a pimp, brothel-owner, taxi driver, client.

SENDING COUNTRY: The country of a child's nationality or permanent residence.

RECEIVING COUNTRY: Any country in which the child is sexually exploited.

Few of the informants had any comments on the definition. The critical feedback came from those of the informants that were aware of the phenomenon. In their view, it was too wide. It was pointed out that as worded, travel agents and transport companies selling tickets to persons under the age of 18 would come under this definition. One of the informants pointed out that too wide a definition could end up depriving individuals of freedom of action. This definition would conclude that everybody under the age of 18 is a victim of trafficking if they, by the help of organised activity, cross borders or travel inside an area to work in prostitution. The informant was of the opinion that it was a matter of age that would decide the degree of force: "the older people get, the more equal are the relations". The definition gives a dimension of criminality to people between the ages of 16-17 moving either between borders or inside an area, and especially if that person has experience in prostitution. The need to state more clearly that this is about criminally motivated actions was also raised by others, and it was pointed out that the transport could happen for other reasons such as e.g. humanitarian reasons, or that a person knew nothing of a person victimised of trafficking.

One of the sources stated the need to specify what was meant by forced marriage, saying that it surely was a cultural phenomenon and should not be seen in the context of the commercial sexual exploitation of children. One informant thought it was a good thing to include taxi drivers, and through this made the point that they could be involved in commercial sexual exploitation in the shape of procurement activities. It was said that in many countries taxi drivers were involved in recruiting customers for brothels and so on.

There was no criticism of the definition of the age of children, but a couple of the sources felt that one should use the formulation children and youth. It was said that by using the term *children* one activated anger and involvement in relation to the phenomenon, but it could also contribute to a lack of attention and denial of its existence. People often associate children with pre-pubescent persons. In addition the informants stressed that it is necessary to differentiate age with regards to the establishing of relief attempts because a 10-year-old would have different needs from one nearing the age of eighteen. As mentioned earlier, these points were also brought up in the meeting with ECPAT (See paras: 1.1.2)

Summing up the response: in general, there is a need for a clearer definition, with reference to the fact that this is about organised criminal activities, where the intentions behind and the motive for

these activities are sexual exploitation of children and young persons. Better specification of activities such as forced marriage was a point that came up. Furthermore, the definition should use the formulation children and young persons to differentiate in age.

3.2. How the children come to Norway

Norway shares borders with Russia, Finland and Sweden. In total, there are 68 border-crossings between these countries where it is possible to drive by car. 23 of the border-crossings are operated by customs. The most well known ones are the borders in the police districts of South Varanger, Kongsvinger and Halden. There are daily ferries between Norway and Denmark (Copenhagen, Fredrikshavn and Hirtshals), Germany (Kiel) and England (Newcastle). Norway has a coastline stretching along all of its long and narrow country.

3.2.1 Separated children

Unaccompanied minor asylum seekers are refugees and asylum seekers under the age of 18 without parents or others with parental responsibilities in Norway.⁵⁰

In response to questions regarding how separated children could enter Norway, most gave the reason that they arrived as asylum seekers. Restrictive asylum and refugee policies, where the use of strict visa restrictions towards countries producing refugees, have contributed to the difficulty of legal entry to Norway. One of the informants stated that "*if one shall come to Norway it has to be illegally or with smuggling or false papers.*" Another answered, "*If we only had known*". The informants refer to the fact that it is problematic for people fleeing their countries to enter Norway legally. It was their experience that unaccompanied minor asylum seekers contacted the police or reception centres without knowing how they had entered the country.

Another informant said that it was most common to arrive with an accompanying person, that is to say, family or friends that already have a permit to stay in Norway. A normal way to travel was by train, car or boat, with false documents. The response to the question regarding the smuggling of people in private cars was that "*having met people without identification papers along the border gives food for thought*". This goes for adults as well as children. The informant said that the majority of asylum seekers who were smuggled into the country in cars were adult, and sometimes it also occurs with children.

Only one interviewee could give some accurate figures on how many separated children there are in the country. In 2000, 556 separated children were registered. So far this year, there have been 129 separated children (30.05.01). Of these, 120 came without an accompanying person, and there have been 11 dismissals. Separated children have mainly been granted residency in Norway on humanitarian grounds, also in the cases where they are entitled to political asylum. One informant said separated children belonging to the group Kurds from Northern Iraq were not granted residency in Norway. The Norwegian government has given all Kurds residency for one year, not knowing what will happen the year after. According to the source, separated children can in general be sent out of the country if their families are traced, or if they come from countries that do not fall into the criteria for granting asylum.

⁵⁰ St.meld.nr 17 (2000-2001)

According to the source, most of the separated children come from Somalia, Yugoslavia, Iraq and Sri Lanka, but also from other countries like Russia, White Russia, Lithuania and Romania. The response to questions regarding what is happening to them, was that in the first round they are placed in asylum-seeker reception centres where they can stay up to 3 months. The interviews forming the basis for the asylum application are performed by the Government's Alien office, and before an interview can take place, a legal guardian is appointed to assist the minor during the interview. Pending the response to the application, they are sent to reception centres for minors. The majority of separated children coming to Norway are between 16-18 years old. Most are closer to 18.

No one could answer whether there were separated children trafficked in the country. There were split opinions on whether this took place but most did not think it did, because Norway is a regulated country with great visibility. One informant claimed that there was an absolute possibility that some children and young persons are staying illegally in Norway. A couple claimed that this primarily would be people taking residence in the country after the three months tourist visa had expired. Another referred to the numbers of minors who had disappeared without a trace. Some popped up in other reception centres under another name.

According to the Norwegian media, 119 children with foreign backgrounds disappeared from Norwegian schools during the last year, but there was no mention of how many of them were separated children.⁵¹ Earlier this year it was claimed that 88 unaccompanied minor asylum seekers were missing from Norwegian reception centres, but the government corrected the number and claimed it to be 47. All except 4 cases had been reported to the police. 6 of these were children under the age of 16 and three of them had disappeared without a trace while three of them could be traced to addresses abroad.⁵²

Other ways to get into the country are through an invitation from a host family or host. One informant told of a child from an orphanage in Russia who was invited to spend the holidays in Norway and was abused in child pornography. Another source said they had come in contact with girls between 15-18 years from Russia that had been invited to visit considerably older Norwegian men in Norway. Another feared that men charged with sexual assault had invited a mother with a child from abroad and that this was a way to get children into the country. One stated that they had discovered a girl of 16 years from one of the Baltic countries working as a street-prostitute in Oslo. The girl's age had been disclosed when her passport was found in an apartment where three other women were selling sex. They were in Norway on tourist visas.

One informant was of the opinion that application for asylum was a method used to get residence for a period in Norway. One had observed grown women in street prostitution in Oslo with a "green book" which is a sign of being an asylum seeker. These women did not come from countries whose nationals would be likely to be given Norwegian residence for either political or humanitarian reasons. The application would be treated, providing residence for a shorter period during its evaluation.

Nobody knew exactly if unaccompanied minor asylum-seekers are recruited into prostitution in Norway. Two of the informants could speak of young boys from countries in Eastern Europe staying in reception centres, who had been used by other compatriots for prostitution and criminal activity. Another suspected that young boys from Pakistan and Iraq are abused in prostitution, as well as young girls from Somalia. According to the informant it was difficult to find out whether this was organised by compatriots or adults from another ethnic group because it has been hard to

⁵¹ Aftenposten Interaktiv 22.06.01

⁵² Dagsavisen 19.02.01.

get through to the youth and get them to talk about it. The Norwegian media has reported that a section leader from Tanum reception centre told of young boys aged 16-17 years from Russia, Balticum, and White Russia being picked up by adult compatriots at night. There was strong suspicion that these boys were used in criminal activities, one reason being that stolen goods were found in their place of residence. The boys came from countries Norway does not give asylum to.⁵³ The Outreach and street work section in Oslo, undertaking on-site work in city centre streets, refers to coming into contact with minor asylum seekers (girls) living in reception centres who had spoken of prostitution experiences in Oslo Central Station. The report does not state if these are separated children or girls with families.⁵⁴

3.3. General observation

In response to the question of whether there is a market in Norway for the commercial sexual exploitation of children and youth, interviewees with experience of the prostitution market replied yes. A couple of the informants suggested that the demand was bigger than the offer, and that sexual assault against children, sex tourism and child pornography illustrated this. Several referred to expansion of the use of child pornography on the Internet and the uncovering of international paedophile networks as a sign of the size of the demand. One stated that "*the market for prostitution has a reversed career ladder where the young and inexperienced get paid more than older and experienced sex sellers.*" Several pointed out age as giving weight in advertisements of prostitution, and particularly a young age. This picture is confirmed both in earlier research on prostitution in Norway, and knowledge obtained more recently on the debut age. (According to chap. 2.2.1).

Amongst those with knowledge of the prostitution market, the majority thought that this is mainly a market for commercial sexual exploitation of minors in Norway, and abuse of small children went on abroad. It was outlined that Norway is a country with a good overview because of the small population, and to secure anonymity Norwegians went abroad. One of the sources felt that people are too naïve in Norway and are unable to come to terms with the idea that children are also exposed to commercial sexual exploitation in this country "*we hear that children are used as prizes in poker games, why not selling them?*". This informant felt that the procurement of child prostitution occurs in unthinkable arenas such as video stores, but that the procurement could also occur in 'Strøket'. 'Strøket' is the main area for street prostitution in the centre of Oslo.

From another angle I received information about Norwegians putting out child pornography on the Internet, showing abuse of their own children, and in some cases where both the mother and the father participated in this activity. In relation to age, the majority of the abused in child pornography were pre-pubescent or younger children. One informant claimed that there is a big traffic in sex tourism to Murmansk from Norway, and that prostitution amongst children and young persons has exploded there in the last few years. The people involved in this market are Norwegian men as well as men from other Nordic countries. Another expanding area is the use of chat-groups on the Internet to get in contact with youths. One source disclosed an increasing amount of youth experience in these situations. The informant claimed it could be a market with a high level of dark figures because many young people would be nervous to admit that they agreed to meet up with these persons.

On the question of whom the demand is pointed at, the answer was both sexes. In relation to child pornography, the majority were girls. Many pointed out that prostitution with boys was a market that was excluded from the main prostitution areas in Oslo, but which occurs in other areas such as

⁵³ Aftenposten Interaktiv 03.11.00

⁵⁴ Uteseksjonens skriftserie 3/2000.

outdoor areas, public toilets and train stations. A couple of the informants claimed that young boys were more available than young girls because boys (12 -14 years) drift around town in a different way from girls. They linked it to the greater social freedom given to boys but also to the idea that young boys want to try out their own homosexuality in the market of prostitution. The outdoor section on unaccompanied minor asylum seekers refers to girls and boys speaking of grown men addressing them with the offer of money for sexual services.

The response to the question of whether the police in Norway take the commercial sexual exploitation of children and young persons seriously, was affirmative. According to the sources I talked to, police co-operation on a local as well as an international level is good in relation to child pornography. I was also informed of a good relationship between the police and other institutions working with prostitution. The police are aware of minors, and make contact with girls appearing to be under the age of 18 to get them off the streets. It was nevertheless stated from several angles that prostitution was an area that was given few resources, and was not a priority area compared to other criminal acts. I was also informed that the Oslo police district intelligence service has only one person specialising in this field after the shutdown of the prostitution and procurement group in 1991. In addition to the police, the PRO-centre and PION are attentive to possible cases of trafficking in the prostitution market. From several sources it was pointed out that women working in prostitution report to the police when they see young girls in the streets or in the indoor market.

On the question of what role the sending countries had in preventing and fighting trafficking, international police co-operation was given as an example that this is taken seriously. A couple of informants said that the Baltic countries were active in relation to fighting the problem. At the same time they referred to a girl from one of the Baltic countries who had said that she was scared of the police in her home country, where she had been deprived of her money and sexually abused by policemen. In relation to Russia, several of the informants focussed on the economic and cultural differences between Norway and Russia. One of the informants pointed out that there was no other place in the world with such a difference between countries as one meets at the border crossings between Norway and Russia. The border separates one of the richest countries in the world from one of the poorest regions. It was also emphasised that there are big cultural differences between Norway and Russia in relation to sexual morals and views on women. In Russia prostitution is not looked upon as a problem, but is accepted. Women's sexual availability is taken for granted, and sexual abuse of children and young persons is an un-spoken issue in Russia. Another source noted that there are different notions about childhood. In Russia the girls are looked upon as adults when they become 14 years old and step into a grown woman's role, whereas in Norway youth at this age are considered as children for a longer period of time. But the picture is not so clear-cut and a couple of the informants told us that in cases of child pornography, the collaboration between Russian and Norwegian police has been impeccable.

3.4 The organisers

There is no evidence of trafficking for prostitution to Norway, but there is reason to suspect that it is taking place. Several of the informants referred to changes in the adult market of prostitution in Oslo, and during the autumn/winter 2000/2001 women from Eastern Europe have appeared who are suspected to be organised by a third party. The women were here on tourist visas. It was pointed out that the women seemed scared, and it was difficult to get in contact with them. Hints from other prostitutes suggest that there is an organised form of prostitution. Except for one case where it was revealed that a 16-year-old girl from one of the Baltic countries was in street prostitution in Oslo, there is no evidence of the involvement of minors. On the other hand, the informants passed on the information that this is a closed market about which little is known.

On the question of whether there was evidence of Russian children and youth in prostitution in Finnmark, the answer is no. From different quarters it was stressed that this was a market with adult women, where the age was between 20 - 40 years with a majority in the older age bracket. This was illustrated by a reference to one of the campsites, which had tried to set an upper age limit for women coming over from Russia at 33 years! One source spoke of hearing stories about teenage girls going with their mothers to one of the camp-sites on a couple of occasions. Cases like this have not been exposed and there was general agreement that children and youth were not a part of the regular market of prostitution.

Several of the informants suggested that private invitations might be one way that young girls might be exploited. Young girls travel hoping for marriage and a permanent stay in Norway, and Norwegian men could exploit this by taking on young women to trade them out after a while. The girls could be from 15 years and up. Another informant stressed the need for research into the issue of young girls in prostitution and referred to "Acquaintance clubs" in Murmansk. These are part of the prostitution set-up in that city. Advertisements around the city state that girls from 15-18 years can be ordered by phoning a cellular phone number. They also refer to the availability of a diversity of offers in looks and age. This type of procurement takes place between Norway and Russia, and is according to the source today the dominating form of prostitution arrangements to Norway "*It is odd that older men in Finnmark suddenly get acquainted with girls of school age in Murmansk*". The "Acquaintance clubs" are, according to the informant, organised businesses run by the same third party. This is evidenced by the fact that the same prices and offers are given and that there is no competition between the clubs. Another form of activity pointed out was "the sponsor". Norwegian men have a role of sponsorship with girls from Murmansk for sexual compensation. They pay for studies and other things to get access to sexual gratification with the girls once a month or more. The recruitment is through word of mouth where the girls recruit each other.

Traditionally Norway has had little pimping. It was claimed that this was because prostitution is not criminalised and those who work in prostitution have no need for procurers. The prostitution market dominated by women of non-Norwegian background has to a greater degree been run by organised operations, but according to the informant it has been dominated by women. The informant referred specifically to the prostitution market dominated by women from Thailand. In Finnmark one interviewee claimed that the Russian Mafia organises the traffic to Norway, and had information that a couple of permanent travel organisers in Murmansk arranged the bus traffic over to Norway. Others suggested that there were small networking organisations where for instance one husband brought several women over, or that the women themselves went together to fix transport and driver. Informants from Finnmark claimed that the campsites were organised as brothels, run by Norwegian men.

This picture has also been presented by the media. The campsite Skippagurra in Tana local authority has attained national status as a brothel for Russian prostitution.⁵⁵ In spite of the fact that the penal code's paragraph 202, first subsection, letter c forbids the renting out of premises for prostitution and that the paragraph includes grave negligence meaning that the person renting out the premises should have understood that the sale of sex is occurring on the premises, Norwegian authorities have had problems charging the owners of Skippagurra. During the winter 2000, 4 persons were charged according to paragraph 202 and the local authority medical doctor made use of the law on protection against infection to close down the campsites. One of the charged was already known for other criminal activity. According to an informant, one of the campsites was run by a council worker who had a position on the social board. The closing down of the camp-site has led to the development of private prostitution of the kind that needs invitations from Norwegians, according to the sources from Finnmark.

⁵⁵ Dagbladet 19.12.2000

On the question of whether it was believed that Norwegian criminals in general participated in the organisation of trafficking, two sources answered that they suspected that liquor smugglers and the gambling environment took part, but others said that there was no evidence to support this. One said that criminals themselves tipped the police off in relation to cases where children were abused in pornography or prostitution. The informant did not specify which criminal group this applied to.

3.5 Protection and combating in the forms of legal strategies

There was broad agreement that on a general level Norwegian legislation was sufficient against commercial sexual exploitation of children and young persons, both inside the country and abroad. Almost no one believed that there were loopholes in the law, but said there could be problems with regard to investigating these cases, for instance in relation to demands for evidence. A couple of informants said that it was not a problem to get around Norwegian law regarding the use and distribution of child pornography on the Internet because one can buy into other countries' servers and use false names.

In relation to buying sexual services from somebody under the age of 18, it was emphasised as positive because of the general prevention and it turned the attention to the customers. Norway has no laws aimed at combating trafficking. This was cited by a couple of sources as a weakness because it means that the section on procurement (paragraph 202) is not suitable to deal with these cases. It was said that in general, it has always been difficult to use statutory provision to deal with the organisation of prostitution. It was pointed out that the problem in these cases is the investigation, that Norway does not give witness protection. This therefore makes it hard to reveal these cases. Women will under no circumstances reveal that they have been the victims of organised activities. A case was referred to of a man from Yugoslavia who was convicted under paragraph 202 in Norway. This was a case with links to Sweden.

Those working specifically with prostitution could tell that the precedent has been to use the Immigration Act, chapter 2 paragraph 6 demanding work permits in commercial trade in Norway, towards foreign women working in prostitution.⁵⁶ In 1999 the Supreme Court established that prostitution cannot be defined as working in Norway, and one cannot order persons to leave the country on these grounds. Several of the informants felt that the impact of this was that a tool to combat the establishment of foreign prostitution in Norway had been lost.

To overcome the problem in Finnmark, the government widened the application of the Immigration Act chapter 5 paragraph 27 letter f, referring to expulsion in consideration of national security, public order or international connections.⁵⁷ Prostitution was defined as a disturbance of order and by this, a threat to public order. Several of the informants felt there was a need for better legislation in order to fight cross-border prostitution and trafficking. Some of the sources referred to Finland, which has a direct prohibition on foreign women working in prostitution. To prohibit prostitution, mechanisms to combat its establishment are necessary. Parallel to this, some informants were of the opinion that some of the problems in recent years have arisen as a result of the closure of brothels and massage-parlours. This has contributed to an increase in apartment-prostitution, which is less visible. In Finnmark one informant claimed that prostitution continued unabated but now it went on in private houses and not in official areas.

⁵⁶ Lov om utlendingers adgang til riket og deres opphold her (Immigration Act)

⁵⁷ Rundskriv G-65 – av 26.august 1999. Ministry of Justice (public statements).

The Immigration Act, chapter 3 paragraphs 15, 16 and 17 containing protection against persecution regulates asylum seekers and refugees' rights. The informants working with separated children were critical of the Immigration Act not giving special protection to minors, and that they were treated as adults in relation to judgements about their rights to asylum. One informant referred to a case where a minor was doubted because he or she had been inaccurate in questions about relations in the home country. The act was also criticised because it was felt that the appointed legal guardian provided too little protection because some performed as legal guardians for several people at a time. It was pointed out as an omission that the Childcare Act, which gives protection to everybody under the age of 18 taking residence in the kingdom, was not used in addition to the Immigration Act. Use of this Act, it was felt, would give better protection by the law and shelter to children and young persons because it catered to their needs. Those who worked with asylum cases felt that Norwegian asylum policies with regards to separated minor asylum seekers were based on a high level of suspicion. Amongst others, one used the idea of "anchor children" which involves the view that parents are sending their children to a country for the purpose of later applying for family reunion. However, others stated that there is no evidence for claiming this and referred to research performed by Save the Children Norway, containing proof that in most cases, they had no contact with their parents. Separated children have a genuine need for protection but this angle is not given any weight in Norway.

On a general level the informants considered that Norwegian legislation is good. The weakness rests on a lack of interest in using the existing tools, for instance involving the childcare services in the beginning of an immigration process. The fact that the Immigration Act is held above the child protection law in cases concerning unaccompanied minor asylum seekers was also criticised.

In chapter 2.1 I mentioned that Norwegian law shall be interpreted in accordance with international conventions, and if the use of the Immigration Law is seen in relation to the Convention on the Rights of the Child it may look as if Norwegian authorities are stretching the Convention in order to make it fit with Norwegian legal practice, and not vice versa.

In relation to trafficking for commercial sexual exploitation Norwegian legislation is, according to the informants, insufficient. There is little political interest in putting the phenomenon on the agenda or providing funds for increased resources in order to work more on it. The use of the Immigration Act paragraphs 6 and 27 illustrates a criminalisation of women that puts Norwegian legislation and legal practice in a peculiar light. In Norwegian legislation, the prohibition is directed at commercial exploitation of the prostitution of others, while in relation to women of non-Norwegian background it is the woman herself who is seen as the problem.

3.6. Rehabilitation

The Norwegian government has not organised any action for the victims such as prevention, rehabilitation or reintegration. Traditionally women with foreign backgrounds working in prostitution have been sent out of the country. I have earlier referred to a case where it was discovered that a 16 year old from one of the Baltic countries sold sex on the streets of Oslo. The girl was taken into custody by the police and when interrogated, a

representative from the childcare service was appointed as legal guardian. She was then sent home. According to the informant, there was no security-assessment by the Norwegian authorities that she would return home to safe conditions. It is suggested that Norway sends women out of the country with no regard to the conditions that they will meet in their home country. It could be said that Norwegian policies first and foremost are to get rid of problems. This puts into context the victim's position in Norway and in general it is weak, according to the statutory provisions.

Another informant referred to a case where a grown woman applied for asylum on the grounds of being a victim of trafficking. The woman was rejected three times before she was given residency for a totally different reason. She was not taken seriously. In relation to unaccompanied minor asylum seekers, the childcare services, which have responsibility for persons under the age of 18, are not obliged to start preventive action. Furthermore they do not make sure that other public institutions fulfil their responsibilities in relation to protection. The reason for this, the informants felt, was a lack of resources, and that the childcare agencies regarded this as a problematic area that would cause increased amounts of work. This picture was nevertheless not unambiguous, and one of the sources claimed there was a good relationship between the childcare services in relation to working with children and young persons in a receiving situation. The childcare services function under the local authorities, and therefore there can be great differences in practice from place to place. Another informant claimed that the situation was not as bad as rumoured because there were refugee camps that specialised in children and young persons, where the supervision of the children's welfare was undertaken carefully.

Everyone that had special knowledge on separated children criticised the immigration processes, which they claimed were time consuming. The local authorities are not obliged to receive unaccompanied minor asylum seekers and this results in a great deal of refusals from most local authorities. It means that children and youth have to spend a long time in asylum reception camps. It was claimed that one good protection against trafficking was to establish good contact with children and youth at an early stage, and integrate them in the close environment. Visibility and fellowship provide protection. One informant felt that some separated children had been exposed by being on the run for many years before entering Norway, and that many had been forced to use their bodies as payment for transportation. The informant said that young pregnant girls arrived from Somalia, but that it was difficult to gather information about what they had been exposed to before they came to Norway.

3.7. What can be improved?

In response to questions of what can be done to raise awareness of the problems, in general the view was that there is a lack of co-ordinated thinking in relation to Norwegian efforts in this field. One informant asked for common ground knowledge and analysis in this area. The source felt that there was too little knowledge in relation to changes in the prostitution market and that it was only treated as a problem for law and order. Others referred to the fact that the authorities have little insight into the problems raised, and missed an authority person with overall responsibility and thorough knowledge in the field *"when we discuss things they don't have a clue, we say that there is no system on anything and that everything is just floating with the stream. If the media introduces something an order comes in for that particular thing and then it has to happen immediately, this is not how we work."*

The Norwegian authorities rely on voluntary organisations to build knowledge in this area. The need was pointed out for the distribution of information on prostitution to groups with different occupations and to encourage those working with children and young persons to ensure a focus on the subject. It was felt that there is a tendency to close eyes and consider that child prostitution is not a subject that one raises. Emphasis was also given to the need to work on changing attitudes both with regard to those who exploit children and youth, and to be attentive to what is happening around us.

4. Closing comments

ECPAT's intention with this study has been to move "from rumours to clear facts" regarding what happens in Western Europe in terms of international trafficking of children and young persons for commercial sexual exploitation. The study shows that Norway, at the national level, is still at a rumour level regarding information on the phenomenon of trafficking for commercial sexual exploitation of both adults and children. This means that there is no systematic information on what is going on, the extent of what is going on or whether anything is happening at all.

As mentioned, this study has called attention to two possible arenas for commercial sexual exploitation, of which one is unaccompanied minor asylum seekers and the other is the prostitution market of Eastern Europe.

Earlier studies by Redd Barna, ECPAT and other organisations working with children's rights, have shown that unaccompanied minors – whether fleeing, migrating or in an asylum situation – constitute a vulnerable group in terms of all kinds of commercial exploitation, including the sex industry. This is substantiated by the present study. The informants point out that they are worried about the situation for unaccompanied minor asylum seekers both in relation to what they have been exposed to before coming to Norway and because they suspect that these children are recruited for prostitution after arriving in Norway. According to the informants, it is difficult to know whether there are people who recruit unaccompanied minor asylum seekers to prostitution, or whether their circumstances attract them to environments where prostitution is taking place. Existing research on the prostitution of children and young persons has shown us that background variables such as unstable childhood conditions, a problem-filled life and the lack of a sense of belonging to a local environment are central to the recruitment to prostitution. These are descriptions that fit many unaccompanied minor asylum seekers who, in addition to being alone, spend their two first years in Norway under insecure conditions at an asylum reception centre. The informants pointed out that an important element in preventing all forms of sexual exploitation of children and young persons is to provide adequate protection in the form of closeness, care and visibility to children and young persons in so-called at-risk groups.

In terms of the prostitution market in Eastern Europe, the informants express that they cannot point to concrete cases where children and minors have been part of the prostitution trafficking between Northern Norway and Russia. In this regard, the informants were more worried about the situation in parts of Russia. According to the sources I have been in touch with, the establishment of a market for sex tourism is in the making in Murmansk. It is claimed that a marked increase in access to children and young persons in this market has taken place. The informants also pointed out the need to consider other forms of facilitating and recruiting particularly young girls for commercial

sexual exploitation than what is happening in regular prostitution trafficking: Private facilitation through acquaintance clubs and Norwegians who operate as “sponsors” for Russian school girls were examples that were cited. It is claimed that the Russian women who cross the border in the north are adults, while in Oslo a different development is seen. The prostitution market from Eastern Europe and the Baltics involves considerably younger girls than found in the prostitution market in Southeast Asia. According to the informants, it is also a very closed market of which little is known.

In terms of whether Norwegian legislation provides adequate protection against commercial sexual exploitation of children and minors, the informants felt the legislation has extensive coverage. According to the informants, the problem is legal practice and failure to apply the laws that exist. The informants pointed out the need for legislation directed at the phenomenon international trafficking in human beings for commercial sexual exploitation, first of all with regard to protection of victims in terms of legal protection and social assistance.

In my opinion, the study uncovers a surprisingly large gap between the authorities’ activities at the international level on the one hand, and national information and focus on the phenomenon international trafficking in humans for commercial sexual exploitation on the other. International trade in human beings is a complex phenomenon that involves grave abuse and exploitation of labour. It also involves conditions such as the lack of possibilities for legal migration and restrictive immigration, refugee and asylum policies. The global sex market is one of the many arenas for commercial exploitation of human beings. One would think that the first step in preventing and fighting this phenomenon would be to identify its existence, extent and organisation. In other words, obtain knowledge of the problem and put it on the public agenda. This has not happened in Norway. According to the informants in this study, the border-crossing prostitution has been considered a problem of public order and immigration, but not an area where serious exploitation and abuse of human beings can occur. It is particularly interesting to note that Norwegian authorities choose to deal with this market in terms of ad hoc solutions that are not in agreement with the values reflected in international conventions and national legislation, by criminalising the provision-side of the trade.

As mentioned, this study can neither confirm nor deny that international trade in children and young persons occurs in Norway. But it does show that there is reason to direct greater attention at all forms of commercial sexual exploitation of children and young persons. As of today, BFD has formulated an implementation plan after the Stockholm Congress. Initiatives have been started to map out and obtain more information on prostitution among children and young persons in Oslo.⁵⁸ Norwegian authorities have furthermore signed the UN Convention against Transnational Organised Crime and the protocol against trade in human beings, where the parties commit to establishing legal and social strategies to prevent and fight commercial sexual exploitation of human beings. What these initiatives will result in remains to be seen.

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⁵⁸ The Pro-Centre is working to map out prostitution among children and young persons in Oslo. In addition, Kristinn Hegna of NOVA is working on a project that will map out different arenas of the prostitution of boys in Oslo.

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Enclosure I: Departments and Organisations participating:

Pro-senteret - State run and municipal centre of competence on prostitution
 PION - The organization for prostitutes in Norway
 The Intelligence Section at Oslo Police district
 The Foreign Section at Oslo Police district
 Kripos - The Crime Section of the Police in Norway
 The Childcare watch at The Oslo Police headquarter
 NOAS – The Norwegian Organisation for Asylum Seekers
 The Border control in South-Varanger
 The Vadsø police district
 The Womens' refugee centre, Kirkenes
 The Support Centre of against incest, Kirkenes
 Nettverk i Nord NGO-organisation for women from Norway, Russia and Sweden
 The Intelligence service at Tromsø police district
 SMED - Centre against ethnic discrimination
 UDI – Norwegian Directorate of Immigration, east region

The Nordic policeattaché in Murmansk
Reception centre for Asylum seekers
Transit centre for Asylum seekers
Save the children, Norway

Enclosure II Interviewguide